

reimbursable portion of construction costs of SOD modifications to Deer Creek Dam. Contract was executed April 25, 2003.

Great Plains Region

Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107-6900, telephone 406-247-7790.

New contract actions:

46. Town of Deaver, Shoshone Project, Wyoming: Negotiate a long-term contract for up to 475 acre-feet of irrigation water from the two drains below Deaver Reservoir.

47. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: The District has requested deferment of its 2003 repayment obligation. A basis of negotiation has been prepared to amend contract No. 14-06-500-369. A public notice has been published in the San Angelo Times.

Modified contract actions:

19. Savage ID, P-SMBP, Montana: The District is currently seeking title transfer. The contract is subject to renewal pending the outcome of the title transfer process. The final version of a 5-year interim contract has been sent to the District for signature. The District has requested information concerning renewal of the long-term contract.

24. Belle Fourche ID, Belle Fourche Project, South Dakota: Belle Fourche ID has requested a \$25,000 reduction in construction repayment. The contract amendment has been sent to the District for signature.

40. Clayton and Debbie Fulfer (Individual), P-SMBP, Boysen Unit, Wyoming: Renewal of long-term contract for up to 15 acre-feet of supplemental irrigation water to service 5.72 acres.

Discontinued contract action:

44. Frenchman-Cambridge ID, Frenchman Unit, P-SMBP, Nebraska: Proposed contract amendment for deferment of annual payment due to severe drought.

Completed contract actions:

27. Milk River Project, Montana: City of Harlem water service contract expired in December 2002. Initiating negotiations for renewal of a water service contract for an annual supply of raw water for domestic use from the Milk River not to exceed 500 acre-feet. Contract was executed May 22, 2003.

28. Lower Marias Unit, P-SMBP, Montana: Town of Chester water service contract expired in December 2002. Initiating negotiations for renewal of a long-term water service contract for an annual supply of raw water for domestic use from Tiber Reservoir not to exceed

500 acre-feet. Contract was executed May 27, 2003.

37. Chippewa Cree Tribe (Tribe), Rocky Boy's Indian Reservation, Montana: Pursuant to Title II, section 201(a)(2), of the Rocky Boy's Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999 (Pub. L. 106-163), Reclamation is negotiating to allocate 10,000 acre-feet per year of stored water in Lake Elwell. Contract was executed March 6, 2003.

41. Midvale ID, P-SMBP, Riverton Unit, Wyoming: Negotiations of a SOD Program contract for modification of Bull Lake Dam. An agreement was executed February 13, 2003.

Dated: June 23, 2003.

Wayne O. Deason,

Acting Director, Program and Policy Services.

[FR Doc. 03-18799 Filed 7-23-03; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[DES 03-43]

Lower Santa Ynez River Fish Management Plan and Cachuma Project Biological Opinion for Southern Steelhead Trout, Santa Barbara County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the draft environmental impact statement/ environmental impact report (EIS/EIR).

SUMMARY: In accordance with the National Environmental Policy Act of 1969, the Bureau of Reclamation (Reclamation) has prepared a Draft EIS/EIR for the Lower Santa Ynez River Fish Management Plan (Plan) and Cachuma Project Biological Opinion (Opinion) for Southern Steelhead Trout. The Plan and Opinion include various flow and non-flow measures to be implemented by Reclamation and the Cachuma Project Member Units to protect and enhance habitat for the endangered southern steelhead trout along the Santa Ynez River downstream of Bradbury Dam.

DATES: Written comments on the Draft EIS/EIR will be accepted for 45 days following the date the Environmental Protection Agency publishes the Notice of Availability of the Draft EIS/EIR in the **Federal Register**, anticipated to occur in April 2003.

ADDRESSES: Written comments should be sent or hand-delivered to: David Young, Bureau of Reclamation, South-Central California Area Office, 1243 N Street, Fresno, California, 93721, phone:

559-487-5127. Comments submitted by electronic mail should be sent to: dkyoung@mp.usbr.gov. Please include "Cachuma EIS/EIR" and your name and return address in the text of the message.

Copies of the Draft EIS/EIR for the Plan and Opinion are available in the South-Central California Area Field Office at the above address, or at the Cachuma Operation and Maintenance Board Office, 3301 Laurel Canyon Road, Santa Barbara, California, 93105, from 7:30 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

David Young, Bureau of Reclamation, at the above address, or at 559-487-5127.

SUPPLEMENTARY INFORMATION:

The Cachuma Project consists of Bradbury Dam, Cachuma Lake, and various water conveyance facilities. The dam impounds water along the Santa Ynez River in northern Santa Barbara County. Water is provided to the Cachuma Project Member Units for irrigation, domestic, and municipal and industrial water uses. The current Member Units consist of the City of Santa Barbara, Goleta Water District, Montecito Water District, Carpinteria Valley Water District, and the Santa Ynez River Water Conservation District—Improvement District #1. Reclamation owns all project facilities and operates Bradbury Dam. Operation and maintenance of the Cachuma Project facilities, other than Bradbury Dam, was transferred in 1956 to the Member Units who formed Cachuma Operation and Maintenance Board (COMB) to carry out these responsibilities.

