

SUPPLEMENTARY INFORMATION:

Historically, the Interstate Commerce Act provided that carriers could provide transportation only at the rates set forth in a tariff filed with the Interstate Commerce Commission. A carrier could not charge a shipper any rate different from the filed tariff rate, with the exception that under 49 U.S.C. 10721 the carrier could transport property for the U.S. Government "at reduced rates", meaning rates that were reduced from the common carrier's tariff rates. By Pub. L. 103-311 (The Trucking Industry reform Act of 1994), effective 26 August 1994, and Pub. L. 104-88 (The ICC Termination Act of 1995), effective 29 December 1995, congress repealed the requirement that motor carriers (other than carriers of household goods) file a tariff and apply that tariff. With some exceptions, tariffs are no longer filed by motor carriers with the Interstate Commerce Commission, and there is, accordingly, no requirement that carriers apply a tariff rate to FMS traffic. MTMC's policy change in its movement programs will require motor carriers to participate in FMS shipments for new movements and resolicited GT agreements; and, will accommodate motor carrier's voluntary agreements to include FMS shipments in currently effective GT agreements and related freight movement programs.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE**Corps of Engineers; Department of the Army**

Intent To Prepare Draft Environmental Impact Statements for the Evaluation of Water Allocation Formulas for the Alabama-Coosa-Tallapoosa (ACT) and Apalachicola-Chattahoochee-Flint (ACF) River Basins, located in Alabama, Florida, and Georgia

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Mobile District, U.S. Army Corps of Engineers (Corps), in cooperation with several Federal cooperating agencies, intends to prepare Draft Environmental Impact Statements (EISs), to address proposed water allocation formulas for the equitable apportionment of water in the ACT and ACF River Basins. The formulas will be developed by the States of Alabama and Georgia for the ACT basin; and by the

States of Alabama, Florida and Georgia for the ACF basin. The States will develop these formulas, in conjunction with the United States, and subject to concurrence by a federal Commissioner. A separate EIS will be prepared to evaluate the formulas for each basin: ACT Basin and ACF Basin.

FOR FURTHER INFORMATION CONTACT:

Questions about these EISs or the NEPA process can be answered by: Ms. Joanne Brandt (ACF) or Mr. Michael J. Eubanks (ACT), Inland Environment Section, U. S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001; Telephone (334) 690-3260 or (334) 694-3861, respectively.

Electronic mail may be addressed to:

michael.j.eubanks@sam.usace.army.mil
or

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Also, brief messages may be left on a toll-free line answering machine at 1-800-421-7637, or delivered by electronic facsimile at (334) 694-3815. For current information, you may also visit the Mobile District Web Page: <http://www.sam.usace.army.mil/sam/pd/actacfeis>

SUPPLEMENTARY INFORMATION:**1. Public Participation**

a. The Corps invites full public participation to promote open communication and better decision making. All persons and organizations that have an interest in the water allocation formulas, including minority, low-income, disadvantaged and native American Groups, are urged to participate in this National Environmental Policy Act (NEPA) environmental analysis process. Assistance will be provided upon request to anyone having difficulty with learning how to participate.

b. Public comments are welcomed anytime throughout the NEPA process. Formal opportunities for public participation include:

(1) Response to the Scoping Brochure/Questionnaire—Anytime during the NEPA process.

(2) Review and Comment on the Draft EISs—Oct–Nov 1998.

(3) Comments/Presentation on the draft EISs at Public Workshops—Nov 1998.

(4) Review of the Final EISs—Summer 1999.

c. Precise schedules and locations will be announced in the local news media. You may also request to be included on the mailing list for public distribution of meeting announcements and documents.

2. Background

a. The States of Alabama, Florida, and Georgia, in conjunction with the United States, will soon be developing water allocation formulas for the ACT and ACF River Basins, in accordance with interstate water compacts. The States have ratified the compacts and implementing provisions are currently being developed in consent legislation before Congress. The purpose of the compacts would be to promote interstate comity, remove causes of present and future controversies, equitably apportion surface waters of the ACT and ACF Basins, engage in water planning, and develop and share common data bases.

b. Pursuant to the ACT and ACF interstate compacts, allocation formulas would be developed by Commissions established for each basin. A Federal Commissioner will be appointed as a non-voting advisory member for each compact Commission. The compacts would provide for approval of allocation formulas by unanimous vote of the State Commissioners and concurrence of the Federal Commissioner. Federal agency evaluations and these EISs will form the basis for the Federal Commissioner's decision to concur or nonconcur with the water allocation formulas developed in accordance with the compacts.

c. The Corps, in partnership with the States of Alabama, Florida, and Georgia, is currently conducting a Comprehensive Study of the ACT and ACF river basins. The Comprehensive Study was initiated in January 1992, under a Memorandum of Agreement among the three States and the U.S. Department of the Army. The Comprehensive Study has developed substantial data and predictive models useful for the development of water allocation formulas. The Comprehensive Study partners have also recommended development of interstate compacts as the mechanisms for coordinated management of the basins.

d. The Corps, in conjunction with the Federal cooperating agencies, will prepare separate EISs to evaluate the environmental and socioeconomic impacts of the proposed allocation formula for each basin. In addition to information available from the Comprehensive Study, a preliminary scope of evaluations necessary to assist the Federal Commissioner in a decision has been identified in a Federal Interagency Management Plan. Agency evaluations will be incorporated into the completed EISs, which may be used as supporting documentation for a decision by the Federal Commissioner on the acceptability of the water

allocation formulas. The EISs may also serve as supporting documents for future decisions related to the management of the basins.

e. The completion schedule for these EISs is coordinated with the legislated timelines mandated by the compact agreements.

