

**ACTION:** Notice of intent to prepare a programmatic environmental impact statement and restoration plan; request for comments; notice of public scoping meetings.

**SUMMARY:** The NOAA, U.S. Fish and Wildlife Service, Washington State's Department of Ecology and the Department of Fish and Wildlife, Suquamish Tribe of Indians, Muckleshoot Tribe of Indians (all agencies and Indian Tribes are collectively referred to as the "Trustees") are providing notice of their efforts to plan restoration projects to compensate for injuries to natural resources in the Lower Duwamish River (River). The Trustees seek damages from potentially responsible parties (PRPs) to restore, rehabilitate, replace or acquire the equivalent of natural resources and services injured by the release of hazardous substances. The Trustees will prepare a programmatic environmental impact statement (PEIS) to identify and address the environmental impacts of the injuries, and they seek public involvement in development of a Draft Restoration Plan (RP). This notice explains the scoping process the Trustees will use to gather input from the public. Comments on what the Trustees should consider in the PEIS and RP may be submitted in written form or verbally at a public scoping meeting.

**DATES:** Preliminary public scoping meeting dates and times are scheduled as follows:

1. June 6, 2007, from 6:30 p.m. to 8:30 p.m. in Seattle, WA.
2. June 7, 2007, from 10 a.m. to 12 p.m. in Tukwila, WA.

Written comments must be received by August 1, 2007.

**ADDRESSES:** Written comments on suggested alternatives and potential impacts should be sent to John Kern, NOAA Restoration Center, 7600 Sand Point Way NE, Seattle, WA 98115.

The public scoping meetings will be held at the following locations:

1. June 6, 2007 -- South Park Community Center, 8319 8<sup>th</sup> Ave. S, Seattle, WA 98108.
2. June 7, 2007 -- Tukwila Center, 12424 42<sup>nd</sup> Ave. S, Tukwila, WA 98168.

**FOR FURTHER INFORMATION CONTACT:** John Kern at 206-526-6029 or e-mail at [john.kern@noaa.gov](mailto:john.kern@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.*, parties responsible for releasing hazardous substances into the environment are liable both for the costs

of responding to the release (by cleaning up, containing or otherwise remediating the release) and for damages arising from injuries to publicly owned or managed natural resources resulting from the release. Natural resource damage assessment (NRDA) is the process of assessing the nature and extent of the resulting injury, destruction or loss of natural resources and the services they provide. NRDA also includes the process of determining the compensation required to make the public whole for such injuries, destruction or loss. CERCLA authorizes certain federal and state agencies and Indian tribes to be designated as Trustees for affected natural resources. Under CERCLA these agencies and tribes are authorized to assess natural resource injuries and to seek compensation from responsible parties, including the costs of performing the damage assessment. The Trustees are required to use recovered damages only to restore, replace or acquire the equivalent of the injured or lost resources.

Scientific literature and studies conducted by the Trustees elsewhere in Puget Sound have documented injuries from contaminants found in the Duwamish Waterway. Contractors for PRPs as part of the EPA-led remediation process have documented large quantities of hazardous substances that have contaminated extensive areas of the Duwamish Waterway. The Trustees' studies have demonstrated how the contamination has harmed both the organisms that inhabit the estuarine sediments, as well as fish and wildlife that come into contact with the contaminated sediments or that eat contaminated prey items.

As restoration planning proceeds, the Trustees will take advantage of opportunities to settle natural resource damage claims with willing parties. By identifying criteria and guidance to be used in selecting feasible restoration projects, the plan will provide an ecological framework to maximize the benefits of specific restoration projects to the affected resources in the defined areas of the River.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and the Council on Environmental Quality regulations implementing NEPA under 40 CFR chapter V apply to restoration actions by federal trustees. The purpose of the scoping process is to identify the concerns of the affected public and federal agencies, states, and Indian tribes, involve the public early in the decision making process, facilitate an efficient EA/EIS preparation process, define the issues and alternatives that

will be examined in detail, and save time by ensuring that draft documents adequately address relevant issues. The scoping process reduces paperwork and delay by ensuring that important issues are addressed early.

In compliance with 15 CFR 990.45, Trustees will prepare an Administrative Record (Record). The Record will include documents that the Trustees relied upon during the development of the RP and PEIS. After preparation, the Record will be on file at the NOAA Damage Assessment Center in Seattle, WA, and duplicate copies will be maintained at the following website: <http://www.darp.noaa.gov/>.

A draft PEIS document will be released for public comment by Fall/Winter, 2007. Specific dates and times for future events will be publicized when scheduled.

Dated: May 21, 2007.

**Patricia A. Montanio**

*Director, Office of Habitat Conservation,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA56**

### Marine Fisheries Advisory Committee; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of open public meetings.

**SUMMARY:** Notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC). This will be the first of two possible meetings to be held in fiscal year 2007 to review and advise NOAA on management policies for living marine resources. Agenda topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice. All full Committee sessions will be open to the public.

**DATES:** The meetings will be held June 4, 2007, from 9 a.m. to 5 p.m., June 5, 2007, from 9 a.m. to 12 p.m., and June 6, 2007, from 1 p.m. to 5 p.m.

