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David P. Boergers,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Commission

Gulfstream Natural Gas System, L.L.C.; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Gulfstream Pipeline Project, Request for comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit

December 6, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) and the Minerals Management Service (MMS) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Gulfstream Pipeline Project involving construction and operation of facilities by Gulfstream Natural Gas System, L.L.C. (Gulfstream) in Alabama, Mississippi, the Gulf of Mexico, and Florida.¹ These facilities would consist of about 744 miles of various diameter pipeline, 120,000 horsepower (hp) of compression, a pressure regulating station, 20 meter stations, 3 manifold stations, 5 take-off stations, 25 mainline valve sites, and 17 pig launchers or receivers. This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity. Due to the division of proposed facilities between onshore and offshore areas, the FERC will focus on analysis on onshore issues. The MMS will have primary responsibility for offshore analysis and will coordinate with the Army Corps of Engineers regarding state waters review. The application and other supplemental filings in this docket are available for viewing on the FERC Internet website (www.ferc.fed.us). Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the

CIPS menu, and follow the instructions. General information about the MMS and detailed information regarding the Gulf of Mexico can be accessed at the MMS Internet website (www.mms.gov).

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 proposed facilities. The pipeline 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 in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.²

The FERC is the lead agency and the MMS is a federal cooperating agency for this project because the MMS has jurisdiction by law as well as special expertise regarding the potential environmental impacts associated with the portion of the proposed pipeline that would be installed on the Outer Continental Shelf.

Additionally, with this notice we are asking a number of Federal and state agencies (see appendix 2) with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their agencies' responsibilities.

The FERC is concurrently issuing a Notice of Intent to prepare an EIS for the Buccaneer Project, Docket No. CP00-14-000. The Gulfstream and Buccaneer Projects share a similar point of origin, cross the Gulf of Mexico, and reach landfall near Tampa, Florida. Furthermore, the two projects could potentially serve some of the same markets in central Florida, particularly in Polk County. For these reasons we are asking your help on how to evaluate these projects. We are soliciting comments on whether to prepare a single EIS for both projects, or a separate EIS for each project. We will hold joint scoping meetings at locations where we

believe there is a reasonable amount of overlap of the potentially affected parties. Maps showing the proposed Gulfstream project are in appendix 3 and maps showing the locations of both projects are included in appendix 4.

Summary of the Proposed Project

Gulfstream's proposed project would transport to Florida up to 1.13 billion cubic feet per day of natural gas from sources in Alabama and Mississippi. The State of Florida is experiencing a substantial increase in demand for electric power that is tied to the growth of population in the state.

The proposed Gulfstream project would traverse southeast Mississippi and southwest Alabama, the Gulf of Mexico, and Florida. The natural gas supply line would originate at a supply meter station in Jackson County, Mississippi. Gulfstream seeks authority to construct and operate the following:

- About 11.5 miles of 36-inch-diameter pipeline in Jackson County and in offshore waters of Mississippi;
- About 37.6 miles of 36-inch-diameter pipeline in Mobile County and in offshore waters of Alabama;
- About 378.2 miles of 36-inch-diameter pipeline in federal waters of the Gulf of Mexico and 24.4 miles of 36-inch-diameter pipeline in waters of the State of Florida;
- About 52.7 miles of 36-inch-diameter pipeline in Manatee, Hardee, and Polk Counties, Florida;
- About 122.8 miles of 30-inch-diameter pipeline in Hardee, Highlands, Martin, Okeechobee, and Polk Counties, Florida, and about 101.0 miles of 24-inch-diameter pipeline in Hardee, Polk, Osceola, Martin, St. Lucie, and Palm Beach Counties, Florida;
- About 15.8 miles of 16-inch-diameter sublaterals pipeline in Hardee and Polk Counties, Florida;
- 20 metering stations in Jackson county, Mississippi, Mobile County, Alabama and Hardee, Highlands, Okeechobee, St. Lucie, Palm Beach, and Polk Counties, Florida;
- A 120,000-horsepower compressor station in Mobile County, Alabama; and
- Pig launching and/or receiving facilities, a pressure regulator station, and 25 mainline valves at various locations.

Overall, the Gulfstream project would consist of approximately 744 miles of new pipeline. See tables 1 and 2 for a listing of project facilities. The general location of the project facilities is shown in appendix 3. If you are interested in obtaining detailed maps of a specific portion of the project send in your request using the form in appendix 6.

² The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208-1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

¹ Gulfstream's application was filed with the Commission on October 15, 1999, under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

Land Requirements for Construction

Construction of the onshore portion of the Gulfstream Pipeline Project would affect a total of about 4,922 acres of land including 4,843 acres required for pipeline construction, extra workspace, contractor, pipe storage, and warehouse yards and 79 acres for construction of the aboveground facilities. Total land requirements for the permanent right-of-way would be about 1,811 acres. An additional 44 acres for the operation of the new aboveground facilities would be required. The remaining 3,067 acres of land affected by construction would be restored and allowed to revert to its former use. The offshore portion of the

Gulfstream Pipeline Project affect a total of about 9,169 acres of Federal waters and 1,423 acres of state waters during construction and operation.

