

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

[Docket No. CP12–51–000]

**Bluewater Gas Storage, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed St. Clair River Crossing Replacement Project, Request for Comments on Environmental Issues, and Notice of Onsite Environmental Review**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Bluewater Gas Storage, LLC (Bluewater) St. Clair River Crossing Replacement Project (Project) involving the construction of the United States portion of the U.S.-Canada cross-border pipeline facilities from St. Clair County, Michigan to the international boundary within the St. Clair River for the import-export of up to 300 million cubic feet per day (MMcf/d) of natural gas. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the project scoping period will close on March 17, 2012. Further details on how to submit written comments are provided in the Public Participation section of this notice.

The office of Energy Projects staff will conduct an onsite environmental review of the project area to gather data for its environmental analysis of the proposed project. Viewing of the project area is anticipated to be from Bluewater's property along River Road. Those attending should meet at the following location and time: FERC Onsite Environmental Review, St. Clair River Crossing Replacement Project, *February 28, 2012 at 9 a.m. Eastern Time*, 1060 River Road, Marysville, Michigan 48040–1510.

This notice is being sent to the Commission's current environmental mailing list for this project as described under the Environmental Mailing List Section of this notice. The notice is also being sent to those landowners outside of the immediate construction work areas who could potentially be affected during construction from secondary, short-term construction-related noise

and/or visual impacts. State and local government representatives are asked to notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, and you are contacted by a representative of Bluewater about the acquisition of an easement to construct, operate, and maintain the proposed facilities, please note that the company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice Bluewater provided to landowners. This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site ([www.ferc.gov](http://www.ferc.gov)).

**Summary of the Proposed Project**

Bluewater proposes to construct and operate a new natural gas pipeline directionally drilled underneath the St. Clair River from Bluewater's header system in St. Clair County, Michigan to the International Border. The proposed Project would consist of:

- The construction and operation of approximately 1,500 feet of 20-inch-diameter pipeline directionally drilled underneath the St. Clair River to the international border (Cross Border Facilities) within the St. Clair River and construction of approximately 345 feet of 20-inch-diameter replacement pipeline facilities<sup>1</sup> to connect the Cross-Border Facilities to Bluewater's existing 30-mile, 20-inch-diameter pipeline header system in Marysville, St. Clair County, Michigan;

- A Presidential Permit authorizing Bluewater to install, construct, own, operate and maintain the U.S. portion of the cross-border facilities, pursuant to Part 153, Subpart C of the Commission's regulations, and Executive Order No. 10,485, as amended by Executive Order No. 12,038;

- Vacating an existing Section 3 Authorization and Presidential Permit

with respect to leased facilities with Nova Chemicals;

- Remove approximately 245 feet of 20-inch-diameter pipeline and 30 feet of 12-inch-diameter pipeline;<sup>2</sup> and
- Modify an existing meter station to increase its measurement capacity.<sup>2</sup>

The general location of the Project facilities is shown in appendix 1.

**Land Requirements for Construction**

Construction of the Project pipeline facilities would be conducted by the horizontal directional drilling method (HDD) from a location approximately 425 feet on the U.S. inland side of the St. Clair River (entry point) to the U.S.-Canada international border within the river (Appendix 1). The Project would permanently disturb about 0.95 acres of land.

**The EA Process**

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us<sup>3</sup> to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Land use;
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be presented in the EA. The

<sup>2</sup> Ibid.

<sup>1</sup> Requested under Bluewater's existing National Gas Act Section 7 Blanket Certificate.

<sup>3</sup> "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

EA will be placed in the public record and, depending on the comments received during the scoping process, may be published and distributed to the public. A comment period will be allotted if the EA is published for review. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

#### **Consultations Under Section 106 of the Natural Historic Preservation Act**

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the Natural Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Office(s) (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.<sup>4</sup> We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project is further developed. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA would document our findings on the potential project impacts on historic properties and summarize the status of consultations under section 106.

#### **Public Participation**

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects,

reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before March 17, 2012.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP12-51-000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502-8258 or [efiling@ferc.gov](mailto:efiling@ferc.gov).

