

Par. 2. The Table of Sections in subpart C is amended to add the title of § 9.134 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

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§ 9.134 Oakville.

Par. 3. Subpart C is amended by adding § 9.134 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.134 Oakville.

(a) *Name.* The name of the viticultural area described in this section is "Oakville."

(b) *Approved maps.* The appropriate maps for determining the boundary of the Oakville viticultural area are two U.S.G.S. 7.5 minute series topographical maps of the 1:24,000 scale:

(1) "Yountville Quadrangle, California," edition of 1951, photorevised 1968.

(2) "Rutherford Quadrangle, California," edition of 1951, photorevised 1968, photoinspected 1973.

(c) *Boundary.* The Oakville viticultural area is located in Napa County in the State of California. The boundary is as follows:

(1) Beginning on the Yountville quadrangle map at the point where the county road known as the Silverado Trail intersects Skellenger Lane, just outside the southwest corner of Section 12, Township 7 North (T.7 N.), Range 5 West (R.5 W.), the boundary proceeds in a southwesterly direction in a straight line approximately 1.7 miles along Skellenger Lane, past its intersection with Conn Creek Road, to the point of intersection with the main channel of the Napa River (on the Rutherford quadrangle map);

(2) Then south along the center of the river bed approximately .4 miles to the point where an unnamed stream drains into the Napa River from the west;

(3) Then along the unnamed stream in a generally northwesterly direction to its intersection with the west track of the Southern Pacific Railroad Track;

(4) Then southeasterly along said railroad track 1,650 feet to a point which is approximately 435 feet north of the centerline of the entry road to Robert Mondavi Winery (shown on the map) to the southeast corner of Assessor's Parcel Number 27-250-14;

(5) Thence southwesterly S 55°06'28" W for 3,869 feet along the common boundary between Assessor's Parcel Numbers 27-250-14 and 27-280-50/51

to the southwest corner of Assessor's Parcel Number 27-250-14;

(6) Thence northwesterly N 40°31'42" W for 750 feet along the westerly property line of Assessor's Parcel Number 27-250-14;

(7) Thence southwesterly S 51°00' W in a straight line to the 500-foot contour line of the Mayacamas Range in the northwestern corner of Section 28, T.7 N., R.5 W.;

(8) Then proceeding along the 500-foot contour line in a generally southeasterly direction through Sections 28, 29, 20, 29, 28, 29, 28, 33 and 34 of T.7 N., R.5 W. and Section 3 of T.6 N., R.5 W. to its intersection with the unnamed stream known locally as Hopper Creek near the middle of Section 3;

(9) Then along the unnamed stream (Hopper Creek) southeasterly and, at the fork in Section 3, northeasterly along the stream to the point where the stream intersects with the unnamed dirt road in the northwest corner of Section 2, T.6 N., R.5 W.;

(10) Then proceed in a straight line to the light duty road to the immediate northeast in Section 2, then along the light duty road in a northeasterly direction to the point at which the road turns 90 degrees to the left;

(11) Then proceed along the light duty road 625 feet, then proceed northeasterly (N 40°43' E) in a straight line 1,350 feet, along the northern property line of Assessor's Parcel Number 27-380-08 (not shown on the map), to State Highway 29, then continuing in a straight line approximately .1 mile to the peak of the 320+ foot hill along the western edge of the Yountville Hills;

(12) Then proceed due east to the second 300-foot contour line, then follow that contour line around the Yountville Hills to the north to the point at which the 300-foot contour line exits the Rutherford quadrangle map for the second time;

(13) Then proceed (on the Yountville quadrangle map) in a straight line in a northeasterly direction approximately N 34°30' E approximately 1,000 feet to the 90 degree bend in the unimproved dirt road shown on the map, then along that road, which coincides with a fence line (not shown on the map) to the intersection of Conn Creek and Rector Creek;

(14) Then along Rector Creek to the northeast past the Silverado Trail to the Rector Reservoir spillway entrance, then proceed due north along the spillway of Rector Reservoir, then east and northeast along the shoreline of Rector Reservoir to the point where the first unnamed stream enters the Reservoir;

(15) Thence follow the unnamed stream north and northeast to where it intersects an unimproved dirt road at the 1006-foot benchmark;

(16) Then proceed in a straight line approximately .6 mile due west to the intersection of an unnamed stream, then follow said stream downslope to the 500-foot contour line, and along that contour line northwesterly through sections 18 and 13 to the intersection of the contour line with the southern border of Section 12 in T.7 N., R.5 W.;

(17) Then proceed in a straight line in a westerly direction to the intersection of Skellenger Lane with the Silverado Trail, the point of beginning.

Signed: June 1, 1993.

Daniel R. Black,

Acting Director.

