

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. PF10-14-000]

**National Fuel Gas Supply Corporation; Notice of Intent To Prepare an Environmental Assessment for the Planned West to East—Overbeck to Leidy Project and Request for Comments on Environmental Issues**

May 20, 2010.

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 West to East—Overbeck to Leidy Project involving construction and operation of facilities by National Fuel Gas Supply Corporation (National Fuel) in Elk, Jefferson, Clearfield, Cameron, and Clinton Counties, Pennsylvania. 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 scoping period will close on June 21, 2010. This is not your only public input opportunity; please refer to the Environmental Review Process flow chart in Appendix 1.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the planned facilities. 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 pipeline 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?" is available for viewing on the FERC Web site (<http://www.ferc.gov>). 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.

**Summary of the Planned Project**

National Fuel plans to construct and operate about 78.4 miles of 24-inch-diameter pipeline and related facilities in Elk, Jefferson, Clearfield, Cameron, and Clinton Counties, Pennsylvania. National Fuel would also build two compressor stations totaling 25,000 horsepower (hp) of compression and a new meter station. The West to East—Overbeck to Leidy Project would provide about 425,000 dekatherms per day (dth/d) of natural gas from the Marcellus producing area to the Leidy, Pennsylvania hub. According to National Fuel, its project would enable National Fuel to provide firm transportation services requested by producers from new and existing producer interconnects in the Marcellus Shale region in central Pennsylvania to the interstate pipeline hub of Leidy at Tamarack, Pennsylvania. The West to East—Overbeck to Leidy Project would consist of the following facilities:

- About 78.4 miles of 24-inch-diameter pipeline;
- The Elk Compressor Station in Elk County, totaling about 7,000 hp of compression;
- The Millstone Compressor Station in Jefferson County, totaling about 18,000 hp of compression;
- One new meter station at the Leidy Hub in Clinton County;
- Four mainline valve assemblies; and
- Access roads.

*The general location of the project facilities is shown in Appendix 2.<sup>1</sup>*

**Land Requirements for Construction**

Construction of the planned facilities would disturb approximately 1,025 acres of land for the aboveground facilities and the pipeline. Following construction, approximately 425 acres would be maintained for permanent operation of the project's facilities; the remaining acreage would be restored and allowed to revert to former uses. About 97 percent of the planned pipeline route parallels existing

pipeline, utility, or road rights-of-way. Over 71 percent of the planned pipeline route would cross public lands managed by the Allegheny National Forest, the Pennsylvania Bureau of Forestry, and the Pennsylvania Game Commission.

**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>2</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 planned project under these general headings:*

- Geology and soils;
- Blasting;
- Land use (including public lands);
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife, including migratory birds;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety.

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

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA. See Appendix 1 for an overview of the Commission's Pre-Filing Environmental Review Process.

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

<sup>1</sup> The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at <http://www.ferc.gov> using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

<sup>2</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 beginning on page 5.

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. Currently, the Army Corps of Engineers and the Allegheny National Forest have expressed their intention to possibly participate as a cooperating agency in the preparation of the EA to satisfy their NEPA responsibilities related to this project.

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

In accordance with the Advisory Council on Historic Preservation's implementing regulations for the section 106 process, we are using this notice to solicit the views of the public on the project's potential effects on historic properties.<sup>3</sup> We will document our findings on the impacts on cultural resources and summarize the status of consultations under section 106 of the National Historic Preservation Act in our EA.

#### **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 June 21, 2010.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF10-14-000) 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 Quick Comment feature, which is located at <http://www.ferc.gov> under the link called "*Documents and Filings*". A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the "eFiling" feature that is listed under the "*Documents and Filings*" link. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file to your submission. New eFiling users must first create an account by clicking on the links called "*Sign up*" or "*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; environmental and public interest groups; Native American Tribes; 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. 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 planned 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 3).

#### **Becoming an Intervenor**

Once National Fuel files its application with the Commission, 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. Please note that you may not request intervenor status at this time. You must wait until a formal application for the project is filed with the Commission.

