

below in Rosebud County, Montana, will be offered for competitive lease by sealed bid. This offering is being made as a result of an application filed by Western Energy Company, in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181–287), as amended.

An Environmental Assessment of the proposed coal development and related requirements for consultation, public involvement, and hearing have been completed in accordance with 43 CFR part 3425. Concerns and issues expressed by the public during the public scoping process centered on social, economic, and cultural impacts to the Northern Cheyenne and Crow Tribes, hydrologic impacts to the area, and the need to do an Environmental Impact Statement (EIS) as the appropriate level of environmental documentation for the development of the coal resources. Three alternatives (Preferred, No Action, and Cultural Resource Avoidance) were developed to analyze impacts and to address issues relating to the proposed action. The Preferred Alternative, including special stipulations and mitigation measures, was chosen because it will maximize the beneficial use of the subject coal resource and will mitigate impacts to one historic site and two sites which have high values as traditional cultural properties.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets the fair market value of the coal resource. The minimum bid for the tract is \$100 per acre, or fraction thereof. No bid that is less than \$100 per acre, or fraction thereof, will be considered. The minimum bid is not intended to represent fair market value. The fair market value will be determined by the authorized officer after the sale.

#### Coal Offered

The coal resource to be offered consists of all recoverable reserves in the following-described lands located approximately 10 miles west of the town of Colstrip:

T. 1 N., R. 39 E., P.M.M.

Sec. 2: N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$

T. 1 N., R. 40 E., P.M.M.

Sec. 6: Lots 1–4 S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ,

N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,

SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$

Sec. 14: S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$

T. 2 N., R. 40 E., P.M.M.

Sec. 32: NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,

SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,

SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,

N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

Containing 1,401, Rosebud County, Montana.

The Rosebud seam, averaging 22.3 feet in thickness, is the only economically minable coal seam within the tract. The tract contains an estimated 27.6 million tons of recoverable reserves. Coal quality, as received, averages 8,360 BTU/lb., 25.52 percent moisture, 10.03 percent ash, and 0.97 percent sulfur. This coal bed is being mined in adjoining tracts by Western Energy Company.

#### Rental and Royalty

A lease issued as a result of this offering will provide for payment of an annual rental of \$3 per acre, or fraction thereof; and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods and 8.0 percent of the value of coal mined by underground methods. The value of the coal shall be determined in accordance with 43 CFR 3485.2.

**DATES:** Lease Sale—The lease sale will be held at 10 a.m., Wednesday, June 16, 1999, in the Conference Room on the Sixth Floor of the Granite Tower Building, Bureau of Land Management, 222 North 32nd Street, Billings, Montana 59107.

**Bids—Sealed bids** *Clearly Marked* “Sealed Bid for MTM 80697 Coal Sale—not to be opened before 10:00 a.m., Wednesday, June 16, 1999” must be submitted on or before 9:00 a.m., Wednesday, June 16, 1999, to the cashier, Bureau of Land Management, Montana State Office, Second Floor, Granite Tower Building, 222 North 32nd Street, Post Office Box 36800, Billings, Montana 59107–6800. The bids should be sent by certified mail, return receipt requested, or be hand-delivered. The cashier will issue a receipt for each hand-delivered bid. Bids received after that time will not be considered.

**SUPPLEMENTARY INFORMATION:** Bidding instructions for the offered tract are included in the Detailed Statement of Lease Sale. Copies of the statement and the proposed coal lease are available at the Montana State Office. Casefile documents are also available for public inspection at the Montana State Office.

Dated: May 11, 1999.

**Randy D. Heuscher,**

*Chief, Branch of Solid Minerals.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Revegetation: Standards for Success

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Request for public comments and notice of public meetings.

**SUMMARY:** OSM will hold public meetings to solicit comments, concerns, and new ideas regarding the performance standards for determining the success of revegetation. We also invite written comments regarding this issue.

We prepared a concept paper to assist those interested in commenting in writing or preparing for the meetings. The concepts we presented are not an indication of any preconceived direction that new policies or rules would take. Instead, they represent a compilation of ideas and questions that have been raised. You, however, are not limited to these ideas or questions and we encourage you to bring forward new concepts or ideas for consideration.

**DATES:** *Written comments:* OSM will accept written comments until 5:00 p.m., c.d.t. on July 30, 1999.

*Public meetings:* We will meet with interested persons to receive comments on this issue until July 30, 1999. If requested, we will meet you on the dates and in the locations listed under **ADDRESSEES: Public Meetings.** You may also request additional meetings. In order to make proper arrangements for these additional meetings, make your request before June 30, 1999.

**ADDRESSES:** *Written comments and requests for concept paper:* You should hand deliver, mail, or e-mail written comments and requests for the concept paper to one of the persons listed under **FOR FURTHER INFORMATION CONTACT.** You also may call one of the persons listed to obtain a copy of the concept paper.

*Telefax:* You may obtain copies of the concept paper from FAX ON DEMAND by calling (202) 219–1703 and following the instructions of the recorded announcement.

*Internet:* You may view or download the concept paper from the OSM homepage at [www.osmre.gov](http://www.osmre.gov).

