

Sobotka, Inc.; and Midwest Research Institute (MRI), and their subcontractors: ICF, Inc.; Radian Corporation; Romar Consultants; Science Applications International Corporation (SAIC); Versar, Inc.; and Walk, Haydel & Associates (WH&A), information which has been, or will be, submitted to EPA under the authority of the Resource Conservation and Recovery Act (RCRA) in the following surveys:

- National Screening Survey of Hazardous Waste Treatment, Storage, Disposal, and Recycling Facilities;
- National Detailed Survey of Hazardous Waste Treatment, Storage, Disposal, and Recycling Facilities;
- Solid Waste (Municipal) Landfill Survey;
- Subtitle D Industrial Facilities Telephone Screening Survey;
- Subtitle D Industrial Facilities Mail Survey; and
- National Survey of Hazardous Waste Generators.

These firms are developing and maintaining information bases for and conducting waste characterization studies, regulatory impact analyses, regulatory flexibility analyses, environmental impact statements, and other analyses for regulatory development for the Office of Solid Waste. Some of the information may have a claim of business confidentiality.

**DATE:** The transfer of the confidential data submitted to EPA will occur no sooner than October 23, 1987.

**ADDRESSES:** Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste, Information Management Staff (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Comments should be identified as "Transfer for Confidential Data."

**FOR FURTHER INFORMATION CONTACT:** Dina Villari, Document Control Officer, Office of Solid Waste, Information Management Staff (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4670.

**SUPPLEMENTARY INFORMATION:**

**I. Transfer of Data**

The U.S. Environmental Protection Agency is conducting waste characterization studies, regulatory impact analyses, regulatory flexibility analyses, environmental impact statements and other analyses for regulatory development in support of the policies and programs established for solid and hazardous waste management under the authority of the Resource

Conservation and Recovery Act of 1976 (RCRA), including subsequent amendments through 1984.

Dynamac, and their subcontractors (EPA Contract No. 68-01-7266), and MRI, and their subcontractors (EPA Contract No. 68-01-7287), are developing and maintaining information bases for and conducting waste characterization studies, regulatory impact analyses, regulatory flexibility analyses, environmental impact statements, and other analyses for regulatory development for the Office of Solid Waste. Some of the information being transferred may have been, or will be claimed as confidential business information (CBI).

In accordance with 40 CFR 2.305(h), EPA has determined that Dynamac, and their subcontractors, and MRI, and their subcontractors, require access of CBI submitted to EPA under the authority of RCRA to perform work satisfactorily under the above-noted contracts. EPA is issuing this notice to inform all submitters of CBI that EPA may transfer to these firms, on a need-to-know basis, CBI collected under the authority of RCRA in the above-noted surveys. Upon completing their review of materials submitted, the contractors will return all such materials to EPA.

Dynamac, and their subcontractors, and MRI, and their subcontractors, have been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of the contractors and will inspect their facilities and approve them prior to RCRA CBI being transmitted to the contractors. Personnel from these firms will be required to sign non-disclosure agreements and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contract Requirements Manual.

**List of Subjects in 40 CFR Part 2**

Administrative practice and procedure, Freedom of information, Confidential business information.

Date: September 28, 1987.

J.W. McGraw  
Acting Assistant Administrator.

[FR Doc. 87-23861 Filed 10-15-87; 8:45 am]

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[FRL-3275-6; Notice No. 87; FL115]

**Proposed 404(C) Determination to Prohibit, Deny, or Restrict the Specification of Use of Three East Everglades Areas as Disposal Sites; Notice and Public Hearing Announcement**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Proposed Section 404(c) determination and notice of public hearing.

**SUMMARY:** Section 404(c) of the Clean Water Act (CWA) (33 U.S.C. 1251 *et seq.*) authorizes the Administrator of the EPA to prohibit, deny or restrict the specification or use of any defined area as a disposal site, whenever he determines, after notice and opportunity for public hearing, that the discharge of dredged or fill materials into such an area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreation areas. EPA's procedures for implementing section 404(c) are set forth in 40 CFR Part 231. This notice of proposed 404(c) determination and public hearing is being published by the Regional Administrator of the EPA's Region IV office in Atlanta, Georgia. This notice includes the Regional Administrator's proposal for three section 404(c) actions involving three separately-owned wetland properties in the East Everglades area of southern Florida.