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Web site at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's Web site at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing"; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

#### **Environmental Mailing List**

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; environmental and public interest groups; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. In this notice we have also included landowners that could be inadvertently affected by construction noise or visual impacts. We will update the environmental

mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

#### **Becoming an Intervenor**

In addition to involvement in the EA scoping process, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenor play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the "e-filing" link on the Commission's Web site.

#### **Additional Information**

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC Web site at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link. Click on the eLibrary link, click on "General Search" and enter the docket number, excluding the last three digits in the Docket number field (*i.e.*, CP12-51). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to [www.ferc.gov/esubscribenow.htm](http://www.ferc.gov/esubscribenow.htm).

Finally, public meetings or site visits will be posted on the Commission's calendar located at [www.ferc.gov/](http://www.ferc.gov/)

<sup>4</sup> The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

*EventCalendar/EventsList.aspx* along with other related information.

Dated: February 16, 2012.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2012-4405 Filed 2-24-12; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL12-27-000]

#### Louisville Gas and Electric Company; Kentucky Utilities Company; Notice of Petition for Declaratory Order

Take notice that on February 14, 2012, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207, Louisville Gas and Electric Company and Kentucky Utilities Company, filed a Petition for Declaratory Order, requesting that the Commission find that the payment of dividends from equity accounts that represent adjusted retained earnings will not violate section 305(a) of the Federal Power Act, 16 U.S.C. 825d.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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 proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to

receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time on March 15, 2012.

Dated: February 16, 2012.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2012-4407 Filed 2-24-12; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14356-000]

#### Nushagak Electric and Telephone Cooperative, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 25, 2012, the Nushagak Electric and Telephone Cooperative, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Dillingham Area Hydroelectric Project (Dillingham Project or project) to be located on Elva Creek and Grant River, near the town of Dillingham, Bristol Bay Borough, Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project has two developments. The total installed capacity of both developments would be 3.2 megawatts (MW) and the total estimated annual generation of the Dillingham Project would be 20.057 gigawatt-hours (GWh).

#### Lake Elva Development

The proposed project would consist of the following: (1) A 50-foot-long, 10-foot-high rock-fill diversion dam constructed on the outlet of Lake Elva; (2) a 4,100-foot-long, 4-foot-diameter lake tap pipeline; (3) a 3,200-foot-long, 3- to 3.5-foot-diameter penstock leading from the lake tap pipeline to the powerhouse; (4) a powerhouse containing two 0.75-MW Francis turbine/generator units; (5) a 40-foot-

long, 20-foot-wide tailrace discharging flows from the powerhouse into Elva Creek; (6) a 49-mile-long, 34.5-kilovolt (kV) transmission line extending from the project powerhouse to a new substation approximately 5 miles north of Dillingham; (7) an approximately 3-mile-long access road; and (8) appurtenant facilities. The estimated annual generation of the Lake Elva development would be 7.927 GWh.

#### Grant Lake Development

The proposed project would consist of the following: (1) A 900-foot-long, 20-foot-high rock-fill diversion dam constructed on the outlet of Grant Lake (main dam); (2) a 1-mile-long, 20-foot-high diversion canal excavated approximately 1 mile north of the main dam; (3) a 300-foot-long, 20-foot-high rock-fill diversion dam constructed at the terminus of the diversion canal; (4) an intake structure on the diversion dam leading to a 5,000-foot-long, 5-foot-diameter pipeline; (5) a 3,100-foot-long, 4-foot-diameter penstock leading from the pipeline to the powerhouse; (6) a powerhouse containing a 1.7-MW Turgo turbine/generator unit; (7) a 40-foot-long, 20-foot-wide tailrace discharging flows from the powerhouse into Grant River; (8) a 46-mile-long, 34.5-kV transmission line extending from the project powerhouse to a new substation approximately 5 miles north of Dillingham; (9) an approximately 2.5-mile-long access road; and (10) appurtenant facilities. The estimated annual generation of the Grant Lake development would be 12.13 GWh.

*Applicant Contact:* Mr. Mike Megli, CEO/General Manager, Nushagak Electric & Telephone Cooperative, Inc., 557 Kenny Wren Road, P.O. Box 350, Dillingham, AK 99576; phone: (907) 842-6315.

*FERC Contact:* Jennifer Harper; phone: (202) 502-6136.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact