

“Article of Footwear with Temperature Regulation Means” issued March 21, 2006. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

**FOR FURTHER INFORMATION CONTACT:** Mr. Arnold Boucher at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, Phone: (508) 233-5431 or E-mail: [Arnold.Boucher@natick.army.mil](mailto:Arnold.Boucher@natick.army.mil).

**SUPPLEMENTARY INFORMATION:** Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 06-3142 Filed 3-30-06; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Availability of a Draft Environmental Impact Statement To Consider Issuance of a Department of the Army Permit Pursuant to Section 404 of the Clean Water Act for Mingo Logan Coal Company's (Mingo Logan) Proposal To Construct and Operate Spruce No. 1 Mine, Near Blair in Logan County, WV

**AGENCY:** Department of the Army; Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE) Huntington District, in cooperation with U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Office of Surface Mining and the West Virginia Department of Environmental Protection, has prepared a Draft Environmental Impact Statement (DEIS). This DEIS evaluates potential impacts to the natural, physical and human environment as a result of the proposed mining activities associated with Mingo Logan Coal Company's (Mingo Logan) Spruce No. 1 Mine. The USACE regulates this proposed project pursuant to Section 404 of the Clean Water Act. The proposed activity would involve the discharge of dredged and fill material into waters of the United States associated with the proposed construction and operation of a surface bituminous coal mine.

**DATES:** Submit comments by May 15, 2006. A public hearing regarding this DEIS will be held May 1, 2006 (see **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** Send written comments and suggestions concerning this proposal to Mrs. Teresa Spagna, Regulatory Project Manager, Regulatory Branch, CELRH-OR-FS, U.S. Army Corps of Engineers, Huntington District, 502 8th Street, Huntington, WV 25701. Telephone (304) 399-5710 or electronic mail at [Teresa.D.Spagna@Lrh01.usace.army.mil](mailto:Teresa.D.Spagna@Lrh01.usace.army.mil). Requests to be placed on the mailing list should also be sent to this address.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Teresa Spagna, Regulatory Project Manager at (304) 399-5710 or electronic mail at [Teresa.D.Spagna@Lrh01.usace.army.mil](mailto:Teresa.D.Spagna@Lrh01.usace.army.mil).

**SUPPLEMENTARY INFORMATION:** Discharges of dredged and fill material into the waters of the United States are regulated under Section 404 of the Clean Water Act, with the permitting responsibility administered by the USACE. The proposed project must also address environmental impacts relative to the Clean Air Act, Clean Water Act, Endangered Species Act and the Fish and Wildlife Coordination Act (FWCA). In accordance with the NEPA, the DEIS evaluates reasonable alternatives for the USACE's decision making process. As required by NEPA, the USACE also analyzes the “no action” alternative as a baseline for gauging potential impacts.

As part of the public involvement process, notice is hereby given by the USACE-Huntington District of a Public Hearing to be held at the Earl Ray Tomlin Convention Center, in Chapmanville, Logan County, WV, from 7 to 10 p.m. on May 1, 2006. The Public Hearing will allow participants the opportunity to comment on the DEIS prepared for the proposed Spruce No. 1 Mine project.

The comments are due 45 days from the date of publication of this notice. Copies of the document may be obtained by contacting USACE Huntington District Regulatory Branch at 304-399-5210 or 304-399-5710.

Copies of the Draft EIS are also available for inspection at the locations identified below:

(1) Blair Post Office, P.O. Box 9998, Blair, WV 25022-9998.

(2) Kanawha County Public Library, 123 Capital Street, Charleston, WV 25301.

(3) Logan County Public Library, 16 Wildcat Way, Logan, WV 25601.