These three properties are located in the Taylor Slough drainage area west of Miami in Dade County, Florida. All three are wetland areas with similar ecological values, each being part of the East Everglades wetlands complex. Taylor Slough is the major drainage way of waters entering the eastern portion of Everglades National Park (ENP). Proposals to "rockplow" these wetland areas to convert them for agricultural use have been made or can reasonably be expected in the near future. Such rockplowing activities would destroy the wetland ecological values which these tracts possess and, if permitted, would encourage future rockplowing of other nearby wetland areas in the East Everglades.

The first of the three properties for which a 404(c) determination is being proposed is a 60-acre tract owned by the Henry Rem Estate (the "Rem site"). The Rem site consists of the southern 60 acres of a 160-acre tract owned by Henry Rem Estate which is located in the western quarter of Section 5,

Township 56 South, Range 38 East, or about 1 mile south of SW. 168th St. (Richmond Drive) and about 1.8 miles west of Levee L-31N. In December 1986, the Corps of Engineers, Jacksonville District, gave notice of its intention to issue a Section 404 permit to Henry Rem Estate for rockplowing of the 60-acre Rem site.

The second of the three wetland areas is another 60-acre tract located adjacent to and east of the Rem site, and jointly owned by Mrs. Marian Becker, Mrs. Bilba Burk, Mr. Irving Sonnenschein, Mr. Euval Barrekette and Mr. Paul Yanowitz (the "Becker site"). In its permit documentation covering the Rem site, the Corps of Engineers indicated that it was anticipating a future application to permit rockplowing on this 60-acre Becker site, which the Corps viewed as substantially similar to the Rem site for permitting purposes.

The third property totals approximately 312 acres owned by Senior Corporation (collectively the "Senior Corp. site"), within a larger piece of Senior Corp. property which begins about 2.5 miles south of the Rem and Becker sites and extends along SW. 232nd Avenue and south to SW 304th Street in Dade County. The 312-acre Senior Corp. site on which this 404(c) action is being proposed consists of three separate parcels of wetlands: One of approximately 132 acres within Section 7, Township 57 South, Range 38 East; another of approximately 150 acres within Section 30, Township 56 South, Range 38 East; and the third of approximately 30 acres within Section 6, Township 57 South, Range 38 East. A Senior Corp. application to the Corps for a permit to rockplow these three wetland parcels remains pending at this time.

EPA Region IV concluded, because the Rem, Becker and Senior Corp. tracts are essentially similar pieces of the East Everglades wetlands complex with similar ecological values, that the initiation of one 404(c) action embracing all three tracts would be an efficient and appropriate way for the Federal government to address the serious environmental concerns arising from potential rockplowing in these wetland areas. Individual decisions, however, will be made with respect to the three properties.

EPA Region IV proposes to prohibit, deny or restrict the specification or use of the wetland properties described herein as disposal sites for dredged or fill materials resulting from rockplowing under provisions of section 404(c) of the CWA. This 404(c) determination is being proposed because there is reason to believe that rockplowing these wetlands

will result in unacceptable adverse effects on fishery (including spawning and breeding areas for forage fishes), wildlife and recreational areas. In accordance with 40 CFR 231.4, it would be in the public interest to hold a hearing on this proposed determination.

#### Purpose of Public Notice

This serves as a notice of proposed section 404(c) determinations and public hearing covering the Rem site, the Becker site, and the Senior Corp. site, as above described. This hearing will be held to obtain comments on EPA's proposal to prohibit or restrict discharge of fill material from rockplowing these wetland areas and receive data or observations concerning whether the rockplowing of all or part of these approximately 432 acres of East Everglades wetlands in the Taylor Slough drainage area would cause an unacceptable adverse effect as described in section 404(c) of the CWA.

Hearing Date: November 18, 1987, beginning at 7:00 p.m.

Hearing Location: Homestead Senior High School Auditorium, 2351 SE 12th Ave. Homestead, Dade County, Florida, 33035.

