

**DEPARTMENT OF DEFENSE****Department of the Army, Corps of Engineers****Intent To Prepare an Environmental Impact Statement To Consider Policies, Guidance, and Processes To Minimize the Environmental Impacts of Mountaintop Mining and Valley Fills in the Appalachian Coalfields**

**AGENCIES:** Army Corps of Engineers, DoD.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**PURPOSE:** The U.S. Army Corps of Engineers (Corps), U.S. Environmental Protection Agency (EPA), Office of Surface Mining (OSM), and U.S. Fish and Wildlife Service (FWS), in accordance with section 102(2)(c) of the National Environmental Policy Act, with the State of West Virginia, will prepare an Environmental Impact Statement (EIS) on a proposal to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to fish and wildlife resources from mountaintop mining operations, and to environmental resources that could be affected by the size and location of fill material in valley fill sites.

**DATES:** The agencies invite comments and suggestions on the scope of the analysis, including the regulatory issues and significant environmental effects to be addressed in the EIS. Written comments from the public regarding the environmental and regulatory issues and alternatives to be addressed in the EIS should be received in writing by March 31, 1999. The agencies will hold public meetings on February 23, 1999, in Summersville, West Virginia; February 24, 1999, in Charleston, West Virginia; and February 25, 1999, in Logan, West Virginia, to receive public input, either verbal or written, on relevant environmental and regulatory issues that should be addressed in the EIS. The locations and starting times of the public meetings are as follows: in Summersville, the meeting will be held at the Nicholas County Veteran's Memorial Park beginning at 6:30 p.m.; in Charleston, the meeting will be held at the rotunda at Riggleman Hall, University of Charleston in the afternoon from 2 to 4 p.m. and in the evening beginning at 6:30 p.m.; and in Logan, the meeting will be held at the Chief Logan State Park beginning at 6:30 p.m. Other public meetings may also be

held and will be announced at a later date.

**ADDRESSES:** Send written comments and suggestions concerning this proposal to William Hoffman, Environmental Protection Agency, 3ES30, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029; e-mail address, hoffman.william@epamail.epa.gov; telephone: 215-814-2995. Requests to be placed on the mailing list should also be sent to this address.

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and EIS are to be directed to William Hoffman, Environmental Protection Agency, 215-814-2995. Coordinators for each of the Federal and State agencies are as follows:

William Hoffman, U.S. Environmental Protection Agency, 215-814-2995  
David G. Hartos, Office of Surface Mining, 412-937-2909  
Andy Gallagher, WV Division of Environmental Protection, 304-759-0515  
Michael D. Gheen, U.S. Army Corps of Engineers, 304-529-5487  
David Densmore, U.S. Fish and Wildlife Service, 814-234-4090

**SUPPLEMENTARY INFORMATION:** The agencies undertaking preparation of this voluntary EIS implement Federal and State laws with which mountaintop mining operations and associated discharges to waters of the United States must comply. OSM is responsible for national administration of the Surface Mining Control and Reclamation Act (SMCRA); it has delegated the authority for the SMCRA programs for surface mining operations in West Virginia to the State of West Virginia. Other Appalachian coalfield states (except Tennessee) also implement delegated SMCRA authority. Discharge of fill material into United States waters is regulated under section 404 of the Clean Water Act, with permit responsibility administered by the Corps and applicable 404 regulations issued by the Corps and EPA. Other discharges to United States waters are subject to section 402 of the Clean Water Act, which is administered nationally by EPA with authority for the program delegated to West Virginia and other Appalachian coalfield States. Mountaintop mining operations must also comply with the Endangered Species Act, which is administered by FWS. In addition, the Fish and Wildlife Coordination Act (FWCA) pertains to federally-permitted, constructed, or licensed water development projects and land development projects that affect any water body. Whenever OSM, Corps, or EPA authorize an action

within the scope of the FWCA, they are required to consult with the FWS, and similar State agencies, to obtain recommendations on ways to mitigate adverse effects on fish and wildlife resources.

The number of mountaintop mining operations that utilize valley fills, as well as the scale of individual operations, have increased in recent years in West Virginia. This EIS will evaluate significant environmental impacts associated with these operations on water quality, streams, aquatic and terrestrial habitat, habitat fragmentation, the hydrological balance, and other individual and cumulative effects. Federal and state agencies are increasingly concerned over the lack of comprehensive data regarding valley fill operations, and have initiated a number of studies to address these data gaps. Accurately describing and quantifying the extent and nature of direct, secondary, and cumulative impacts related to valley fills and associated mining practices is difficult.

This EIS will complement recent efforts to address the issues of mountaintop mining and valley fills. The OSM recently completed and issued a draft oversight report entitled "An Evaluation of Approximate Original Contour and Postmining Land Use in West Virginia". During 1998, the Governor of West Virginia established a Governor's Task Force, which held public inquiries and evaluated the impacts of mountaintop mining operations on the economy, the environment, and the people of that State. Its report was issued in December 1998.