Approved: June 21, 1993.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 93-15651 Filed 7-1-93; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

(FRL-4674-8)

Ocean Dumping; Designation of Site, Norfolk, VA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA designates a new dredged material disposal site located offshore of Norfolk, Virginia as an EPA approved ocean dumping site for the dumping of dredged material that meets ocean dumping criteria removed from the entrance channels to the Chesapeake Bay and other lower Chesapeake Bay areas. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material. The final site is subject to monitoring to insure that unacceptable adverse environmental impacts do not occur.

EFFECTIVE DATE: This designation shall become effective on July 2, 1993.

ADDRESSES: Send comments to:

William C. Muir, Environmental Assessment Branch, Environmental Services Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

The file supporting this designation is available for public inspection at the following locations:

Environmental Protection Agency, Public Information Reference Unit, room 2904 (rear), 401 M Street, SW., Washington, DC 20460.

EPA Region III, 841 Chestnut Street, Philadelphia, PA.

Norfolk District, U.S. Army Corps of Engineers, 803 Front Street, Norfolk, VA.

FOR FURTHER INFORMATION CONTACT:

William C. Muir, Environmental Assessment Branch, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597-2541.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This site designation is within Region III and is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter I, subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation in this part 228.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EIS's in connection with ocean dumping site designations such as this. (See 39 FR 16186, (May 7, 1974)).

The EPA has prepared a draft and final Environmental Impact Statement (EIS) entitled "Environmental Impact Statement for the Designation of an Ocean Dredged Material Disposal Site Located Offshore Norfolk Virginia." On August 9, 1991 a notice of availability of the draft EIS for public review and comment was published in the Federal Register at (56 FR 154). The public comment period on this draft EIS closed September 30, 1991.

On February 5, 1993, a notice of availability of the final EIS for public review and comment was published in the Federal Register at (58 FR 23). The

public comment period on the final EIS closed March 8, 1993. No major comments or concerns were raised on the final EIS. Anyone desiring a copy of the EIS may obtain one from the address given above.

EPA has initiated section 7 consultation under the Endangered Species Act with the Fish and Wildlife Service and National Marine Fisheries Service.

C. Site Designation

The Norfolk Ocean Disposal Site is the primary disposal site for the disposal of suitable material from dredging operations in the lower Chesapeake Bay region.

The Norfolk Ocean Disposal Site, which is needed to accommodate current and future disposal requirements of dredged material, is located approximately 17 nautical miles (31 kilometers) west of the mouth of the Chesapeake Bay. The site is delineated by a circle with a radius of 4 nautical miles (7.4 kilometers) centered at 36 degrees, 59 minutes north latitude, and 75 degrees, 39 minutes west longitude. The Norfolk Ocean Disposal Site partially overlaps an area used for dredge material disposal prior to the 1960's. Water depth in the area ranges from 43-85 feet (13.1-26 meters). Extensive characterization and delineation of this site as an acceptable disposal site is presented in the EIS.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at any early stage. Where feasible, locations off the Continental Shelf are preferred. If at any time disposal operations at an interim site cause unacceptable adverse impacts, the use of that site will be terminated as soon as suitable alternate disposal sites can be designated. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The designated site conforms to the five general criteria. The characteristics of the designated site are below reviewed in terms of the 11 specific criteria for site selection.

1. Geographical Position, Depth of Water, Bottom Topography, and Distance from Coast (40 CFR 228.6(a)(1))

The proposed Norfolk Ocean Disposal Site is centered at 36 degrees, 59 feet North latitude, and 75 degrees, 39 feet West longitude, and has a radius of four nautical miles (7.4 kilometers). Water depths in the area range from 43 to 85 feet (13 to 26 meters). Water depths near the center of the area range from 65 to 80 feet (19.8 to 24.4 meters). The bottom topography is generally flat with depth contours running parallel to the coastline. The bottom topography slopes from 43 feet (13.1 meters) at the northwest edge of the disposal area to 85 feet (25.9 meters) on the eastern edge of the area. The center of the proposed Norfolk Ocean Disposal Site is located approximately 17 nautical miles (31 kilometers) from the nearest land.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Lining Resources in Adult or Juvenile Phases (40 CFR 228.6(a)(2))

The Chesapeake Bay, Norfolk Harbor, and adjoining offshore ocean areas support a relatively abundant and diverse biological community. The distribution and abundance of individual species depends on the spawning habits and environmental preferences of the species and the season of the year. Fish and other aquatic organisms (e.g., crabs, plankton) migrate into and out of the Bay throughout the year enroute to spawning grounds or juvenile development areas. Several of the fish and shellfish species that inhabit nearshore areas have commercial or recreational importance. Previous studies, however, have shown that the proposed Norfolk Ocean Disposal Site is not an important breeding, spawning, or nursery area for fish because it is located far offshore. No harvestable quantities of fish or shellfish are known to exist in the area.