Comments may be submitted prior to the hearing or presented at the hearing. The hearing record will remain open after the hearing until close of business, December 3, 1987, for the addressed of written comments. Comments submitted prior to or after the hearing or requests for copies of the proposed determination should be submitted to EPA Region IV's designated Record Clerk, Suzanne Potter, Office of Congressional and External Affairs, EPA, 345 Courtland Street, Atlanta, Georgia 30365, (404)347-3004. Comments should directly address whether the proposed determination should become the final determination or whether corrective action could be taken to reduce the adverse impact of the discharge. All such comments will be considered in reaching a decision to either withdraw the proposed determination or prepare a recommended determination to prohibit, deny or restrict the specification or use of all or portions of the Rem site, the Becker site and/or the Senior Corp. site as disposal sites for rockplowing. A Regional recommendation and the administrative record will be forwarded to the EPA Assistant Administrator for Water in Washington, DC, for review and the final determination. The procedures to be used in making the final determination are specified at 40 CFR 231.6.

Copies of all comments submitted in response to this notice will be available

for public inspection during normal working hours (8:00 a.m. to 5:00 p.m.) at the EPA Region IV office.

#### Hearing Procedures

a. The Regional Administrator of EPA's Region IV, or his designee, will be the Presiding Officer at the hearing.

b. Any person may appear at the hearing and submit oral and/or written statements or data and may be represented by counsel or other authorized representative. Any person may present written statements or recommendations for the hearing file prior to the time the hearing file is closed to public submissions. The Presiding Officer shall afford the participants an opportunity for rebuttal.

c. The Presiding Officer will establish reasonable limits on the nature, amount or form of presentation of documentary material and oral presentations. No cross examination of any hearing participant shall be permitted, although the Presiding Officer may make appropriate inquiries of any such participant.

d. The hearing file will be open for submission of written comments until close of business, December 3, 1987.

#### Supplementary Information and Background

##### A. Section 404(c) Authority and Criteria

Under section 404 of the CWA (33 U.S.C. 1251 *et seq.*), any person who proposes to discharge dredged or fill material into the waters, including wetlands, of the United States must first obtain a permit from the Secretary of the Army, acting through the Chief of Engineers. However, CWA section 404(c) authorizes the EPA Administrator to prohibit or restrict such permitting within any area defined by him if he determines that discharges of dredged or fill material there would have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

EPA's regulations define "unacceptable adverse effect" in 40 CFR 231.2(e) as:

Impact on an aquatic or wetland ecosystem which is likely to result in significant degradation of municipal water supplies or significant loss of or damage to fisheries, shellfishing, or wildlife habitat or recreation areas. In evaluating the unacceptability of such impacts, consideration should be given to the relevant portions of the section 404(b)(1) Guidelines (40 CFR Part 230).

The preamble to 40 CFR Part 231 explains that one of the basic functions of section 404(c) is to police the

application of the section 404(b)(1) Guidelines. Those portions of the Guidelines relating to significant degradation of waters of the United States (40 CFR 230.10(c)), as well as consideration of cumulative impacts (40 CFR 230.11(g)), are of particular importance in the evaluation of the unacceptability of environmental impacts in this case. Section 230.10(c) of the Guidelines requires that no discharge of dredged or fill material shall be permitted that contributes to significant degradation of waters of the United States. Section 230.11(g) requires that the permitting authority collect, analyze, consider and document information relevant to cumulative impacts within the decision-making process. Thus, it is appropriate under section 404(c) to take into account whether significant degradation of waters of the United States will occur as a result of individual and/or cumulative rockplowing activities.

The Administrator's section 404(c) authority may be used either to "veto" a permit which the Corps has determined it would issue (as in the case of the Rem site) or to preclude permitting either before the Corps has made its decision (as in the case of the Senior Corp. site), or in the absence of an application (as in the case of the Becker site). Under his section 404(c) authority, the Administrator may totally prohibit all discharges of dredged or fill material to a defined area or he may impose some partial prohibition, such as a restriction from a particular type of activity. This proposed section 404(c) determination is limited to a prohibition on discharges resulting from rockplowing the three East Everglades sites under consideration.

