Discussion

1. Plowing in wetlands is exempt from regulation consistent with the following circumstances:

a. It is conducted as part of an ongoing, established agricultural, silvicultural or ranching operation; and

b. The plowing is not incidental to an activity that results in the immediate or gradual conversion of wetlands to non-waters.

c. The plowing is not incidental to an activity that results in the immediate or gradual conversion of wetlands to non-waters.

2. Deep-ripping and related activities are distinguishable from plowing and similar practices (*e.g.,* discing, harrowing) with regard to the purposes and circumstances under which it is conducted, the nature of the equipment that is used, and its effect, including in particular the impacts to the hydrology of the site.

a. Deep-ripping and related activities are commonly conducted to depths exceeding 16 inches, and as deep as 6–8 feet below the soil surface to break restrictive soil layers and improve water drainage at sites that have not supported deeper rooting crops. Plowing depths, according to USDA, rarely exceed one foot into the soil and not deeper than 16 inches without the use of special equipment involving special circumstances. As such, deep-ripping and related activities typically involve the use of special equipment, including heavy mechanized equipment and bulldozers, equipped with elongated ripping blades, shanks, or chisels often several feet in length. Moreover, while plowing is generally associated with ongoing operations, deep-ripping and related activities are typically conducted to prepare a site for establishing crops not previously planted at the site. Although deep-ripping may have to be redone at regular intervals in some circumstances to maintain proper soil drainage, the activity is typically not an annual or routine practice.

b. Frequently, deep-ripping and related activities are conducted as a preliminary step for converting a ''natural'' system or for preparing rangeland for a new use such as farming or silviculture. In those instances, deep ripping and related activities are often required to break up naturally-occurring impermeable or slowly permeable subsurface soil layers to facilitate proper root growth. For example, for certain depressional wetlands types such as vernal pools, the silica-cemented hardpan (durapan) or other restrictive layer traps precipitation and seasonal runoff creating ponding and saturation conditions at the soil surface. The presence of these impermeable or slowly permeable subsoil layers is essential to support the hydrology of the system. Once these layers are disturbed by activities such as deep-ripping, the hydrology of the system is disturbed and the wetland is often destroyed.

c. In contrast, there are other circumstances where activities such as deep-ripping and related activities are a standard practice of an established on-going farming operation. For example, in parts of the Southeast, where there are deep soils having a high clay content, mechanized farming practices can lead to the compaction of the soil below the sod surface. It may be necessary to break up, on a regular although not annual basis, these restrictive layers in order to allow for normal root development and infiltration. Such activities may require special equipment and can sometimes occur to depths greater than 16 inches. However, because of particular physical conditions, including the presence of a water table at or near the surface for part of the growing season, the activity typically does not have the effect of impairing the hydrology of the system or otherwise altering the wetland characteristics of the site.

Conclusion

1. When deep-ripping and related activities are undertaken as part of an established ongoing agricultural silvicultural or ranching operation, to break up compacted soil layers and where the hydrology of the site will not be altered such that it would result in conversion of waters of the U.S. to upland, such activities are exempt under Section 404(f)(1)(A).

2. Deep-ripping and related activities in wetlands are not part of a normal ongoing activity, and therefore not exempt, when such practices are conducted in association with efforts to establish for the first time (or when a previously established operation was abandoned) an agricultural silvicultural or ranching operation. In addition, deep-ripping and related activities are not exempt in circumstances where such practices would trigger the ''recapture'' provision of Section 404(f)(2):

(a) Deep-ripping to establish a farming operation at a site where a ranching or forestry operation was in place is a change in use of such a site. Deep-ripping and related activities that also have the effect of altering or removing the wetland hydrology of the site would trigger Section 404(f)(2) and such ripping would require a permit.

(b) Deep-ripping a site that has the effect of converting wetlands to non-waters would also trigger Section 404(f)(2) and such ripping would require a permit.

3. It is the agencies' experience that certain wetland types are particularly vulnerable to hydrological alteration as a result of deep-ripping and related activities. Depressional wetland systems such as prairie potholes, vernal pools and playas whose hydrology is critically dependent upon the presence of an impermeable or slowly permeable subsoil layer are particularly sensitive to disturbance or alteration of this subsoil layer. Based upon this experience, the agencies have concluded that, as a general matter, deep-ripping and similar practices, consistent with the descriptions above, conducted in prairie potholes, vernal pools, playas, and similar depressional wetlands destroy the hydrological integrity of these wetlands. In these circumstances, deep-ripping in prairie potholes, vernal pools, and playas is recaptured under Section 404(f)(2) and requires a permit under the Clean Water Act.

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DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Proposed Information Collection; Headquarters, U.S. Marine Corps

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Headquarters, U.S. Marine Corps announces a proposed extension of an approved public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) The accuracy of the agency's estimate of the burden of the proposed information collection; (c) Ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 8, 2000.

ADDRESSES: Send written comments and recommendations on the proposed information collection to Marine Corps Recruiting Command, Code M3280, Russell Road, Quantico, VA 22134.

FOR FURTHER INFORMATION CONTACT: To request additional information or to obtain a copy of the proposal and associated collection instruments, contact Major Andrew Fortunato at (703) 784–9433.

SUPPLEMENTARY INFORMATION:

Form Title and OMB Number: Marine Corps Advertising Awareness and Attitude Tracking Study; OMB Control Number 0704–0155.

Needs and Uses: The Marine Corps Advertising Awareness and Attitude Tracking Study is used by the Marine Corps to measure the effectiveness of current advertising campaigns. This information is also used to plan future advertising campaigns.

Affected Public: Individuals or households.

Annual Burden Hours: 980.

Number of Respondents: 1,400.

Responses per Respondent: 2.

Average Burden per Response: 21 minutes.

Frequency: Semi-annually.

(Authority: 44 U.S.C. Sec. 3506(c)(2)(A))

Dated: February 29, 2000.

J. L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–5702 Filed 3–8–00; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Naval Air Station Alameda, California, and the Fleet and Industrial Supply Center Oakland's Alameda Annex and Facility, Alameda, CA

SUMMARY: The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C) (1994), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR parts 1500–1508, hereby announces its decision to dispose of Naval Air Station (NAS) Alameda and the Fleet and Industrial Supply Center Oakland's Alameda Annex and Facility (Alameda Annex), which are located in Alameda, California.

Navy analyzed the impacts of the disposal and reuse of NAS Alameda and the Alameda Annex in an Environmental Impact Statement (EIS) as required by NEPA. The EIS analyzed four reuse alternatives and identified the NAS Alameda Community Reuse Plan (Reuse Plan), adopted by the Alameda Reuse and Redevelopment Authority (ARRA) on September 3, 1997, and described in the EIS as the Reuse Plan Alternative, as the Preferred Alternative.

The Preferred Alternative proposed to use NAS Alameda and the Alameda Annex for residential, educational, industrial and commercial activities and to develop parks and recreational areas. The Alameda Reuse and Redevelopment Authority is the Local Redevelopment Authority (LRA) for NAS Alameda. Department of Defense rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR § 176.20(a).

Navy intends to dispose of NAS Alameda in a manner that is consistent with the Reuse Plan. Navy has determined that the mixed land use proposed for NAS Alameda will meet the goals of achieving local economic redevelopment, creating new jobs, and providing additional housing, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property.

Navy plans to dispose of the Alameda Annex under the authority of Section 2834(b) of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484, as amended by Section 2833 of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103–160, Section 2821 of the National Defense Authorization Act for Fiscal Year 1995, Public Law 103–337, and Section 2867 of the National Defense Authorization Act for Fiscal Year 1996, Public Law 104–106. Section 2687 of Public Law 104–106 authorizes the Secretary of the Navy to convey property associated with the Fleet and Industrial Supply Center at Oakland to the City of Alameda.

This Record Of Decision does not mandate a specific mix of land uses. Rather, it leaves selection of the particular means to achieve the proposed redevelopment to the acquiring entities and the local zoning authority.

Background

Under the authority of the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101–510, 10 U.S.C. 2687 note (1994), the 1993 Defense Base Closure and Realignment Commission recommended the closure of Naval Air Station Alameda. This recommendation was approved by President Clinton and accepted by the One Hundred Third Congress in 1993. The Naval Air Station closed on April 30, 1997.

Nearly all of NAS Alameda is located in the City of Alameda. The southwest corner of the property is located in the City of San Francisco. The Air Station is bounded on the north by the Oakland Inner Harbor; on the east by the City of Alameda and the Alameda Annex; and on the south and west by San Francisco Bay. The Navy property covers about 2,515 acres, of which 960 acres are submerged. Navy controls an additional 159 acres (of which 154 acres are submerged) by way of a lease with the City of Alameda. Navy also controls about two acres by way of easements for utilities.

Under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, 10 U.S.C. 2687 note (1994), the 1995 Defense Base Closure and Realignment Commission recommended the closure of fleet and Industrial Supply Center (FISC) Oakland. The Alameda Annex and Facility were part of the Navy supply complex at FISC Oakland. This recommendation was approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995. The Alameda Annex closed on September 30, 1998.

Because the Alameda Annex was part of the FISC Oakland property, Section 2867 of Public Law 104–106 authorizes Navy to convey the Annex property to the City of Alameda. This authority is independent of the Defense Base Closure and Realignment Act of 1990 as well as the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484 (1994), and its implementing regulations, the Federal Property Management Regulations, 41 CFR part 101–47.

The Alameda Annex is located adjacent to and east of NAS Alameda and is situated within the boundaries of the City of Alameda. The Alameda Annex property is bounded on the north by the Oakland Inner Harbor; on the east and south by the City of Alameda; and on the south and west by NAS Alameda. This Navy property covers about 147 acres, of which six acres are submerged.