*Public meetings:* If requested, we will meet with you, individually or in groups, at the following locations: May 27, 1999, in Bismarck, North Dakota; June 2, 1999, in Denver, Colorado; June 18, 1999, in Gillette, Wyoming; June 22, 1999, in Alton, Illinois; and June 24, 1999, in Knoxville, Tennessee. If you

are interested in attending a meeting at any of these locations, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** to schedule the meeting and to obtain the address. If we do not receive a request for a meeting at a particular location, we will not hold the meeting.

You may request an additional meeting by contacting one of the persons listed under **FOR FURTHER INFORMATION CONTACT**. If you require special accommodation to attend a meeting, also contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Ervin Barchenger, Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002, Telephone (618) 463-6463, extension 129, e-mail: ebarchen@osmre.gov; or

Robert Postle, Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, 1999 Broadway, Suite 3320, Denver, CO 80202, Telephone (303) 844-1400, ext. 1469, e-mail: bpostle@osmre.gov.

**SUPPLEMENTARY INFORMATION:** You will find the standards for revegetation success in Section 515(19) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Section 515(19) requires a "diverse, effective, and permanent vegetative cover that is equal in extent of cover to pre-mining vegetation and is capable of self-regeneration and plant succession." SMCRA also requires that the operator assume responsibility for successful vegetation (as defined above) for either 5 or 10 years (depending on rainfall) after completing efforts to establish the vegetation to assure those efforts are successful. See 30 CFR 816/817.116 for the implementing regulations.

Congress apparently recognized the value of vegetative diversity as well as the transitional nature of reestablished vegetative communities that exist after 5 or 10 years. It understood that neither mature hardwood forests nor stable climax prairie or desert shrub communities can develop within just a few years. Therefore, Congress created a revegetation success standard that is based, in part, on establishing a vegetative cover that is a diverse community of native perennial species and that has the potential for regeneration and plant succession into the plant community ultimately sought. Thus, revegetation efforts must contain the appropriate mix of species to establish a transitional community capable of developing into the desired

plant community through natural succession.

Our revegetation success regulations, intended to implement the statutory performance standard requirements, focus on cover, production, and stocking, and require statistically valid sampling of vegetation (and statistical analysis with a confidence interval) for bond release. For some areas of reclamation, such as agricultural cropland, hayland, commercial forest land, etc., a focus on cover, production or stocking may be the most appropriate way of determining success. However, concerns have developed over the appropriateness and effectiveness of the current regulations for judging vegetation success for land uses involving establishment of permanent vegetation, such as grazingland, fish and wildlife habitat, and non-commercial forest.

We are conducting this outreach effort to determine if there is a more effective way to evaluate achievement of the statutory revegetation success standard that also encourages the diversity objective contained in SMCRA. That is, has an effective and diverse community, including appropriate native species, been established that will be able to, through natural succession, develop into the mature plant community appropriate for the designated land use. Increased diversity should result in enhancing fish and wildlife uses, as well as improving the resiliency of the reestablished plant community.

We are seeking to involve the public in advance of developing any modifications to our position on these issues. To initiate discussions, we prepared a concept paper that contains ideas and questions that may assist those interested in commenting or preparing for the meetings. The concepts presented are not an indication of any preconceived direction that new policies or rules should take, but rather represent a compilation of ideas and questions that have been raised. However, you are not limited to those ideas or questions. We encourage you to bring forward new concepts or ideas for consideration. If we determine that the input we receive indicates a need for a revision of the regulations, we will follow standard procedures by publishing a proposal in the **Federal Register** and holding public hearings to seek comments.

Dated: May 10, 1999.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

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**DEPARTMENT OF JUSTICE**

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

Notice is hereby given that a partial Consent Decree in *United States v. Agway, Inc., et al.*, Civil Action No. 99-CV-0708 (N.D.N.Y.) was lodged with the United States District Court for the Northern District of New York on May 6, 1999.

The proposed partial consent decree resolves claims asserted by the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), against Agway, Inc., General Electric Co., Metalworking Lubricants Co., and Nycomed, Inc. ("Settling Defendants") under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607. The proposed partial consent decree would not resolve any claims against the remaining defendant, Schenectady International, Inc., under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607. The claims sought to recover past response costs incurred at the Friedrichsohn's Cooperate ("Site") in the Town of Waterford, New York. The United States alleged that the four settling defendants are liable as the generators of the hazardous waste disposed of at the Site under Section 107(a)(3) of CERCLA, 42 U.S.C. 9607(a)(1). The Complaint states claims against the Settling Defendants under Section 107 of CERCLA, 42 U.S.C. § 9607, for reimbursement of response costs. The proposed partial Consent Decree requires the Settling Defendants to reimburse the United States \$490,000 in past response costs.

The Department of Justice will accept written comments relating to the proposed consent decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States v. Agway, Inc., et al.*, Civil Action No. 99-C-0708 (N.D.N.Y.), DJ #90-11-2-1335.

Copies of the proposed consent decree may be examined at the Office of the United States Attorney for the Northern District of New York, 45 Broadway, Room 231, Albany, NY 12207; at the U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, NY 10007-1866; and at the Consent Decree