#### B. Nature of Proposed Discharge

"Rockplowing" is a process frequently used in the past to convert East Everglades wetlands into fields suitable for agriculture. In this process, a bulldozer is used to drag a plow-like implement over the pinnacle rock surface of these wetlands, breaking up that surface. The crushed rock and other materials are used to fill the wetlands' characteristic solution holes so that the area is made sufficiently smooth and level to allow a kind of hydroponic farming. EPA is particularly concerned about the continuation of rockplowing in the East Everglades area because this activity, by its nature, completely destroys the irregular surface characteristics which allow these wetlands to perform their most valuable ecological functions.

#### C. Characteristics of the Sites Under Consideration

The Rem, Becker and Senior Corp. sites encompass some 432 acres of seasonally inundated graminoid prairie wetlands with irregular rocky limestone substrates, typical of wetlands on the eastern margin of Taylor Slough. In their natural state, wetlands of this type provide fish and wildlife habitat, food chain production, groundwater recharge, water storage, and biological and geochemical nutrient and pollutant uptake. In addition, functional muhlygrass/pinnacle rockprairie wetlands in this area have recreational value as sites for bird watching and other nature study.

The elevation of the rocky substrate surface at the Rem and Becker sites is approximately 7 to 7.5 feet NGVD (i.e., above sea level) and approximately 6 to 8 feet NGVD in various locations within the Senior Corp. project site. Solution holes with depths of one to three feet below the rocky surface are common throughout these prairie wetlands. The dominant vegetable community found is described as wetland prairie, muhly/muhly-beardgrass in the Dade County East Everglades Management Plan. The dominant wetland plant species in the solution holes located throughout the wetland prairies is sawgrass, *Cladium jamaicensis*. The predominant wetland plant species on the rocky surface of the prairie is muhlygrass, *Muhlenbergia capillaris*, along with *Flaveria linearis*, *Pluchea* spp., *Dichromena colorata*, *Aristida* spp. and *Hypericum* spp. There is a thin (1" - 2") layer of marl soil over portions of the rockland surface of the wetland prairie. During the summer wet season, water accumulates in the solution hole depressions and is held long enough for algal periphyton populations to grow. Numerous EPA and U.S. Fish and Wildlife Service (FWS) inspections over the past five years confirm the presence of standing water and periphyton in the solution holes during the summer rainy season as well as periphyton occurring over much of the rocky ground surface.

Scattered throughout the Rem, Becker and Senior Corp. site muhlygrass prairies are hardwood tree hammocks composed predominantly of red bay, wax myrtle, willow bastic and cocoplum. Many of the tree islands have been invaded by exotic tree species, Brazilian pepper and Australian pine. The tree hammocks provide valuable cover and resting areas for a large number of reptiles, amphibians, small mammals and birds. Another type of tree island located in the Rocky Glades is known as a willow head, which

normally contains standing water depressions. The willow heads provide very valuable dry season aquatic refuge for numerous aquatic faunal species.

The seasonally flooded solution holes and the normally flooded willow heads provide valuable habitat for numerous amphibians, invertebrates and small fish, which utilize the periphyton-based food web as a food source. These pinnacle rock solution holes and willow heads greatly increase the heterogeneity of the muhlygrass prairies and provide valuable micro-habitats within the prairies for lower trophic level animals to feed, breed and seek refuge. Populations of valuable prey species such as snails, aquatic insects, crayfish, tadpoles, frogs, snakes, turtles, mosquito fish, killifishes, flagfish, sunfish and other small fishes substantially expand in size in the solution holes and willow heads during the summer wet season and disperse across the adjacent prairies. The presence of aquatic food source organisms has been documented at the proposed rockplowing sites. As the wet season ends, the solution holes gradually dry down providing a concentrated food source for reptiles, small mammals and wading birds such as herons and egrets.

The wildlife inhabiting the East Everglades area, which includes these sites, is one of the most valuable and unique natural features of south Florida. Approximately 350 animal species are known to occur in the area including: 34 species of fish, 18 species of amphibians, 44 species of reptiles, 28 species of mammals, and 230 species of birds. These species depend on the diversity of habitats that offer opportunities for feeding, reproduction, and cover. Valuable habitats occur throughout the East Everglades and animals using these natural habitats move freely to other natural areas within the East Everglades, Everglades National Park and throughout south Florida. Some of the animals utilizing these natural habitats have large home ranges requiring free movement to, and use of, a broad array of south Florida habitats types. Migratory birds (e.g., woodstork, warblers, great white heron) utilize parts of the East Everglades as well as Everglades National Park on a seasonal basis.