#### **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 (<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.*, PF10-14). 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 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 <http://www.ferc.gov/esubscribenow.htm>.

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

<sup>3</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 for Historic Places.

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

**Kimberly D. Bose,**  
Secretary.

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 516-459-South Carolina]

#### **South Carolina Electric & Gas Company Saluda Hydroelectric Project; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included In or Eligible for Inclusion In the National Register of Historic Places**

May 20, 2010.

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.<sup>1</sup> The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the South Carolina State Historic Preservation Officer (hereinafter, South Carolina SHPO), and the Advisory Council on Historic Preservation (hereinafter, Council) pursuant to the Council's regulations, 36 CFR Part 800, implementing section 106 of the National Historic Preservation Act, *as amended* (16 U.S.C. section 470 f), to prepare and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Saluda Hydroelectric Project No. 516-459.

The programmatic agreement, when executed by the Commission and the South Carolina SHPO would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission's responsibilities pursuant to section 106 for the Saluda Project would be fulfilled through the programmatic agreement, which the

Commission proposes to draft in consultation with certain parties listed below. The executed programmatic agreement would be incorporated into any Order issuing a license.

South Carolina Electric & Gas Company, as licensee for Saluda Hydroelectric Project No. 516, the Catawba Indian Nation, and the Eastern Band of Cherokee Indians have expressed an interest in this preceding and are invited to participate in consultations to develop the programmatic agreement.

*For purposes of commenting on the programmatic agreement, we propose to restrict the service list for the aforementioned project as follows:*

John Eddins or Representative, Advisory Council on Historic Preservation, The Old Post Office Building, Suite 803, 1100 Pennsylvania Avenue, NW., Washington, DC 20004.

Rebekah Dobrasko or Representative, Review and Compliance Coordinator, Archives & History Center, 8301 Parklane Road, Columbia, SC 29223.

Tyler Howe or Representative, Eastern Band of Cherokee Indians, Qualla Boundary, P.O. Box 455, Cherokee, NC 28719.

Mr. William R. Argentieri or Representative, South Carolina Electric & Gas Company, 111 Research Drive, Columbia, South Carolina 29203.

Dr. Wenonah G. Haire or Representative, Catawba Indian Nation THPO, 1536 Tom Stevens Rd., Rock Hill, SC 29730.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about historic properties, including Traditional Cultural Properties. If historic properties are to be identified within the motion, please use a separate page, and label it NON-PUBLIC Information.

Any such motions 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/ferconline.asp>) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov); call toll-free at (866) 208-3676; or, for TTY,

contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 516-459]

#### **South Carolina Electric and Gas Company; Saluda Hydroelectric Project; Notice of Teleconference With the National Marine Fisheries Service Regarding Preparation of a Biological Assessment for the Saluda Project**

May 20, 2010.

On June 16, 2010, there will be a teleconference concerning the above referenced proceeding, initiated from Federal Energy Regulatory Commission (FERC) Headquarters, commencing at 2 p.m. (Eastern Standard Time [EST]) and concluding by 4 p.m. EST.

The purpose of the meeting is to gain a better understanding of why and what is being requested by the National Marine Fisheries Service (NMFS) regarding their request for FERC to prepare a biological assessment for shortnose sturgeon for the Saluda Hydroelectric Project. The South Carolina Electric and Gas Company will also participate in the teleconference.

All local, state, and federal agencies, Indian tribes, and other interested parties are invited to listen by telephone. The FERC contact for the Saluda Hydroelectric Project is Lee Emery. Please call Lee Emery at (202) 502-8379 by 4 p.m. EST, June 11, 2010, or by e-mail at [lee.emery@ferc.gov](mailto:lee.emery@ferc.gov), to receive specific instructions on how to participate in the teleconference.

**Kimberly D. Bose,**  
Secretary.

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<sup>1</sup> 18 CFR section 385.2010.