Studies indicate that disposal activities at the proposed site are unlikely to have substantial adverse effects on aquatic organisms, mainly because organism populations are widely distributed on the continental shelf.

3. Location in Relation to Beaches and Other Amenity Areas (40 CFR 228(a)(3))

The center of the proposed Norfolk Ocean Disposal Site is located 17 nautical miles (31.5 kilometers) from the nearest recreational beach at Virginia Beach, Virginia. Thus, the closest edge of the site is 13 nautical miles (24

kilometers) from the beach. The Triangle Wrecks, a popular sport fishing and diving location, is located 4.8 nautical miles (8.9 kilometers) from the site. Net sediment transport is negligible. Bottom currents are meteorologically controlled and may account for the nonuniform sedimentation rates measured throughout the site. In addition, material with an age less than 10 years was deposited at the site, which indicates that deposition of material occurs at the site. It is unlikely that dredge material disposed at the site would be transported to beaches or other amenity areas.

4. Types and Quantities of Wastes Proposed to be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Wastes, If Any (40 CFR 228.6(a)(4))

The proposed Norfolk Ocean Disposal Site will be used for disposal of new work and maintenance material dredged from the lower Chesapeake Bay. The proposed site could be used for the disposal of appropriate material from the Thimble Shoals, Cape Henry, Atlantic, Hampton Roads, York Spit, and possibly other channels within the lower Chesapeake Bay area. The quantity of material to be placed at the site depends on the quality of the dredged material. Only material that meets ocean dumping criteria will be disposed at the proposed site. This includes unconsolidated fine to medium grain sands, silts, and clays. The Craney Island Containment Area will receive material not suitable for ocean disposal, and the Dam Neck Ocean Disposal Site will receive material for which it has been designated. Dredge material that consists of clean sands will be used for beach replenishment or disposed at the Dam Neck site.

Different dredged material disposal management plans would result in varying amounts of dredge material placed in each of the disposal areas. U.S. Army Corps of Engineers, Norfolk District estimates that 250 million cubic yards of dredge material from Federal, State, and private dredging projects may be disposed at the proposed site over the next 50 years. To dispose of this material at the proposed Norfolk Ocean Disposal Site, the Corps of Engineers will probably employ bucket and scow or hopper dredges of 5,000 to 8,000 cubic yard capacity. The dredges will be either split-hull or bottom-dump design.

The suitability of materials dredged from areas in the lower Chesapeake Bay for ocean disposal has been investigated by several authors. These studies are summarized in the Supplemental

Information Report to the final Environmental Impact Statement for the Norfolk Harbor and Channels, Virginia, Deepening and Disposal project prepared by the U.S. Army Corps of Engineers, Norfolk District. These studies, which include the use of bioassays and chemical analysis, conclude that only sediments dredged from the southern branch of the Elizabeth River could not be ocean disposed. In addition, materials dredged from the outer channels (i.e., Thimble Shoal and Atlantic channels) could be used for beach replenishment.

The suitability of dredge material for ocean disposal, however, would have to be determined for each dredging operation. According to section 103 of the MPRSA, any proposed dumping of dredge material into ocean waters must be evaluated through the use of criteria listed in 40 CFR parts 220 through 228. The Corps of Engineers and the EPA have specific guidance for the evaluation of potential environmental impacts of the ocean disposal of dredged material. The suitability for ocean disposal of dredge material is determined through the use of evaluation techniques such as bioassays and bioaccumulation testing.

5. Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5))

The U.S. Army Corps of Engineers, Norfolk District, sponsored a monitoring program for the site in the early 1980's. Parameters that were monitored, as identified in the 1982 Final Environmental Impact Statement, include benthic infauna, bioaccumulation in three species of marine organisms, sediment quality, zooplankton, and 20 water quality variables. Investigations that the monitoring data collected by these efforts when combined with statistical models can be used as an effective "early warning system" for major water quality changes that may be associated with disposal activities at the Norfolk Ocean Disposal Site.

During the summer of 1990, sediment and benthic samples were collected by the U.S. EPA, Region III during a site monitoring survey. Results of this sampling effort should be available for incorporation into the final Environmental Impact Statement. Future monitoring efforts will be planned if the site is designated. Monitoring plans should be easily implemented and will be consistent with site management plans.

