implemented. However, it is the continuing responsibility of the initiating office to monitor all aspects of the project activities to insure that all requirements relating to minimization, preservation, and restoration will be observed if the proposed action will result in floodplain or wetland impacts. All proposed actions will be coordinated with the Division of Mineral Land Assessment.

6. *Documentation and Circulation.* Each Division will be responsible for case-by-case documentation of specific analysis of actions covered by EO 11988 and EO 11990 and for maintaining current records for reporting purposes.

For proposed actions having national significance or impact, a notice will be published in the **Federal Register** with sufficient time allowed for public review and comment. For proposed actions affecting areas of lesser geographic coverage, other public information methods such as news releases, newsletters, or public meetings will be used to inform the interested public.

Actions requiring preparation of environmental impact statements or environmental assessments will be coordinated with the Division of Planning, Office of Program Development and Evaluation. To assure interagency coordination, NEPA documents and decision statements concerning floodplains and wetlands will be circulated to the following agencies: EPA, FEMA, USGS, FWS, CE, SCS, WPRS, and State water resources agencies.

[FR 80-23924 Filed 8-7-80; 8:45 am]
BILLING CODE 4310-53-M

Office of the Secretary

Central Arizona Project, Arizona; Proposed Allocations of Project Water to Indian Tribes

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of proposed water allocations.

SUMMARY: The purpose of this action is to propose the allocation of Central Arizona Project (CAP) water to Indian tribes. This notice proposes that 309,810 acre-feet of water be allocated to Indian reservations, with the stipulation that in times of shortages, the Indian supply would be reduced on a proportional basis with the municipal and industrial (M&I) supply. This proportion would be determined according to the amount of water used by each of the two classes in the most recent year in which a full supply was available for both classes. This action proposes to adjust allocations made previously by the Department.

DATES: All comments and material relevant to these proposals received before October 7, 1980 will be considered. Additionally, the Department will conduct public hearings on the proposed allocations in Arizona during the month of September. The dates and places of these hearings, once set, will be published in newspapers of general circulation in Arizona and in the **Federal Register.**

ADDRESSES: Interested persons may submit written comments, suggestions or objections regarding these proposed allocations to the Associate Solicitor for Energy and Resources, Department of the Interior, Washington, D.C. 20240. An administrative record of the data relied upon in making these proposed allocations will be available for inspection at the following locations: Arizona Projects Office, Water and Power Resources Service, Suite 2200, Valley Center, 201 North Central Avenue, Phoenix, Arizona 85073, Telephone (602) 261-3106 and Office of the Field Solicitor, U.S. Department of the Interior, Suite 2080, Valley Center, 201 North Central Avenue, Phoenix, Arizona 85073, Telephone (602) 261-4756. This administrative record can be inspected by the public during regular business hours, and arrangements can be made to have specified portions copied upon payment of reasonable charges.

FOR FURTHER INFORMATION CONTACT: Steve Lanich, Office of the Assistant Secretary, Land and Water Resources, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-4931.

Authority and Purpose for Allocations

I take this action in recognition of my trust responsibilities to the Indians, and pursuant to the authority vested in the Secretary of the Interior by the Act of June 17, 1902, as amended, (32 Stat. 388, 43 U.S.C. 391) and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501). In making these tentative decisions, I have carefully considered many interrelated factors. I have met on many occasions both in Washington and in Arizona with representatives of the central Arizona tribes, with other potential users of CAP water, and with Governor Bruce Babbitt and members of the Arizona Congressional delegation. Also, I have reviewed at length the voluminous data which this Department has compiled over many years in regard to the CAP.

In these proposals, I have adjusted the water-use priorities and allocation of water to Indians announced by Acting Secretary of the Interior, Kent Frizzell, on October 12, 1976. 40 FR 45883. I am proposing these adjustments to correct certain omissions in the 1976 notice and to accommodate certain supervening conditions.

Among the factors which have prompted me to propose these adjustments are the following:

(1) The 1976 allocations did not provide project water to all the Indian tribes which could reasonably benefit from the project. For example, the San Carlos Apache Tribe, which was mentioned specifically in the legislative history of the project as an intended recipient of project water, did not receive any allocation.

(2) Subsequent to the 1976 decision, Congress committed the United States Government to provide the Ak-Chin lands with a permanent water supply. Additionally, U.S. Congressman Morris Udall has introduced a bill, H.R. 7640, which would similarly provide permanent water for lands of the Papago Tribe.

(3) President Carter, in his Water Policy Message to Congress of June 6, 1978, recognized that Indian reservations are intended to be maintained as permanent tribal homelands. In an arid region such as central Arizona, a relatively dependable long-term water supply is critical if these homelands are to exist.

(4) Also in his June 6, 1978 message, the President announced his Administration's intent to settle Indian water claims through negotiation, wherever possible. Several water claims are now being litigated in Arizona and others are likely to be filed. On several occasions, I have stated that, pursuant to the President's policy, CAP water will be used in the settlement of outstanding claims, where possible.

Beside the factors listed above, there is another important reason for my proposed adjustment of the 1976 allocations. Under that proposal, Indian irrigation water would have been reduced drastically after the year 2005. From 257,000 acre feet per year in the first 20 years of the project, it would be decreased in the later years of the project to either 10 percent of the project supply or 20 percent of the agricultural supply, whichever was to the tribes' advantage. It is my opinion that this abrupt reduction in Indian supply is unfair to the Indians. Under the post-2005 formula used in the 1976 allocations, the economic growth permitted on the reservations in the early years of CAP operation would be only temporary, and both the Government and the tribes would be faced with the costs of a return to

depressed economic conditions. Therefore, I have tried to assure the tribes of a more dependable supply of water throughout the life of the project.

Projected Water Supply

Before describing the procedures used to determine the allocations set forth below, I will point out certain hydrologically related aspects of the CAP. This is arid country with a limited supply of surface and groundwater, and many agricultural and M&I water users rely exclusively on groundwater. This dependence has been so great that the groundwater table has been dropping at an alarming rate. The Arizona Water Commission has estimated that the annual overdraft in the three counties of Maricopa, Pinal and Pima is 1.8 million acre feet. In response to this problem, the Arizona State Legislature, on June 11, 1980, enacted the Ground Water Management Act of 1980. This law is far-reaching and should help alleviate this serious drawdown of groundwater reserves. I commend the Governor, the Legislature, and the Arizona Groundwater Management Study Commission for their serious and sustained efforts to improve the management of Arizona's limited water reso[illegible]

De[illegible] the virtues of this new law, however, no one expects it to "solve" Arizona's water problems; nor should anyone expect the CAP to work miracles. What the CAP will do is this: It will alleviate to some extent the agricultural drain on the groundwater supply in the early years of the project, and it will provide a supply of municipal and industrial water on a permanent basis.

In making my proposals, I have studied data prepared by the Arizona Water Commission (AWC) and by the Water and Power Resources Service. Both reports estimate the total CAP supply based on assumptions relating to the hydrology of the Colorado River Basin, local runoff, the way in which the mainstem Colorado River reservoirs are operated, the rate at which the Upper Basin states develop their supplies, and a variety of other factors. But while they are in general agreement as to the various factors involved in these calculations, the two reports make different predictions.

Based on its assumptions, the Water and Power Resources Service (WPRS) has projected that the minimum amount of Colorado River water available for diversion into the CAP during the most critical drought years will be 400,000 acre-feet. Due to losses, less than that, perhaps as little as 300,000 acre-feet, would be *delivered* to users during drought years, according to WPRS.

However, the Executive Director of the Arizona Water Commission (now the Department of Water Resources) has referred to his agency's CAP projection of 550,000 acre-feet of supply for diversion in drought years and 500,000 acre-feet for actual delivery as "quite conservative." The AWC conclusion relies on the assumption that the rate of development in the Upper Colorado River Basin will be slower than that predicted by WPRS, and on different assumptions regarding the operation of Hoover Dam.

From these numbers, the disagreement between the two agencies is obvious. For the purpose of this decision, however, I am accepting neither of these projections as definitive. My proposed allocations do not reduce the tribal amounts after 2005 as did the 1976 allocations. Instead, my proposed allocations rely on the concept of a "shared priority" between Indian users and municipal and industrial users throughout the life of the project. This concept, which is discussed in more detail below, provides that these two classes of users will suffer together and proportionally in shortage years.

Although it is important to all parties involved to have accurate forecasts of Colorado River water supplies, these projections are not as important to my allocation proposals—because of the shared priority concept—as they were to Acting Secretary Frizzell's. At this point, since only time will tell which agency made better predictions about the future, I have found it useful to consider both reports in calculating the possible long-term ramifications of various allocation scenarios.

Indian Allocations

I have considered 14 reservations for allocations of CAP water. (I should explain and emphasize what I mean by an "allocation." It is an offer to contract for CAP water. By no means does the allocation, by itself, commit the Department to deliver water to the various potential users to whom water is allocated. In all cases, contracts or subcontracts must be made and executed with the Secretary of the Interior as a party to them. It is only through the contracting process that water is firmly committed to the users.) I have tried to consider the particular and unique circumstances surrounding each tribe in making my tentative decisions. I have found that there is no single formula to be used in determining the allocations of all the tribes.

I first considered the five reservations allocated water in 1976. These reservations are the Ak-Chin, Gila River, Salt River, Papago (Chuichu) and Fort McDowell. The rationale used in making those allocations is explained in detail in the 1976 **Federal Register** notice. The procedure is this:

(1) The total acreage of presently developed lands on each reservation is determined.

(2) The total water requirement for each reservation is computed on the basis of a water duty of 4.59 acre-feet per acre.

(3) The number of acre-feet of non-project surface and groundwater available to each reservation is estimated.

(4) The number of acre-feet of project water required for each reservation is then obtained by subtracting the available surface and groundwater from the total water requirement.

(5) The number of acre-feet to be delivered to each tribe at the turnout points on the project canals is the amount as determined in #4 multiplied by 1.176 (which is the same as dividing by 0.85) to allow for a 15 percent loss in the distribution systems from the amount delivered canalside.

On the basis of this formula, the following allocations were made: Ak-Chin, 58,300 acre-feet; Gila River, 173,100 acre-feet; Salt River, 13,300 acre-feet; and Papago (Chuichu) 8,000 acre-feet.

In the case of the Fort McDowell tribe, it was found that the tribe had an adequate supply of water to satisfy all of its present farm requirements. However, 4,300 acre-feet were allocated to the tribe to irrigate new in-lieu lands which the tribe may receive pursuant to § 302 of the Colorado River Basin Project Act. This allocation was supported by the four other tribes.

I propose to affirm the 1976 allocations to these reservations with the stipulation, however, that they will not be reduced in the year 2005 as previously proposed.

In 1976, no allocation was made to the Camp Verde Reservation. On the basis of the formula described above, I am proposing to allocate 1,200 acre-feet of water to Camp Verde to be used on its 200 presently developed acres.

The San Carlos Tribe also did not receive an allocation, despite its eligibility for one. San Carlos presently has 1,800 developed acres. Using the above formula, the tribe would receive a gross allocation of 8,700 acre-feet, reduced by 6,000 acre-feet of available surface water, for a net allocation of 2,700 acre-feet. Additionally, I have decided that the San Carlos Reservation, because of its mountainous terrain, is in need of a supplemental

allocation to sustain it as a permanent tribal homeland. I have decided this supplemental allocation should be 10,000 acre-feet, bringing the total net CAP allocation to San Carlos to 12,700 acre-feet.

Four reservations of the Papago Tribe—San Xavier, Schuk Taok, Chuichu, and Gila Bend—have applied for an allocation of water. These reservations are the subject of H.R. 7640, which would direct the Secretary of the Interior to provide 180,000 acre-feet of "firm supplies" of water to them. My tentative allocation to Chuichu is described above. With respect to San Xavier and Schuk Toak, I have tentatively provided them with the minimum water supply needed to create an economic farming unit. For the San Xavier Tribe this is 27,000 acre-feet and for Schuk Toak, it is 10,800 acre-feet. The Gila Bend Reservation poses a different problem. This reservation is upstream of the Painted Rock Dam and virtually all irrigable lands are subject to extensive flooding. At this time, I have decided not to make a proposed allocation of water to Gila Bend; however, I invite the tribe to make its arguments as to the practicability of a CAP allocation during the public comment period.

The White Mountain Apache Tribe has asked that I not allocate any CAP water to it. I have complied with its request.

Finally, there are three small reservations within the project area to which I intend to make allocations. Two of these tribes, the Pascua Yaqui and the Tonto Apache, were recognized subsequent to the passing of the CAP authorizing legislation. The third, the Yavapai, was established prior to 1968, but was not allocated any water in 1976. My allocations to these three tribes will provide them with the minimum supply of water needed to maintain their reservations as tribal homelands. My tentative allocations are: 500 acre-feet to the Pascua Yaqui, 110 acre-feet to the Tonto Apache, and 500 acre-feet to the Yavapai.

As in the 1976 decisions, the allocations to AK-Chin, Gila River, Salt River, Fort McDowell, Chuichu, Camp Verde and 2,700 acre-feet of the San Carlos allocation are limited to irrigation uses on the reservation, except to the extent modified by the *Winters* rights discussion below.

The full allocation to San Xavier, Schuk Toak, Pascua Yaqui, Tonto Apache, and Yavapai and 10,000 acre-feet of the San Carlos allocation may be used for domestic, irrigation and M&I purposes, consistent with the purpose of maintaining tribal homelands. All of these allocations are also limited to uses on the reservations, except to the extent modified below.

Priority of Use in Times of Shortage

While the non-Indian agricultural supply of water will vary from year to year, even under pessimistic projections of water supply, Indian agricultural users and M&I users will receive their full allocations of water in most years. However, it is likely that there will be some years, probably after the turn of the century, in which there will not be enough water to satisfy Indian and M&I users completely.

It is my proposal that in these shortage years, Indian users and M&I users will *share* a first priority on water

Under this concept, the scheme for reducing water deliveries in times of shortage will work this way: First, miscellaneous uses would be reduced pro rata until exhausted; next, non-Indian agricultural uses would be reduced in the same way until exhausted; thereafter, water for Indian and M&I uses would be reduced on a proportional basis, and within each class on a pro rata basis. The proportional basis between these two classes would be fixed as a ratio of the amount of water used by each class in the most recent year in which a full supply was available for both classes. (A year of "full supply" is one in which the total amounts of water specified in the M&I subcontracts and the Indian contracts are delivered). For instance, if in the last year of full supply preceding a shortage year, 500,000 acre-feet were used by M&I users and 300,000 acre-feet were used by the tribes, the water in the shortage year would be reduced between the two classes on a 5 to 3 basis, i.e., if only 500,000 acre-feet of water can be delivered in the shortage year, M&I users would receive 312,500 acre-feet and Indian users would receive 187,500 acre-feet.

The pro rata diminution within each class will be based on the actual use of water in the most recent year in which a full supply was available to the class.

Under the shared priority, the tribes should receive a relatively dependable supply of water *throughout* the life of the project. In the later years of the project, as non-Indian agricultural water becomes converted to M&I uses, the ratio will change in favor of M&I use. However, I believe that the Indian supply will be more dependable than provided by the 1976 scheme.

Possible Substitution of Non-CAP Water

By improving the Indian supply in the later project years, it is apparent that the position of the M&I users will be less favorable than under the 1976 notice. In an effort to make the M&I supply as dependable as possible, I intend to act upon suggestions by Governor Babbitt and his staff to consider the potential use of effluent water to "firm up" Indian supplies, thereby freeing more water for M&I use in shortage years.

I propose that contracts for tribal allocations and the subcontracts for M&I water contain terms which will allow the substitution of non-CAP water for Indian CAP allocations.

The general criteria for substitution will include:

(1) The suitability of the substitute water will be determined by the Secretary on stated criteria: (a) that the delivery facilities are equivalent to CAP facilities, (b) that the supply is available in comparable quantities at the time and place of need, (c) that the quality of the water meets all regulatory requirements, and (d) that the water is suitable for the beneficial use to which it is to be put;

(2) All costs of substitution will be borne by the Central Arizona Water Conservation District or by the subcontractor securing the benefit of CAP water by substitution (however, this requirement will not preclude the use of Environmental Protection Agency grants, or non-federal financial assistance, to deliver effluent water to the reservations);

(3) Any favorable cost differential for delivered water in any substitution plan must inure to the benefit of the tribes or the U.S. Government; and

(4) Negotiations for the proposed substitution of supply will be between the tribe and the party offering water. Under procedures to be developed by the Department, the Secretary will reserve the authority to approve a substitution if it is determined that tribal agreement is being withheld unreasonably.

It appears to me that there are at least two reservations on which effluent substitution could work—the Gila River and the Salt River, both in the Phoenix metropolitan area. The Phoenix area cities have reported to this Department that they are willing to discuss possible effluent substitution plans with us. They also pointed out that this is a particularly propitious time for such discussions, as they are currently considering where to build proposed waste-water treatment facilities.

No doubt, there are substantial legal, technical, and physical aspects of this concept to be worked out. But there is also no doubt that if appropriate use is made of the effluent, shortages will fall less severely on all users served by the Central Arizona Project.

Also, in an effort to identify more water which could be made available to mitigate the adverse effects of shortage years, I have directed the Assistant Secretary for Land and Water Resources to review whether operating criteria for lower-basin Colorado reservoirs permit, or could be modified to permit, the use of additional water for CAP purposes.

Credits Against Winters Rights

These proposed allocations to the tribes will be credited against the reservations' *Winters* rights, as and when finally adjudicated. This stipulation will be included in the contracts with the tribes for these allocated supplies.

To the extent that a CAP allocation is credited against finally adjudicated *Winters* rights, the reservation being so credited will be able to use such water in any manner and for any uses permitted under its *Winters* rights, as finally adjudicated.