Approximately 235 miles (77 percent) of the new onshore pipeline would be installed parallel to various existing utility rights-of-way. Gulfstream would typically use a 110-foot-wide construction right-of-way width for 30-inch- and 36-inch-diameter pipeline, a 95-foot-wide construction right-of-way width for 24-inch-diameter pipeline and an 80-foot-wide construction right-of-way width for 16-inch-diameter pipeline. Additional extra temporary work areas may be necessary for water body, highway and railroad crossings,

additional topsoil storage, and pipe storage and equipment yards.

Following construction and restoration of the right-of-way and temporary work spaces, Gulfstream would retain a new 50-foot-wide permanent easement for 24-inch-to 36-inch-diameter pipeline, an 75-foot-wide permanent easement for dual 36-inch-diameter pipelines, and a new 30-foot-wide permanent easement for 16-inch-diameter pipeline. The remaining portion of the construction right-of-way would be temporary and returned to landowners for their use without restrictions after appropriate reclamation efforts are successful.

TABLE 1.—PROPOSED PIPELINE FACILITIES FOR THE GULFSTREAM PIPELINE PROJECT

State	County	Pipeline line No.	Diameter (inches)	Mileposts		Length ^a (miles)
				Begin	End	
Mississippi	Jackson	060	36	0.0	5.4	5.4
	Offshore	060	36	5.4	11.5	6.1
	Total .....	.....	.....	.....	.....	11.5
Alabama	Mobile	060	36	22.9	26.7	3.8
		010	24	0.0	0.1	0.1
		040	36	0.0	0.2	0.2
		100	36	0.0	1.5	1.5
		200	36	0.0	3.8	3.8
	Offshore	60/200	36	11.5	22.9	11.5
		200	36	3.8	20.5	16.7
	Total .....	.....	.....	.....	.....	37.6
Federal	Offshore	200	36	20.5	398.7	378.2
Total .....	.....	.....	.....	.....	.....	378.2
Florida	Offshore, Hillsborough	200	36	398.7	432.0	24.4
	Manatee	200	36	423.0	429.5	6.5
	Manatee	300	36	0.0	28.1	28.4
	Hardee	300	36	28.1	44.3	16.0
	Hardee	310	16	0.6	0.7	0.1
	Hardee	320	16	0.0	0.9	0.9
	Hardee	330	24	0.0	2.1	2.1
	Hardee	500	30	0.5	17.7	17.2
	Highlands	500	30	17.7	56.9	39.5
	Martin	500	30	87.9	88.9	1.8
	Martin	600	24	0.0	6.5	6.4
	Martin	700	24	0.0	14.5	14.3
	Okeechobee	500	30	56.9	87.9	30.4
	Osceola	450	24	22.3	26.0	3.6
	Palm Beach	700	24	14.5	37.8	23.4
	Palm Beach	710	24	0.0	6.4	6.3
	Polk	300	36	44.3	45.9	1.8
	Polk	310	16	0.0	0.6	0.6
	Polk	330	24	2.1	9.1	7.0
	Polk	400	30	0.0	33.2	33.4
	Polk	450	24	0.0	22.3	22.3
	Polk	410	16	0.0	6.2	6.1
	Polk	430	16	0.0	1.1	1.2
	Polk	440	16	0.0	6.9	6.9
	Polk	500	30	0.0	0.5	0.5
	St. Lucie	600	24	6.5	22.1	15.6
	Total .....	.....	.....	.....	.....	316.7
	Project Total .....	.....	.....	.....	.....	744.0

^a Mileage based on actual lengths determined in the field. Distances between mileposts vary.