Although all wildlife is considered a valuable resource, some species have been given special distinction because of their recreational value or because they have been placed on protected lists by Federal or State governments. A total of 33 species which are on various protected lists occur in the East Everglades. Several of the nation's

rarest and most unique animals survive in the East Everglades, two of which are the federally endangered Cape Sable sparrow and Florida panther. The wetland area immediately north of the Rem and Becker tracts was recently used by a radio collared male Florida panther.

The wetlands herbaceous vegetation and periphyton mats serve to filter surface waters removing nutrients and pollutants. This water purification function is important in maintaining the quality of the surficial Biscayne Aquifer, a designated "sole source" aquifer for drinking water supply to residents of southeast Florida.

#### D. Adverse Impacts of Permit Issuance

Rockplowing the Rem, Becker and Senior Corp. sites would destroy some 432 acres of functional and productive East Everglades muhlygrass-sawgrass prairie wetlands and thereby eliminate virtually all of the habitat value it now provides. The farm fields that would replace these wetlands after rockplowing would be a low quality habitat for wildlife. Cotton rats are the prime resident animals in such fields with some marsh rabbits found around field edges. This paucity of lower food chain prey is fed on by an occasional visiting marsh hawk or kestrel. A dearth of wildlife would be caused both by the seasonal nature of vegetable crops grown in rockland fields and by rockplowing's reduction of a "two-story" habitat system (surface rock/solution holes) to a flat dry plain. EPA Region IV believes that the direct loss of 432 acres of functional East Everglades muhlygrass prairie may represent a significant and unacceptable environmental loss.

The individual and cumulative losses of East Everglades wetlands pose a threat to groundwater quality, specifically the "sole source" designated Biscayne Aquifer. EPA Region IV's concerns for potential impacts to the groundwater quality is based on two factors: (1) The loss of the surface filtration of surface waters which are hydrologically contiguous with the Biscayne Aquifer, and (2) the potential for the transport of nutrients, herbicides, pesticides, oils and grasses and other contaminants that might be associated with agricultural or other development on the altered glade wetlands.

EPA Region IV is also very concerned about cumulative impacts of continuing destruction of East Everglades prairie wetlands which are located along the eastern border of Everglades National Park. According to the FWS, about 25,000 acres of prairie wetlands once

occupied the East Everglades area, and approximately 8,000 acres of those wetland areas have now been disturbed or destroyed. Human activities (e.g., rockplowing, drainage, residential development) in the East Everglades have continued to degrade, threaten or eliminated large acreages of East Everglades wetlands and are instrumental in adversely changing wildlife populations. Loss of functional wetland habitat is recognized by wildlife experts as a major contributing factor to reduction in size of wildlife populations. These cumulative adverse impacts may also be unacceptable.

Additionally, EPA Region IV is also aware that permitting the rockplowing of fully functional prairie wetlands at the Rem, Becker and Senior Corp. sites may be viewed as precedent to stimulate future wetland conversion projects in this area. The owners of these three sites also own approximately another 600 acres of very similar wetlands in the immediate vicinity of the 432 acres of wetlands under consideration. EPA Region IV anticipates that Corps rockplowing permits may be sought for these additional wetland areas if permits are issued for the areas covered by this proposed determination.