6. Disposal, Horizontal Transport, and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity, If Any (40 CFR 228.6(a)(6))

Winter currents at the site flow to the south-southwest and velocities that average 10 cm/sec. Summer surface currents flow to the west or northwest and are generally weaker than winter currents. Near-bottom summer currents average about 2 cm/sec and flow to the west. It has been established that a velocity of 35 cm/sec is needed to initiate movement (e.g., erosion) of fine grained sands; however, current velocities of this magnitude occur at the site only during winter storms. Flow in both seasons is highly wind direction dependent. Dispersal of dredged material during dumping operations was evaluated during a test dump during October 1981. No widespread dispersal of dredged material during disposal operations was shown to occur.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7))

A portion of the proposed Norfolk Ocean Disposal Site overlaps an area used for the disposal of dredged material from the Thimble Shoal and Cape Henry Channels prior to 1971. No cumulative environmental effects of the past dumping activities have been identified; benthic communities at the Norfolk Ocean Disposal Site are similar to those of surrounding areas. In addition, no unacceptable adverse impacts have been identified at the currently used Dam Neck Ocean Disposal Site.

8. Interference with Shipping, Fishing, Recreation, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean. (40 CFR 228.6(a)(8))

Use of this site is not expected to interfere with known shipping, recreation, mineral extraction, desalination, fish and shellfish activities, or areas of special scientific importance. Some short-term disruption of recreational fishing activities is possible in the immediate area of disposal activities. The proposed Norfolk Ocean Disposal Site is located in an area known to be frequented by herring (*Clupea harengus*), king mackerel (*Scomeromorus cavalla*), porgy (*Stenotomus chrysops*), windowpane flounder (*Scophthalmus aquosus*), bluefish (*Pomatomus saltatrix*), summer flounder (*Paralichthys dentatus*) and is in the vicinity of an

area known to have harvestable quantities of sea scallop (*Placopecten magellanicus*). The area is approximately 35 nautical miles (64 kilometers) south of currently harvested Surf Clam (*Spisula solidissima*) beds. Surveys of the proposed Norfolk Ocean Disposal Site have found no known harvestable quantities of fish or shellfish. Industrial fisheries in the area are spiny dogfish (*Squalus acanthias*), Northern searobin (*Prionotus carolinus*) and spotted hake (*Urophycis regius*). No harvesting of industrial fish species is known to occur in this area.

9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or by Trend Assessment or Baseline Surveys (40 CFR 228.6(a)(9))

Previous investigations and baseline surveys show the proposed water and sediment quality and other environmental characteristics of the Norfolk Ocean Disposal Site to be typical of the mid-Atlantic region. Specific information regarding the water quality and ecology of the site is discussed in the EIS. In summary, the proposed site does not possess any unique characteristics that would preclude its designation and use as a disposal site. The designation and use of the Norfolk Ocean Disposal Site would not result in unacceptable environmental impacts on organisms that live near or migrate through the site.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site (40 CFR 228.6(a)(10))

Based on information available on the community structure of the proposed site, no change in benthic species composition is expected. The communities currently defining the site are characteristic of the mid-Atlantic region. No change in substrate is anticipated if the site is used for dredge material that meets ocean disposal criteria. Past disposal activities adjacent to the proposed site and at the Dam Neck Ocean Disposal Site have not resulted in the development or recruitment of any nuisance species.

11. Existence at or in Close Proximity to the Site of any Significant Natural or Cultural Features of Historical Importance (40 CFR 228.6(a)(11))

An archeological survey of the area by side-scan sonar was conducted during late 1981. No sites of archeological interest that would be endangered by the proposed disposal operations were found. The survey and subsequent report was coordinated with the State Historical Preservation Officer.

E. Action

Based on the draft and Final EISs, EPA concludes that the site may appropriately be designated for use. The site is compatible with the general criteria and specific factors used for site evaluation.

The designation of the Norfolk Ocean Disposal Site as an EPA approved Ocean Dumping Site is being published as final rulemaking. Management of this site will be delegated to the Regional Administrator of EPA Region III.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, other than that already approved under section 103 of the Marine Protection, Research, and Sanctuaries Act, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the authority to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This final rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Stanley L. Laskowski,
Acting Regional Administrator, EPA Region III.

In consideration of the forgoing, subchapter H of chapter I of title 40 is amended as set forth below:

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by adding paragraph (b)(94) to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(94) Norfolk, Virginia, Dredged Material Disposal Site-Region III. Location (center point):
Latitude—36°59'00" N.
Longitude—75°39'00" W.
Size: Circular with a radius of 7.4 kilometers (4 nautical miles).
Depth: Ranges from 13.1–26 meters.
Primary Use: Dredged material.
Period of use: Continuing use.
Restrictions: Site shall be limited to suitable dredged material which passed the criteria for ocean dumping.
[FR Doc. 93–15691 Filed 7–1–93; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB23

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Three Endemic Puerto Rican Ferns

AGENCY Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Thelypteris inabonensis* (no common name), *T. verecunda* (no common name), and *T. yaucoensis* (no common name) to be endangered pursuant to the Endangered Species Act (Act) of 1973, as amended. These three species, all terrestrial ferns endemic to the island of Puerto Rico, are currently restricted to two or three localities each. The ferns are threatened by habitat destruction and modification, forest management practices, hurricane damage, restricted