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Linwood A. Watson, Jr.,

Deputy Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03-018-000]

City of Duluth, Minnesota; Notice of Intent to Prepare an Environmental Assessment for the Proposed City of Duluth Pipeline Project and Request for Comments on Environmental Issues

December 24, 2002.

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 City of Duluth Pipeline Project involving construction and operation of facilities by the City of Duluth, Minnesota (City) in St. Louis County, Minnesota and Douglas County, Wisconsin.¹ These facilities would consist of about 5.3 miles of 10-inch-diameter pipeline, check and block valves, a town border station, and other ancillary facilities. 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.

If you are a landowner receiving this notice, you may be contacted by a City representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The City 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 City could initiate condemnation proceedings 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 the City 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 available for viewing on the FERC Internet Web site www.ferc.gov.

Summary of the Proposed Project

The purpose of the project is to expand the capacity and service, while improving the reliability, of the City's natural gas distribution system. The gas would enter the City's current system for distribution to residents and businesses of the City. This project would help ensure continued dependable natural gas service to the customers of the City. The volume of gas delivered by the proposed facilities would be 6,000,000 cubic feet per day. The City seeks authority to construct and operate:

- approximately 5.3 miles of 10-inch-diameter pipeline;
- a town border station, including a heater, pressure regulators, relief valves, odorant tank, odorant injector, communication and electronics equipment, valves, and associated piping;
- a pig launcher/receiver trap and associated valving/piping or piping for a temporary pig launcher/receiver trap, a check valve and a block valve; and
- a meter station.

The general location of the project facilities is shown in appendix 1.² If you are interested in obtaining detailed maps of a specific portion of the project, send in your request using the form in appendix 4.

Land Requirements for Construction

Construction of the proposed project would disturb about 44.3 acres of land. Following construction, about 19.4 acres would be maintained as permanent

² The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Web site at the "FERRIS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to FERRIS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

right-of-way or aboveground facilities. The remaining 24.9 acres of land would be restored and allowed to revert to its former use.

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 us³ 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 of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA 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
- hazardous waste

We will also evaluate possible 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 in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

³ "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

¹ The City's application was filed with the Commission under Section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by the City. This preliminary list of issues may be changed based on your comments and our analysis.

- Twelve waterbodies and 35 wetlands would be crossed by the proposed pipeline.
- Five waterbodies would be crossed using the horizontal directional drill technique, including the St. Louis River, a tributary to the St. Louis River, an unnamed ditch, the Little Pokegama River, and the Pokegama River.
- Five federally listed endangered or threatened species may occur in the proposed project area.
- Nineteen state threatened, endangered, or special concern species may occur in the proposed project area.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

Label one copy of the comments for the attention of Gas Hydro Branch.

Reference Docket No. CP03-018-000. Mail your comments so that they will be received in Washington, DC on or before January 24, 2003.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of

any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on "Login to File" and then "New User Account."

We might mail the EA for comment. If you are interested in receiving it, please return the Information Request (appendix 4). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).⁴ Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. By this notice we are also asking governmental agencies, especially those in appendix 3, to express their interest in becoming cooperating agencies for the preparation of the EA.

⁴ Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the FERRIS link. Click on the FERRIS link, enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance with FERRIS, the FERRIS helpline can be reached at 1-866-208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The FERRIS link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Linwood A. Watson, Jr.,

Deputy Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Surrender of Major Project License and Soliciting Comments, Motions To Intervene, and Protests

December 23, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type*: Surrender of Major Project License.

b. *Project No.*: P-10359.

c. *Date Filed*: November 13, 2002.

d. *Applicant*: Snoqualmie River Hydro Inc.

e. *Name of Project*: Youngs Creek Hydroelectric Project.

f. *Location*: The project is located on Youngs Creek, near the Town of Sultan, in Snohomish County, Washington. This project does not utilize Federal or tribal lands.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Maureen E. O'Brien, Chief Operating Officer, Snoqualmie River Hydro, Inc., 19515 North Creek Parkway, Suite 310, Bothell, WA 98011, (425) 487-6541.

i. *FERC Contact*: Blake Condo at blake.condo@ferc.gov, or telephone (202) 502-8914.

j. *Cooperating agencies*: We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental