

alternatives in the Dallas Floodway Interim Feasibility Study. The USACE and City of Dallas also developed additional environmental quality alternatives to benefit fish and wildlife habitat, water quality, and aesthetic properties while minimizing adverse impacts to existing cultural resources and flood risk management benefits. On November 29, 2005, the USACE published a Notice of Intent (NOI) in the **Federal Register** (70 FR 71477) to prepare a DEIS for proposed modifications to the existing Dallas Floodway based on the Interim Feasibility Study and held a public scoping meeting on December 13, 2005.

During this time, the City of Dallas developed another variation to the Trinity River Corridor Master Implementation Plan that included similar environmental quality measures and interior drainage system improvements to the Dallas Floodway, referred to as the BVP. During development of the various alternatives for the Dallas Floodway Interim Feasibility Study, the 2007 WRDA authorized the City of Dallas BVP. This authorization superseded the need to continue development of the Interim Feasibility Study and allowed implementation of the BVP and interior drainage system components if the USACE determines they are technically sound and environmentally acceptable.

In accordance with NEPA, a DEIS will be prepared to evaluate and compare ecosystem restoration, flood risk management, and recreation alternatives within and along the Dallas Floodway. The DEIS will also assess the impacts to the quality of the human environment associated with each alternative. Past channelization and clearing of the Dallas Floodway, along with urbanization, has significantly degraded the terrestrial and aquatic habitat along and within the Trinity River. Consequently, ecosystem restoration measures will be developed and evaluated to address the degraded habitats. In addition, recreation measures will be developed and evaluated as complements to proposed ecosystem restoration measures.

Alternatives for ecosystem restoration, flood risk management, and recreation enhancement will be developed and evaluated based on ongoing fieldwork and data collection and past studies conducted by the Corps of Engineers, the City of Dallas, and regulatory agencies. Ecosystem restoration alternatives that will be evaluated include creating meanders within the Trinity River, restoring, protecting and expanding the riparian corridor, improving aquatic habitat, creating

riffle-pool complexes, and constructing wetlands. It is anticipated that ecosystem restoration measures would help improve water quality, enhance aquatic and terrestrial habitat, and minimize erosion and scouring along and within the river.

Alternatives for flood risk management measures will be evaluated from both a non-structural and structural aspect. Non-structural measures that will be evaluated include acquisition and removal of structures or flood proofing of structures for protection from potential future flood damage. Structural measures that will be evaluated include levee height modification by fill or addition of flood walls, changes in interior drainage by enlarging storage areas or increasing widths and depths and/or a combination of these measures.

Recreation measures that will be evaluated include the West, Natural, and Urban lakes, terraced playing fields, multipurpose trails, whitewater facilities, pedestrian bridges, utilities, parking facilities, amphitheaters, promenade, concession pads, boat/canoe access points, and passive recreation features, such as interpretive guidance, media, and picnic areas. Recreation measures will be developed to a scope and scale compatible with proposed ecosystem restoration measures without significantly diminishing ecosystem benefits.

The USACE will coordinate with the public and regulatory agencies to ensure full and open participation in the NEPA process and aid in the development of the DEIS. The USACE requests that all affected Federal, state, and local agencies, affected Indian tribes, and other interested parties participate in the NEPA process. The public will be invited to participate in the scoping process, invited to attend public meetings, and given the opportunity to review the DEIS. The location and time of the first public scoping meeting will be announced in the local news media. Release of the DEIS for public comment is scheduled for summer 2010. The exact release date, once established, will be announced in the local news media. Furthermore, a project Web site containing project information is available at <http://www.dallasbvpeis.com>.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Final 1999 Programmatic Environmental Impact Statement for the Dredged Material Management Plan for the Port of New York and New Jersey

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

ACTION: Updated information on the original Notice of Availability listing.

SUMMARY: The responsible lead agency is the U.S. Army Corps of Engineers—New York District (District). The Dredged Material Management Plan (DMMP) project area is in the Port of New York/New Jersey and includes the New York Bight Apex, the Lower Bay Complex (Lower Bay, Raritan and Sandy Hook Bays), the Upper Bay Complex (Hudson and East Rivers, Kill Van Kull, and Newark Bay), and the lands contiguous to these water bodies for a radius of approximately 20 miles. The study area approximates the boundaries of the Port Authority of New York and New Jersey (PANY/NJ). The Final Programmatic Environmental Impact Statement (PEIS) that was listed in the October 31, 2008 **Federal Register** (73 FR 64944) completed the NEPA process, laying out the goals and generic impacts of the alternatives considered in preparing the overall DMMP. This finalized PEIS includes Appendix (D) which lists the comments received during the draft PEIS comment period. Comments, if warranted, were incorporated into the main text of the final PEIS as well.

It should be noted that the DMMP outlines a series of goals and an overall master plan on meeting the dredged material needs of the Port through 2062. Its alternatives analysis is, as of necessity, generic in nature, identifying potential concerns, generic impacts and overall issues to be considered in greater site-specific detail before implementing any alternative in a given location. As such, it does not recommend or prioritize any site-specific alternative, but clearly sets out the process to be followed should any of the alternatives be implemented. Since no sustentative changes or addition of new alternatives to the DMMP have been identified that would alter the discussion or conclusion of generic impacts in the FPEIS, a supplemental PEIS was not deemed warranted. However, separate 2005 and 2008 DMMP Update reports are available tracking the progress in meeting the DMMP goals and a copy of

the latest update is included with the Final PEIS as Appendix A. As individual site-specific projects are initiated to implement various DMMP goals individual NEPA and/or permit documents will continue to be prepared by the implementing agencies.