The State Commissioners must agree on proposed allocation formulas by December 31, 1998, unless they agree on an extension. Following approval of an allocation formula by the State Commissioners, the Federal Commissioner must make a concurrence decision within 255 days thereafter. This timeline specified in the pending compacts warrants immediate commencement of the EISs, even though the allocation formulas have not yet been developed. The initial EIS work will include completion of field studies, gathering of environmental, socioeconomic and hydrologic baseline information. The public involvement process will be initiated as well.

f. The EISs will display the range of flows experienced by current water management operations, compared to a foreseeable range of reasonable alternative flows which may result from proposed allocation formulas. The alternative ranges of flows, along with the associated environmental impacts, will create the framework upon which the allocation formulas may be evaluated. Further NEPA analysis and other documentation will be prepared, as necessary, to address proposed actions that may become apparent under the allocation formulas or compacts, if the actions are not addressed by these EISs.

3. Cooperating Agencies

The lead responsibility for these EISs rests with the Corps. Federal cooperating agencies include:

Department of Interior's Fish and Wildlife Service, Geological Survey, and National Park Service; Environmental Protection Agency; Department of Agriculture's Natural Resource Conservation Service and Forest Service; Department of Commerce's National Ocean Service and National Marine Fisheries Service; Department of Energy's Southeastern Power Administration; and Department of Transportation's Maritime Administration. Each of the cooperating Federal agencies will provide their expertise in compiling information and evaluating potential impacts.

4. Scoping

a. The ACT/ACF Comprehensive Study involved the States, stakeholders and the public in identifying areas of

concern; collecting and developing water resource, environmental, and socioeconomic data; and developing tools to assist in decisions affecting an equitable allocation of water resources within the two basins. Scoping for these EISs will continue to build upon the knowledge and information developed during the Comprehensive Study. Additional meetings with agencies and stakeholders groups will continue to identify significant issues and data gaps, and focus on the alternatives to be evaluated.

b. A significant component of the scoping process will be development and distribution of a Scoping Brochure/Questionnaire, and review of responses to the questionnaire. The Scoping Brochure/Questionnaire invites comments and participation in the scoping process by the public; Federal, State, and local agencies and officials; affected Indian tribes; and other interested parties.

c. An Internet Web Page has been established, to provide for public access to information related to the ACT and ACF Water Allocation Formulas development and the EIS evaluation process. The Scoping Brochure/Questionnaire, in addition to mail distribution, is located on the Web Page, and allows for receipt of public comments at any point during the NEPA process. Current information on the associated Comprehensive Basin Study results or Interstate Compact developments will also be presented on the Web Page.

5. Environmental Review and Consultation Requirements

Coordination with the U.S. Fish and Wildlife Service will be accomplished in compliance with the Endangered Species Act and the Fish and Wildlife Coordination Act. Coordination required by other laws and regulations will also be conducted.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare Draft Supplement II to a Final Environmental Impact Statement (EIS) for Proposed Construction of a Water Supply Reservoir on Sugar Creek in Williamson and Johnson Counties, IL

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Engineer District, Louisville Corps of Engineers is initiating the preparation of Draft Supplement II to a Final EIS for a regulatory permit application from the City of Marion, IL. The proposed action by the City of Marion is the construction of a water supply reservoir on Sugar Creek in Williamson and Johnson Counties, Illinois. The Draft Supplement II will address combinations of alternative actions, including separable alternatives, to provide water to the City of Marion, IL and Lake of Egypt Water District from various sources in southern Illinois.

FOR FURTHER INFORMATION CONTACT:

Questions or comments concerning the preparation of this Draft Supplement II to the Final EIS should be addressed to Mr. Terry Siemsen, U.S. Army Engineer District, Louisville, Corps of Engineers, CELRL-PD-R, P.O. Box 59, Louisville, Kentucky 40201-0059 or phone (502) 582-5550.

SUPPLEMENTARY INFORMATION: The Louisville District prepared a Draft and Final EIS (Final EIS completed July 1995) for this permit application as well as a Draft and Final Supplement I to the Final EIS (Final Supplement I completed May 1996). A Record of Decision was prepared and a Department of the Army permit was issued (July 1996) to the City of Marion for placement of material in Sugar Creek as part of the construction of their proposed water supply reservoir.

The Department of the Army permit was contested in the U.S. District Court for the Southern District of Illinois and the issuance of the permit was upheld (December 1996). The Department of the Army permit was vacated, however, by order of the 7th Circuit Court of Appeals on July 14, 1997. The 7th Circuit Court of Appeals indicated that alternatives of supplying the water needs of the City of Marion, IL and Lake of Egypt Water District from separate sources were not sufficiently described in the completed Final EIS and Final Supplement I to the Final EIS.