After the public comment period ends, USACE will consider all comments received, revise the DEIS as

appropriate, and issue a Final Environmental Impact Statement.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 06-3144 Filed 3-30-06; 8:45 am]

**BILLING CODE 3710-GM-M**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Intent To Prepare a Draft Environmental Impact Statement for Elliott Bay Seawall, WA

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Army Corps of Engineers (Corps) will prepare an environmental impact statement (EIS) for a proposed seawall rehabilitation project along the Elliott Bay shoreline in Seattle, WA. The seawall, known as the Alaskan Way Seawall, is experiencing significant decay and deterioration, leading to structural instability along the Seattle waterfront and central business district. Seawall structural instability is putting a tremendous amount of public and private infrastructure, development, and transportation linkages at risk of damage due to wave and tidal erosion, and hence potential for undermining and collapse. In addition, the failure of the seawall would result in a high risk to public safety and substantial environmental degradation. The purpose of the proposed rehabilitation effort is to protect the public facilities and economic activities along the Elliott Bay shoreline from storm damages associated with failure of the existing seawall.

**DATES:** Submit comments on the scope of issues to be addressed in the Draft Environmental Impact Statement (DEIS) by April 30, 2006.

**ADDRESSES:** Address all comments concerning this notice to Ms. Aimee Kinney, U.S. Army Corps of Engineers, Seattle District, Environmental Resources Section, PO Box 3755, Seattle, WA 98124-3755. Submit electronic comments and other date to [aimee.t.kinney@usace.army.mil](mailto:aimee.t.kinney@usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the scoping process or preparation of the DEIS may be directed to Ms. Aimee Kinney, telephone (206) 764-3634, e-mail [aimee.t.kinney@usace.army.mil](mailto:aimee.t.kinney@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action:* The Alaskan Way Seawall extends for a distance of approximately 7900 feet along Seattle's central waterfront, between Washington Street to the south and Bay Street to the north. The proposed action would involve an extensive structural rebuild or replacement of the seawall in order to reduce damage resulting from storms and erosion. The proposed action is closely related to the proposed replacement of the State Route (SR) 99 Alaskan Way Viaduct, which runs parallel to a portion of the seawall. The SR 99 Alaskan Way Viaduct and Seawall Replacement Project Draft Environmental Impact Statement (AWVSRP DEIS) was issued by the U.S. Department of Transportation Federal Highway Administration (FHWA), Washington State Department of Transportation (WSDOT), and City of Seattle on April 9, 2004 (69 FR 18898). The AWVSRP DEIS evaluated the rebuilding of the Alaskan Way Seawall because it is essential to the function of transportation facilities and is at risk of collapsing in a large earthquake. The geographic area covered in the AWVSRP DEIS is virtually the same as the Corps study area. However, the Corps' EIS will evaluate the seawall from a storm damage reduction perspective; the seawall will be the primary focus of the analysis rather than a secondary project element, as in the AMVSRP DEIS. The Corps is reviewing the existing body of work and coordinating closely with the city of Seattle, FHWA, and WSDOT to incorporate all relevant material from their NEPA efforts, share information, and reduce duplication of efforts.

2. *Alternatives:* There are currently four alternatives which will receive consideration in the EIS: (1) The no action alternative; (2) construction of a vertical face wall with structural frame; (3) construction of a drilled shaft wall with soil improvements; and (4) replacing the portion of the seawall adjacent to the Alaskan Way viaduct with the outer wall of the new tunnel identified as the preferred alternative for the AWVSRP. These alternatives are the same as the rebuild, frame, and tunnel wall seawall alternatives evaluated in the AWVSRP DEIS. The development of seawall study alternatives has been and will continue to be closely coordinated with the AWVSRP through the City of Seattle, WSDOT, and FHWA. The selection of the Corps tunnel wall alternative could not occur unless FHWA signed a record of decision for the AWVSRP selecting the tunnel alternative. Opportunities will be sought to incorporate measures for improvement of habitat values, as well

as recreation and public access. Public input is specifically invited regarding the reasonableness of the build alternatives and whether any additional alternatives are appropriate for consideration.

3. *Scoping and Public Involvement:* This notice of intent formally commences the scoping process under NEPA. As part of the scoping process, all affected Federal, State and local agencies, Native American Tribes, private organizations, and the public are invited to comment on the scope of the EIS. To date, the following issues of concern have been identified for in depth analysis in the draft EIS: (1) Construction impacts, particularly those related to noise, water quality, transportation, and effects to businesses and residences within/adjacent to the construction zone; (2) impacts associated with potential deviation of the existing seawall alignment; and (3) potential impacts to historical properties.

4. *Scoping Meetings:* Two public Scoping meetings will be held to identify issues of major concern, identify studies that might be needed in order to analyze and evaluate impacts, and obtain public input on the range and acceptability of alternatives. Both meetings will be conducted on April 18, 2006 in the Lopez Room at Seattle Center, 305 Harrison Street, Seattle, WA 98109. The first meeting will be held from 1 to 3:30 p.m. An informal open house will be held between 1 and 2 p.m. A brief presentation will be made between 2 and 2:30 p.m. Then testimony will be taken between 2:30 and 3:30 p.m. The second meeting will be held from 4:30 to 7 p.m. Another informal open house will be held between 4:30 and 5:30 p.m. The presentation will be made again between 5:30 and 6 p.m. Then testimony will be taken between 6 and 7 p.m. Verbal or written comments will be accepted at the Scoping meetings, or written comments may be sent by regular or electronic mail to Aimee Kinney (see **ADDRESSES**). Ongoing communication with agencies, Native American tribes, public interest groups, and interested citizens will take place throughout the EIS development through the use of public meetings, mailings, and the Internet. Additional meetings will be scheduled upon completion of the DEIS.

5. *Other Environmental Review, Coordination and Permit Requirements:* The environmental review process will be comprehensive and will integrate and satisfy the requirements of NEPA, and other relevant Federal, State and local environmental laws. Other

environmental review, coordination, and permit requirements may include preparation of a Clean Water Act, Section 404 evaluation by the Corps.

Dated: March 17, 2006.

**Debra M. Lewis,**

*Colonel, Corps of Engineers, District Commander.*

[FR Doc. 06-3140 Filed 3-30-06; 8:45 am]

**BILLING CODE 3710-ER-M**

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Intent To Prepare a Draft Supplement to the Environmental Impact Statement To Evaluate Construction of Authorized Improvements to the Federal Gulfport Harbor Navigation Project in Harrison County, MS**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** The Mobile District, U.S. Army Corps of Engineers (Corps), intends to prepare a Draft Supplement to the Environmental Impact Statement (DSEIS) to address the potential impacts associated with construction of authorized improvements to the Federal Gulfport Harbor Navigation Project in Harrison County, MS. The DSEIS will be used as a basis for ensuring compliance with the National Environmental Policy Act (NEPA) and evaluating the following two alternative plans: "No Action" and widening to the authorized project dimensions. Gulfport Harbor is authorized to (a) A channel 38 feet deep by 400 feet wide and about 8 miles long across Ship Island Bar; (b) a channel 36 feet deep by 300 feet wide and about 12 miles long through Mississippi Sound; and (c) a stepped anchorage basin at Gulfport Harbor 32 to 36 feet deep by 1,120 feet wide and 2,640 feet long.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and the DSEIS should be addressed to Dr. Susan Ivester Rees, Coastal Environment Team, Mobile District, U.S. Army Corps of Engineers, P.O. Box 2288, Mobile, AL 36628 by telephone (251) 694-4141 or e-mail her at [susan.i.rees@sam.usace.army.mil](mailto:susan.i.rees@sam.usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. Gulfport Harbor is located in Harrison County, MS, on Mississippi Sound about equidistant (80 miles) from New Orleans, LA, and Mobile, AL. The existing project was adopted by the River and Harbor Act approved July 3, 1930 (House Document Number 692, 69th. Congress, 2nd. Session) and the