In this context it should be added that the allocation of CAP water to the tribes will not constitute a taking, either directly or by implication, of any water rights of the tribes; nor will it constitute the Department's opinion as to the legal rights of these tribes.

Po[illegible] Additional Water for the Tribes

[illegible]pt as specifically provided in the above proposed allocations, the tribal allocations are limited to irrigation uses on the reservations. The tribes, however, are not precluded from contracting for project M&I water just as any other entity in central Arizona may so contract. As long as such water has not been contracted to other users, such contracts may be made through the Secretary of the Interior. If the tribes do decide to contract for this M&I water, they should be prepared to execute a contract at the same time as other M&I users contract with the CAWCD and the Secretary.

In a related matter, the asserted needs for tribal irrigation water exceed the proposed allocations. It is my view that tribal irrigation requests above and beyond these proposed allocations should be treated in the same way as requests from other seeking irrigation water.

Non-Indian Water Use

In 1976, the Arizona Water Commission, now the Department of Water Resources, recommended water allocations for non-Indian M&I and agricultural users. In the four years since the recommendations various conditions have changed, including the proposed increased tribal allocation contained herein, and increased estimates of the potential cost of CAP water.

In light of these changed circumstances, I have asked the DWR to revise its original recommendations for both M&I and agricultural use. I have requested that these recommendations be made by the close of the comment period on this notice.

Compliance With the National Environmental Policy Act of 1969

The Bureau of Reclamation (now the Water and Power Resources Service) prepared an environmental assessment of the Indian allocations of CAP water as proposed on April 18, 1975. 40 FR 17927. The Bureau concluded in that assessment, dated June 4, 1976, that the proposed allocations did not significantly affect the quality of the human environment. The Solicitor reviewed the assessment and the negative determination and found them to be legally sufficient.

Since the preparation of that assessment, several other reports evaluating the potential environmental effects of CAP allocations have been written. These include:

An environmental assessment of the AWC-recommended M&I allocations (March, 1979);

A two-part conceptual and technical assumptions review of the AWC recommendations (November 9, 1979 and December 31, 1979);

A supplemental environmental assessment analyzing the potential M&I users rejected by the AWC (December, 1979);

A report on potential water use by non-Indian agriculture as recommended by the AWC (December, 1979).

These materials have been reviewed and considered in making the proposals contained herein. During the comment period, these reports will be considered further, as will any comments received from the public in regard to the potential environmental effects of these proposals.

Effect on Previous Decisions

My final decisions on the proposals contained herein will supersede the decisions published by Acting Secretary Frizzell on October 15, 1976 and by Secretary Morton on December 15, 1972, 37 FR 2802; and insofar as those decisions are inconsistent with my final decisions, they will be rescinded.

Dated: August 5, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80-23876 Filed 8-7-80; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 80-18774, appearing at page 42051 in the issue for Monday, June 23, 1980, make the following correction:

On page 42087, in the first column, in the paragraph beginning "MC 29910 (Sub-5-26TA)" filed by Arkansas-Best Freight System, Inc., in the 18th line, "New Hwy 8" should read "New LA Hwy 8".

BILLING CODE 1505-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524 (b).

1. Parent corporation and address of principal office:

Alma Desk Company, P.O. Box 2250, 1301 Lincoln Drive, High Point, North Carolina 27261.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices.

(a) Custom Face Veneers, Inc., P.O. Box 1107, 2315 E. Kivett Drive, High Point, N.C. 27261.
(b) Dimension & Plywood, Inc., P.O. Box 586, 2315 E. Kivett Drive, High Point, N.C. 27261.
(c) Innerpack of Carolina, Inc., P.O. Box 242, 2315 E. Kivett Drive, High Point, N.C. 27261.
(d) Metal Stamping Works, Inc., P.O. Box 2002, 918 West Kivett Drive, High Point, N.C. 27261.

1. Parent corporation and address of principal office:

Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their principal offices: (See Attachment "A".)

Alcoa Steamship Company, Inc., One World Trade Center, Suite 8151, New York, NY 10048.
REA Magnet Wire Company, Inc., 3600 East Pontiac Street, Fort Wayne, IN 46896.
Tifton Aluminum Company, Inc., P.O. Box 88, Tifton, GA 31794.
H C Products Co., P.O. Box 68, Princeville, IL 61559.
Buckeye Molding Company, 49 Second Street, New Vienna, OH 45159.
Wear-Ever Aluminum, Inc., Box 459, Chillicothe, OH 45601.
Northwest Alloys, Inc., P.O. Box 115, Addy, WA 99101.
Lincoln Manufacturing Company, Inc., P.O. Box 1229, Ft. Wayne, IN 46801.