In August 1997, the National Marine Fisheries Service (NMFS) designated the anadromous steelhead (*Oncorhynchus mykiss*) of the Southern Evolutionarily Significant Unit (ESU), which includes the lower Santa Ynez River below Bradbury Dam, as an endangered species under the Federal Endangered Species Act. In April 1999, Reclamation requested initiation of consultation with NMFS regarding ongoing operations of the Cachuma Project under the provisions of Section 7 of the Federal Endangered Species Act. Reclamation submitted a Biological Assessment (BA) to NMFS in 1999. The proposed actions described in the BA are designed to improve the availability and quality of habitat for the steelhead in the lower river. NMFS issued a final Opinion in September 2000. The Opinion concluded that the proposed actions described in the BA would not jeopardize the continued existence of the anadromous steelhead of the Southern ESU, nor destroy or adversely

modify critical habitat. The Opinion included mandatory terms and conditions that require Reclamation to implement 15 specific reasonable and prudent measures to minimize "take" of the southern steelhead. Reclamation will implement the management actions and projects in the Opinion to ensure compliance with the Federal Endangered Species Act.

Prior to, and concurrent with, the endangered species consultation, Reclamation and the Cachuma Member Units prepared a Fish Management Plan (FMP) for the lower Santa Ynez River. The FMP management actions include (1) creating new habitat and improving existing habitat in the lower river and tributaries; (2) improving access to spawning and rearing habitats in the lower river and tributaries; and (3) increasing public awareness and support for beneficial actions on private lands. The FMP identifies specific reaches of the mainstem and tributaries for habitat protection and improvement. The highest priority has been assigned to lower Hilton Creek, which is located on Reclamation property, and the mainstem of the river between Bradbury Dam and Highway 154. A high priority is also assigned to enhancing habitats on the following tributaries which have favorable flows and habitat conditions for aquatic resources: Quiota, El Jaro, and Salsipuedes creeks.

The overall purposes of the BO and FMP management actions are two-fold:

(1) Ensure that operation of the Cachuma Project is consistent with the Federal Endangered Species Act regarding effects on the southern steelhead; and (2) improve conditions for native fish, particularly the endangered southern steelhead, in the Santa Ynez River watershed below Bradbury Dam.

Reclamation and Cachuma COMB have prepared the draft EIS/EIR to evaluate the incidental adverse impacts of the proposed management actions and projects to improve fish habitat conditions on the Santa Ynez River below Bradbury Dam in northern Santa Barbara County. These impacts include temporary construction related disturbances to riparian and aquatic habitat during fish habitat restoration work in the river and tributaries; impacts to oak trees and recreational facilities at Cachuma Lake due to surcharging the reservoir to store additional water for downstream releases for fish; and others described in the Draft EIS/EIR.

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.

Editorial Note: This document was received in the Office of the Federal Register on July 21, 2003.

Dated: March 31, 2003.

Frank Michny,

Regional Environmental Officer, Mid-Pacific Region.

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DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Martin Marietta Materials, Inc.*, Case No. 7:03-CW-122-F(1), (E.D.N.C.), was lodged with the United States District Court for the Eastern District of North Carolina on July 8, 2003. The proposed Consent Decree concerns alleged violations of sections 301(a), 402, and 404 of the Clean Water Act, 33 U.S.C. 1311(a), 1342 and 1344, resulting from Defendant's unauthorized discharge of pollutants into waters of the United States at the Leland Stone Yard which is located on the south side of US Highway 74/76, east of Malmo Loop Road, in Brunswick County, North Carolina.

The proposed Consent Decree would require the payment of a civil penalty of \$30,000 and completion of site restoration activities, including the filling of ditches.

The United States Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to Martin F. McDermott, Attorney, United States Department of Justice, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and should refer to *United States*

v. Martin Marietta Materials, Inc., Case No. 7:03-CV-122-F(1), (E.D.N.C.).

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of North Carolina, 310 New Bern Avenue, Federal Building, 5th Floor, Raleigh, North Carolina, or at the following Web site: <http://www.usdoj.gov/enrd/open.html>.

Stephen Samuels,

Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 03-18770 Filed 7-23-03; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Consistent with the procedures in 28 CFR 50.7 and 42 U.S.C. 9622(i), notice is hereby given that on July 3, 2003, a proposed consent decree ("consent decree") in *United States v. Waste Management of Indiana, L.L.C.*, Civil Actions No. 3:03CV0483AS, was lodged with the United States District Court for the Northern District of Indiana, South Bend Division. This consent decree resolves claims against Waste Management of Indiana, L.L.C., for costs incurred and to be incurred under the Comprehensive Environmental Response, Compensation, and Liability Act, in connection with the Waste, Inc. Superfund Site located in Michigan City, Indiana. Under the terms of the consent decree, Waste Management of Indiana agrees to reimburse \$95,000 to the Superfund.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Chicago Specialties, L.L.C.*, Civil Action No. 3:03CV0483AS, D.J. Ref. 90-11-3-1376/7.

The consent decree may be examined at the Office of the United States Attorney, 204 South Main Street, South Bend, Indiana 46601, and at U.S. EPA Region V, 77 West Jackson Blvd., Chicago, Illinois 60604. During the public comment period, the consent decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/>