Other nearby East Everglades prairie wetlands might also be expected to come under intense pressure for agricultural development if rockplowing is allowed to convert the Rem, Becker and Senior Corp. sites. For example, approximately 585 of muhlygrass-sawgrass wetlands between the Rem and Senior Corp. sites were subject to past rockplowing proposals which were later either withdrawn or rejected on procedural grounds by the Corps. In addition, approximately 2,000 acres of privately owned muhlygrass wetland prairie, very similar in nature to the Henry Rem Estate, Becker and Senior Corp. wetlands are located in Sections 5, 6, 31 and 32, adjacent and north of the Rem and Becker wetland sites, south of SW 168th St. (Richmond Drive) and east of SW 237th Ave. An additional 2,000 acres of similar muhlygrass wetland prairies exist along the northwest perimeter of the 8.5 square miles East Everglades residential area north of SW 168th St. EPA anticipates that these additional muhlygrass wetland prairies (totaling approximately 5,000 acres) would come under intense agricultural development pressure if the current rockplowing proposals were authorized. The potential cumulative loss of an additional nearby 5,000 acres of similarly classed wetlands would be devastating to the ecological integrity of

the East Everglades ecosystem and the eastern border of Everglades National Park and may not be in the public interest.

#### E. Procedural Background

##### (1) The Rem and Becker Sites

On April 11, 1985, the Corps of Engineers, Jacksonville District, gave public notice that Henry Rem Estate had applied for a section 404 permit to rockplow 160 acres of East Everglades wetlands including the 60-acre "Rem site". EPA and FWS, in letters dated May 6 and 7, 1985, each objected to permit issuance citing the potential adverse environmental impacts of project construction.

The South Florida Regional Planning Council, in a letter dated May 7, 1985, indicated that the activity was inconsistent with local land planning. The Dade County Department of Environmental Resource Management (DERM), in a letter dated June 28, 1985, recommended denial of the project based upon inconsistency with local zoning and the implementation plan of the Everglades National Park-East Everglades Resources Planning and Management Committee.

On April 14, 1986, after negotiations with the applicant, the Corps wrote to EPA and requested EPA's official comment on the applicant's revised proposal to rockplow the southern 60 acres of wetlands at the site. On June 12 and July 2, 1986, FWS and EPA respectively expressed continued opposition to permitting the southern 60 acres of wetlands of the Rem tract based on the project's environmental impacts and inconsistency with the section 404(b)(1) Guidelines. EPA stated that the decision to segment the project into a 60-acre southern portion lacked any biological basis because the 160-acre wetland tract owned by the Henry Rem Estate was essentially homogeneous in nature from north to south.

On December 22, 1986, the Jacksonville Corps District Engineer, forwarded to EPA Region IV its formal notice of intent to issue to 60-acre Rem permit.

On January 22, 1987, Lawrence Jensen, EPA Assistant Administrator for Water, wrote to Robert Dawson, then Assistant Secretary of the Army for Civil Works (ASACW) requesting his review of the Henry Rem Estate permit matter under the provisions of the EPA-Corps Memorandum of Agreement (MOA) pursuant to section 404q of the CWA. EPA restated its environmental concerns

and indicated that review of the Rem permit decisions was justified due to the failure of the Corps to resolve EPA concerns regarding compliance with section 404(b)(1) Guidelines. EPA expressed specific concerns relative to the inadequacy of the Corps' cumulative impacts assessment and the inappropriateness of the Corps' assessment of the significance of impacts associated with rockplowing 60 acres of wetlands at the Rem site, which EPA concluded would result in significant degradation of the waters of the U.S.

On January 23, 1987, William Horne, Assistant Secretary for U.S. Fish and Wildlife and Parks, Department of Interior (DOI), also requested that Mr. Robert Dawson, ASACW, review the Henry Rem Estate permit decision.

On February 12, 1987, Mr. Dawson determined that the issues that EPA discussed in its January 22, 1987, referral request letter should be addressed by the DE without elevation to higher bureaucratic levels prior to final permit action. In Mr. Dawson's letter to Mr. Horne he restated the determination that he made in his letter to EPA.

In the Corps documentation supporting its formal notice of intent to issue the Rem site permit, the Corps indicated that it anticipated that a rockplowing application would be received covering the adjacent 60 acres of wetlands to the east of the Rem property, owned by Mrs. Marian Becker et al. The Corps further indicated that it viewed the 60-acre Becker site as being a substantially similar situation for permitting purposes to the Rem site. In fact, the Corps predicted that the rockplowing of the Becker site would be one of the impacts of permitting the Rem site. Therefore, EPA Region IV believes that inclusion of the Becker site in this 404(c) action is appropriate, even though no application for rockplowing this site has been made at this time.

