

of rice fields for rice straw decomposition provides wetland habitat for various local and migratory waterfowl.

The ABFS has been developed to address concerns regarding the health of local fish species. At various times of the year and various life stages, the lower Sacramento River and Natomas Cross Canal are inhabited by numerous fish species, including such state and federally-listed species as the winter-run chinook salmon, spring-run chinook salmon, Central Valley steelhead, Sacramento splittail, delta smelt, and other at-risk species. These fish species, particularly anadromous salmonids (those fish that live as adults in salt water and spawn in fresh water) use the Sacramento River and Natomas Cross Canal as part of their migration corridor for upstream migration of spawning adults and downstream migration of rearing juveniles. Many of the fish species of concern that use these rivers have declined in population during the last few decades as a result of various stress factors.

The ABFS would maintain the existing NMWC diversion capacity of 630 cfs, and include the following improvements to NMWC facilities under all action alternatives:

- Decommissioning and removal of the existing Verona Diversion Dam and lift pumps;
- Removing the five pumping plants (two along the Natomas Cross Canal and three along the Sacramento River) and several small diversions operated by local landowners;
- Constructing one, or two new diversion facilities with fish screens;
- Modifications to the distribution system, including regrading of existing canals and drains, the construction of new irrigation canals and drains, and modifications to drainage canals to redistribute flows from the new diversion locations;
- Additional capacity for the internal relief pumps at RD 1000 Pumping Plant No. 3 in place of the removed Riverside Pumping Plant;
- Regrading the Riverside Main Highline Canal from RD 1000 Pumping Plant No. 3 to the existing Riverside Pumping Plant;
- Upgrading of two control structures, the County Line Check and Lift Pump and the Elkhorn Check and Lift Pumps;
- Regrading the North Drainage Canal from the V drain to Highway 99 in order to improve conveyance;
- Regrading the Elkhorn Main Highline Canal between the existing Prichard Pumping Plant and the existing Elkhorn Pumping Plant; and,

- Additional modifications to the distribution system based on which diversion facilities are constructed. The EIS/EIR will consider a range of alternatives including the no-action alternative.

Scoping is an early and open process designed to determine the issues and alternatives to be addressed in the EIS/EIR. The following are items to be addressed that have been identified to date: Aesthetics/Visual Quality; Agricultural Resources; Air Quality; Biological Resources (Terrestrial and Aquatic Biology); Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Transportation and Circulation; Environmental Justice; Indian Trust Assets; Cumulative Impacts; and Construction Effects.

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.

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, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. 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: October 16, 2003.

**Frank Michny,**

*Regional Environmental Officer, Mid-Pacific Region.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on September 30, 2003, a proposed Consent Decree in *United*

*States v. Alliant Techsystems, Inc.*, Civil Action No. 03-4648, was lodged with the United States District Court for the District of New Jersey.

In this action the United States seeks the recovery of response costs incurred regarding the Radiation Technology Superfund site, In Rockaway Township, New Jersey. The proposed consent decree embodies an agreement with Alliant Techsystems, Inc. (ATK) to perform the groundwater remedy at the Site and to reimburse the U.S. Environmental Protection Agency for up to \$249,000 of its past response costs and for all oversight costs in connection with the performance of the remedy. The decree provides ATK with a covenant not to sue under sections 106 and 107(a) of CERCLA, sections 9606 and 9607(a).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Alliant Techsystems, Inc.*, D.J. No. 90-11-2-07691/1.

The Consent Decree may be examined at the Office of the United States Attorney, 970 Broad Street, Room 400, Newark, NJ 07102, and at the Region II Office of the U.S. Environmental Protection Agency, Region III Records Center, 290 Broadway, 17th Floor, New York, NY 1007-1866. During the public comment period, the Consent Decree also may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$32.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

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