DATES: The formal comment period for the Final PEIS has been extended to February 1, 2009. Comments received will be considered by the District in decision-making for the Final PEIS's Record of Decision.

ADDRESSES: Additional requests for the DMMP and Final PEIS can be made by post card to the following address: U.S. Army Corps of Engineers, New York District, Planning Division-Environmental Analysis Branch, Jacob K. Javits Federal Building, 26 Federal Plaza—Room 2151, New York, NY 10278-0090.

FOR FURTHER INFORMATION CONTACT: Christopher Ricciardi, Ph.D., Environmental Coordinator can be contacted at (917) 790-8630 or by e-mail at christopher.g.ricciardi@usace.army.mil.

SUPPLEMENTARY INFORMATION: Several authorities exist to conduct navigation studies and maintain the New York Harbor, these include the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401-466n), the Federal Water Pollution Control Act of 1972 (Clean Water Act-CWA), and the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA). With respect to the preparation of the DMMP, District planning guidance stated in EC1165-2-200 requires each district to maintain responsibility for preparation of long-term plans to maintain navigation projects.

The New York/New Jersey Harbor encompasses approximately two-dozen separately authorized and maintained Federal navigation channels. These projects, which range in authorized depth from 8-50 feet, combined with privately operated berthing areas have historically generated 2-4 million cubic yards of dredged material annually from maintenance of required depths. Further, several of these channels are either under construction or in the planning phase for deepening in the upcoming years to accommodate larger vessels that will need to use the Port. The construction of these deeper channels will generate substantial amounts of dredged material. The 2008 DMMP Update seeks to identify options to manage the material generated from both the Federal and non-Federal maintenance and deepening of the Port through the year 2065.

The District held scoping meetings with the public on this plan during February and April 1997. A Notice of Intent (NOI) to produce a PEIS including an outline of the scope was published in the **Federal Register** on February 24, 1998. Subsequently, meetings on the topics to be covered in the Draft PEIS were held during April 1998. Written comments were considered in the promulgation of the Draft PEIS.

After distribution of the Draft PEIS to the public during September 1999, four public meetings on the document were held during November 1999. Written comments and taped verbal statements gathered at these meetings, letters and e-mails received during the comment period were considered in the promulgation of the Final PEIS.

The DMMP also considered the Harbor Estuary Program (HEP) and its Comprehensive Conservation and Management Plan (CCMP) that was signed by the agencies with responsibilities for the Port and its environment. Further, for the last several years the New York/New Jersey Regional Dredging Team (RDT), comprised of representatives from the District, PANY/NJ, the States of NY and NJ, and the USEPA, has been meeting monthly to discuss current and future needs and disposal/management options. The RDT will continue to coordinate in order to keep abreast of current and developing placement opportunities and technologies as the DMMP is implemented.

The 2008 DMMP Update and Final 1999 PEIS are available on CD in PDF format and are downloadable through the District's Web page: <http://www.nan.usace.army.mil/business/prjlinks/dmmp/index.htm>.

Printed copies of the DMMP and Final PEIS are also available upon request.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Supplemental Environmental Impact Statement for the Louisiana Coastal Area (LCA)—Louisiana, Small Diversion at Convent/Blind River Project

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

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE) intends to prepare a supplemental environmental impact statement (SEIS) for the Louisiana Coastal Area (LCA)—Louisiana, Small Diversion at Convent/Blind River restoration project. This restoration project involves a small diversion (less than 5,000 cubic feet per second [cfs]) from the Mississippi River into the Blind River through a new control structure. This SEIS will be tiered off of the programmatic EIS for the Louisiana Coastal Area (LCA)—Louisiana, Ecosystem Restoration Study, November 2004. The record of decision for the programmatic EIS was signed on November 18, 2005.

DATES: See **SUPPLEMENTARY INFORMATION** section for scoping meeting dates.

FOR FURTHER INFORMATION CONTACT: Questions concerning the draft SEIS should be addressed to Dr. William P. Klein, Jr., CEMVN-PM-RS, P.O. Box 60267, New Orleans, LA 70160-0267; telephone: (504) 862-2540; fax: (504) 862-1583; or by e-mail: william.p.klein.jr@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. *Authority.* This SEIS will be tiered off of the programmatic EIS for the Louisiana Coastal Area (LCA)—Louisiana, Ecosystem Restoration Study, November 2004. The record of decision for the programmatic EIS was signed on November 18, 2005. The Water Resources Development Act of 2007 (WRDA 2007) authorized the LCA program. The authority includes requirements for comprehensive planning, program governance, implementation, and other program components. The LCA restoration program will facilitate the implementation of critical restoration features and essential science and technology demonstration projects, increase the beneficial use of dredged material and determine the need for modification of selected existing projects to support coastal restoration objectives. The LCA near-term plan includes fifteen elements authorized for implementation contingent upon meeting certain reporting requirements. Specifically, Section 7006(e)(3) instructs the Secretary of the Army to submit feasibility reports to Congress on six elements of the LCA near-term restoration plan by December 31, 2008. The six elements are: (1) Multipurpose Operation of Houma Navigation Lock, (2) Terrebonne Basin Barrier Shoreline Restoration, (3) Small Diversion at Convent/Blind River, (4) Amite River Diversion Canal Modification, (5) Medium Diversion at Whites Ditch, and (6) Convey Atchafalaya River Water to