**ADDRESSES:** The meetings will be held in the Springwood meeting room at the Washington Court Hotel, 525 New Jersey Avenue, Washington, D.C. 20001; (202) 628-2100.

**FOR FURTHER INFORMATION CONTACT:** Laurel Bryant, MAFAC Executive

Director; telephone: (301) 713-2379 x171.

**SUPPLEMENTARY INFORMATION:** As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given of meetings of MAFAC. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1971, to advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. This committee advises and reviews the adequacy of living marine resource policies and programs to meet the needs of commercial and recreational fisheries, and environmental, state, consumer, academic, tribal, governmental and other national interests. The complete charter and summaries of former meetings are located online at [www.nmfs.noaa.gov/ocs/mafac/index.htm](http://www.nmfs.noaa.gov/ocs/mafac/index.htm).

#### Matters to be Considered

June 4, 2007

The meeting will begin with opening remarks and introductions from Dr. William T. Hogarth, Assistant Administrator for Fisheries. MAFAC subcommittee chairs will provide an overview of what their respective subcommittees will address during the meeting. A brief review and discussion of advisory committee administrative policies and procedures will also be provided, with the remainder of the day dedicated to reviews and discussions of the agency's FishWatch web page project and updates and details of the implementation of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

June 5, 2007

The full Committee will reconvene from 9 a.m. to 12 p.m. to continue discussions for a Vision 2020 project, outlining a roadmap of issues to be addressed in the next 20 years. At the conclusion of the discussion, and as determined by the members, the full Committee will break into Subcommittees and working groups to allow time for in depth discussions and work on the issues pending before the Committee, including Magnuson-Stevens reauthorization, aquaculture legislation, recreational fishing data improvement plans and Vision 2020. The work of the Subcommittees will be presented and discussed in-depth at the full Committee level the following afternoon.

June 6, 2007

The Subcommittees will meet from 9 a.m. to 1 p.m. The full Committee will reconvene from 1 p.m. to 5 p.m. to receive, discuss, and take any final actions and votes.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Laurel Bryant, MAFAC Executive Director; telephone: (301) 713-2379 x171 by 5pm, May 30, 2007.

Dated: May 21, 2007.

**John Oliver**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

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#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

##### **Record of Decision for the Final Programmatic Environmental Impact Statement for Defense Threat Reduction Agency (DTRA) Activities on White Sands Missile Range, NM**

**AGENCY:** Department of Defense; Defense Threat Reduction Agency.

**ACTION:** Notice of Availability of Record of Decision for White Sands Missile Range Programmatic Environmental Impact Statement.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), the Defense Threat Reduction Agency (DTRA) has prepared and issued a Record of Decision for the proposed testing activities on White Sands Missile Range (WSMR) proposed in the WSMR Programmatic Environmental Impact Statement (PEIS). The PEIS addresses the potential environmental impacts associated with implementing the proposed action, alternative, and no action alternative over a 10-year period.

The purpose of the proposed action is to provide adequate test areas and facilities to evaluate the lethality effectiveness of weapon systems used against simulated enemy ground targets producing, storing, or controlling Weapons of Mass Destruction (WMD).

There is a need to improve the U.S. Military's weapon systems that are

designed to defeat enemy military assets, including hardened and reinforced structures. These enemy military assets can house WMD and pose a significant threat to international stability and peaceful coexistence within and among nations. The military structures and equipment of the United States and its allies must also be refined to better withstand attack by enemy weapons systems to reduce collateral damage.

The Record of Decision briefly summarizes the determination of the WSMR PEIS and announces DTRA's intended course of action with respect to the proposed alternatives and environmental mitigation measures presented in the WSMR PEIS.

**ADDRESSES:** The final PEIS and Record of Decision are available for public viewing on the DTRA Web site: [www.dtra.mil](http://www.dtra.mil) and at the following public libraries: Albuquerque Public Library, 501 Copper Ave., Northwest, Albuquerque, NM; Socorro Public Library, 401 Park Street, Socorro, NM; Alamogordo Public Library, 920 Oregon Ave., Alamogordo, NM; Branigan Memorial Library, 200 East Picacho Ave., Las Cruces, NM; Consolidated Library, Building 464, White Sands Missile Range, NM; Holloman Air Force Base Library, 596 4th Street, Holloman Air Force Base, NM; and El Paso Public Library, 501 North Oregon Street, El Paso, TX.

**FOR FURTHER INFORMATION CONTACT:** *The DTRA Public Affairs Office:* (800) 701-5096 or (703) 767-5870.

**SUPPLEMENTARY INFORMATION:** A draft PEIS was released on Jan. 27, 2006 (71 FR 4571) for a 60-day public review and comment period that ended March 28, 2006. Public hearings were held Feb. 28, 2006 in Alamogordo, March 1, 2006 in Las Cruces, and March 2, 2006 in Socorro, NM. All comments received were addressed and incorporated into the final PEIS, which was released for public review on March 15, 2007. An announcement of the PEIS's public availability was published in the **Federal Register** on March 15, 2007 (72 FR 12167).

Dated: May 18, 2007.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

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