#### (2) The Senior Corp. Site

On May 14, 1986, the Corps gave public notice of a section 404 permit application consolidating four rockplowing proposals by Senior Corporation that had been advertised separately by the Corps during 1982 and 1983 into one application proposing 1,028 acres of rockplowing of East Everglades prairie wetlands.

On June 13, 1986, EPA Regional Administrator Jack Ravan, recommended that the Corps deny approximately 716 acres of the 1,028 acre Senior Corp. proposal, based on environmental concerns essentially similar to those expressed in EPA's comments to the Henry Rem Estate

project. On June 13, 1986, the FWS wrote to the Corps, recommending denial of 716 acres of the Senior Corp. proposal based on adverse impacts to fish and wildlife habitat.

On April 7, 1987, Senior Corp. provided the Corps with project modifications, reducing wetland impacts at the project site. Corps staff indicated that Senior Corp. project modifications eliminated rockplowing in critical habitat for the federally endangered Cape Sable sparrow, but continued to propose rockplowing activities on approximately 312 acres of wetlands which EPA and FWS had previously recommended permit denial for rockplowing activities.

On April 22, 1987, EPA Region IV initiated this proposed 404(c) determination by notifying the Jacksonville Corps DE and the Rem and Becker site owners of the proposed action. On the same day EPA Region IV also notified Senior Corp. of its intention to initiate a 404(c) action on the approximate 720 acres of wetlands for which this Agency had earlier recommended permit denial. Because of Senior Corporation's April 7, 1987 permit modification, which eliminated approximately 400 acres of proposed wetland rockplowing to which EPA had objected, this 404(c) action addresses only the remaining approximate 312 acres of rockplowing still pending before the Corps of Engineers. On August 3, 1987, the Jacksonville Corps issued a permit to Senior Corp. authorizing 307 acres of rockplowing in wetland areas which were not opposed for rockplowing by EPA and FWS and which are not subject to the current 404(c) action.

Following his review of responses from the owners of the three sites, the Regional Administrator was not persuaded that there would be no unacceptable adverse effects from proposed or anticipated rockplowing at the three sites subject to this proposed 404(c) determination.

**FOR FURTHER INFORMATION CONTACT:**  
E.T. Heinen, Chief, Marine and Estuarine Branch, Water Management Division, Environmental Protection Agency, 345 Courtland, Street, NE., Atlanta, Georgia 30365, (404) 347-2126.

Date: October 5, 1987.

Lee A. DeHihns, III,  
Acting Regional Administrator.

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BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### Formation of Advisory Committee on Advanced Television Service and Announcement of First Meeting

The Federal Communications Commission has established an advisory committee to assist the Commission in considering the issues surrounding the introduction of advanced television service in the United States. The committee is expected to advise the Commission on the facts and circumstances regarding advanced television systems and to recommend policies, standards, and regulations that could accommodate the orderly and timely introduction of advanced television service. The charter for the committee is attached.

The first meeting of the Advisory Committee on Advanced Television Service will be held on November 17, 1987, in the Commission Meeting Room, Room 856, 1919 M Street, N.W., Washington, D.C. The meeting will start at 2:00 P.M. All interested parties are invited to attend.

The agenda for the first meeting will consist of:

1. FCC Chairman's Remarks;
2. Administrative Matters;
3. Committee Charter;
4. Committee Work Plan—  
Proposed Schedule  
Discussion and Approval;
5. Designation of Subsequent Meetings;
6. Concluding Remarks.

Any questions regarding this meeting should be directed to Mr. William Hassinger at (202) 632-6460 or Mr. Victor Tawil at (202) 653-8162.

#### Charter for Advisory Committee on Advanced Television Service

##### A. The Committee's Official Designation Advisory Committee on Advanced Television Service

The Advisory Committee will have no more than twenty-five members and will function as a Parent Committee. These members will be chosen by the Commission so as to obtain diverse and representative viewpoints. The Advisory committee Chairman will direct the activities of the Committee and Subcommittees and will receive guidance, advice and instructions from the Chairman of the Federal Communications Commission.

##### B. Name of Subcommittee(s)

Three Subcommittees: Planning Subcommittee, Systems Subcommittee, Implementation Subcommittee.