To address the concerns about mountaintop mining and valley fills, the agencies will consider potential revisions to relevant regulations, policies, and guidance that would minimize the potential for adverse individual and cumulative impacts of mining operations. The EIS will provide information that will help the agencies improve the permitting process to protect water quality and minimize impacts to other environmental resources. The EIS will also examine how regulations of the agencies can be better coordinated. The EIS may consider information on the following: The cumulative environmental impacts of mountaintop mining; the efficacy of stream restoration; the viability of reclaimed streams compared to natural waters; the impact that filled valleys have on aquatic life, wildlife and nearby residents; biological and habitat analyses that should be done before mining begins; practicable alternatives for in-stream placement of excess

overburden; measures to minimize stream filling to the maximum extent practicable; and the effectiveness of mitigation and reclamation measures. The EIS is expected to take two years to complete.

Dated: February 2, 1999.

**Charles M. Hess,**

*Chief, Operations Division, Directorate of Civil Works.*

[FR Doc. 99-2825 Filed 2-4-99; 8:45 am]

BILLING CODE 3710-92-P

## DEPARTMENT OF ENERGY

### Office of Science Financial Assistance Program Notice 99-03

### Environmental Meteorology Program—Vertical Transport and Mixing; Correction

**AGENCY:** U.S. Department of Energy (DOE).

**ACTION:** Notice of extension of application due date; correction.

In the **Federal Register** notice of February 1, 1999, in FR Doc. 99-2309, on page 4850, in the second column, correct the **FOR FURTHER INFORMATION CONTACT** caption to read: "Peter Lunn, telephone (301) 903-4819."

Dated: February 2, 1999.

**Clara R. Barley,**

*Federal Register Liaison Officer, Department of Energy.*

[FR Doc. 99-2761 Filed 2-4-99; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ES99-24-000]

### Minnesota Power Inc., Notice of Application

February 1, 1999.

Take notice that on January 22, 1999, Minnesota Power Inc. submitted an application, under Section 204 of the Federal Power Act, for authorization to issue additional shares of common stock, in connection with a two-for-one common stock split.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests

should be filed on or before February 11, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**David P. Boergers,**

*Secretary.*

[FR Doc. 99-2802 Filed 2-4-99; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP99-67-003]

### Mississippi River Transmission Corporation; Notice of Compliance Filing

February 1, 1999.

Take notice that on January 27, 1999, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its Gas Tariff, Third Revised Volume No. 1, First Substitute Original Sheet No. 120B and Substitute First revised Sheet No. 144 to become effective November 1, 1998.

MRT states that the purpose of this filing is to comply with the Commission's letter order, issued January 12, 1999 in Docket No. RP99-67-002. Such letter order accepted certain tariff sheets, subject to MRT making certain corrections to typographical errors in its Order 587-H compliance filing of November 16, 1998.

MRT states that a copy of this filing is being mailed to each of MRT's customers, active parties to the proceeding and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

**David P. Boergers,**

*Secretary.*

[FR Doc. 99-2808 Filed 2-4-99; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP99-160-000]

### National Fuel Gas Supply Corporation; Notice of Application

February 1, 1999.

Take notice that on January 19, 1999, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed an application pursuant to sections 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing National Fuel to uprate a compressor unit at its Ellisburg Compressor Station to provide additional firm transportation service from Ellisburg, Pennsylvania to Leidy, Pennsylvania (1999 Ellisburg to Leidy Expansion Project), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, National Fuel proposes to uprate compressor unit 1A, which was authorized as part of National Fuel's 1997 Niagara Expansion Project—Phase II in Docket No. CP98-94-000, from 3,200 horsepower (hp) to 4,445 hp, an increase of 1,245 hp. National Fuel states that the expansion of unit 1A will be accomplished through software modifications to the engine control panel, which will be performed by the engine manufacture. National Fuel estimates the cost of the uprating to be approximately \$101,600.

National Fuel states that its 1999 Ellisburg to Leidy Expansion Project will provide an additional 60,919 Dth per day of firm capacity from Ellisburg, Pennsylvania to the interconnection between the facilities of National Fuel and Transcontinental Gas Pipe Line Corporation (Transco) at Leidy, Pennsylvania. National Fuel explains that it conducted an open season from September 9, 1998, to October 16, 1998, for the additional Ellisburg to Leidy capacity. National Fuel claims that of the additional capacity, 55,919 Dth per day is subscribed by three shippers, El Paso Energy Marketing Co., Florida Power & Light Company, and Aquila Energy Marketing Corporation. National Fuel indicates that it is currently soliciting service requests for the