TABLE 2.—SUMMARY OF ABOVEGROUND FACILITIES FOR THE GULFSTREAM PIPELINE PROJECT

State	County	Facility ^a	Line No.	Approximate milepost	Description ^b
Mississippi	Jackson	Station 055	060	0.0	36" PL/Meters.
		MLV 060-1	060	5.4	36" MLV.
Alabama	Mobile	Station 100	100	1.5	36" PL/36" PR/Compressors.
			060	26.7	
			200	0.0	
		Station 005	010	0.0	Meters.
		Station 035	040	0.0	Meters.
		Station 015	100	0.0	Meters.
		Station 050	100	0.0	Manifold.
		MLV 060-2	060	23.7	36" MLV
		MLV 200-1	200	3.8	36" MLV
	Federal	MLV 200-2	200	57.3	36" MLV/Subsea Valve.
	Federal	MLV 200-3	200	371.3	36" MLV/Subsea Valve.
Florida	Manatee	Station 200	200	429.5	36" PL/36" PR/Pressure.
			300	0.0	
		MLV 200-4	200	424.4	36" MLV.
		MLV 300-1	300	13.6	36" MLV.
	Hardee	Station 310	310	0.7	Meters/Heater.
		Station 320	320	0.9	Meters/Heater.
		Station 305	300	36.6	24" PL/Tie Ins.
			330	0.0	
		Station 315	330	1.2	Side Value Only/Tie Ins.
			320	0.0	
		MLV 300-2	300	28.8	36" MLV.
		MLV 300-3	300	36.6	36" MLV in Station 305.
	Highlands	Station 515	500	37.7	Meters/Tie Ins/Heater.
		MLV 500-1	500	20.0	30" MLV.
		MLV 500-2	500	27.5	30" MLV.
		MLV 500-3	500	34.0	30" MLV.
		MLV 500-4	500	37.7	30" MLV in Station 515.
		MLV 500-5	500	52.1	30" MLV.
	Okeechobee	Station 505	500	81.6	Meters/Tie Ins.
		MLV 500-6	500	71.7	30" MLV.
		MLV 500-7	500	81.6	30" MLV in Station 505.
	Martin	Station 500	500	88.9	24" & 24" PL/30".
			700	0.0	
			600	0.0	
		MLV 700-1	700	11.9	24" MLV.
	St. Lucie	Station 600	600	22.1	24" PR/Meters.
		MLV 600-1	600	11.0	24" MLV.
	Palm Beach	Station 700	700	37.8	24" PR/24" PL/Tie.
			710	0.0	
		Station 710	710	6.4	24" PR/Heater/Meters.
		MLV 700-2	700	24.5	24" MLV.
	Polk	Station 330	330	9.1	24" PR/Meters/Heater.
		Station 410	410	6.2	16" PR/Meters/Heater.
		Station 415	410	2.4	Meters/Tie Ins/Heater.
		Station 430	430	1.1	16" PR/Meters/Heater.
		Station 435	400	12.4	Meters/Tie Ins/Heater.
		Station 440	440	6.9	16" PR/Meters/Heater.
		Station 445	400	21.9	Meters/Tie Ins/Heater.
		Station 455	450	18.1	Meters/Tie Ins/Heater.
		Station 300	300	45.9	30" & 30" PL/36".
			400	0.0	
			500	0.0	
		Station 400	400	33.2	16" & 24" PL/30".
			440	0.0	
			450	0.0	
		Station 325	330	2.1	Side Valve Only/Tie Ins.
			310	0.0	
		Station 405	400	7.0	16" PL/Tie Ins.
			410	0.0	
		Station 425	400	29.1	16" PL/Tie Ins.
			430	0.0	
		MLV 400-1	400	7.0	30" MLV in Station 405.
		MLV 400-2	400	16.0	30" MLV.
		MLV 400-3	400	21.9	30" MLV in Station 445.
		MLV 400-4	400	29.1	30" MLV in Station 425.
		MLV 450-1	450	6.8	24" MLV.
		MLV 450-2	450	18.1	24" MLV in Station 455.

TABLE 2.—SUMMARY OF ABOVEGROUND FACILITIES FOR THE GULFSTREAM PIPELINE PROJECT—Continued

State	County	Facility ^a	Line No.	Approximate milepost	Description ^b
	Osceola	Station 450	450	26.0	24" PR/Meters/Heater.

^a MLV=Mainline Valve.^b PL=Pig Launcher, PR=Pig Receiver.

The EIS 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 to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EIS 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 EIS. All comments received are considered during the preparation of the EIS. 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 EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology, mineral resources, and soils
- Water resources, fisheries, and wetlands
- Coastal and marine resources
- Vegetation and wildlife
- Endangered and threatened species
- Land ownership and land use
- Recreation and public interest areas
- Visual resources and aesthetics
- Cultural resources
- Air quality and noise
- Hazardous waste
- Socioeconomics
- Pipeline safety
- Alternatives

Our independent analysis of the issues will be in the Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, affected landowners and other interested individuals, newspapers, libraries, and the Commission's official service list for this proceeding. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to each

comment received and will be used by the Commission in its decision-making process to determine whether to approve the project.

To ensure that your comments are considered, please carefully follow the instructions in the public participation section beginning on page 10.

Currently Identified Environmental Issues

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project. The FERC and MMS have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Gulfstream. Some of these issues are listed below. This is a preliminary list of issues and may be changed based on your comments and our analysis. Currently identified environmental issues for the Gulfstream Pipeline Project include:

- Construction and operational impacts on sea grasses, mangroves, live bottom habitat, and organism migration in Tampa Bay;
- Potential impacts associated with directional drilling, dredging, jetting, rock berm construction methods, and routing alternatives in Tampa Bay;
- Impact on about 77 residences potentially within 50 feet of the construction right-of-way;
- Effect on landowners and future land use;
- Consistency with local land use plans and zoning including effect on future planned development areas such as Developments of Regional Impact, Interstate 4 expansion, Highway 570 development, Port Manatee development, and Saddle Creek Road expansion;
- Construction through or along the edge of active phosphate surface mines;
- Potential for sinkhole formation;
- Effect of construction on the Gulf of Mexico, Mississippi Sound, and on 231 perennial waterbody crossings, including 8 waterbodies 100 feet wide or greater;

- Erosion control and potential for sediment transport to waterbodies and wetlands;
- Effect of construction on groundwater and surface water supplies;
- Effect of construction on 516 wetland crossings, including about 99 acres of permanent alteration of wetlands;
- Clearing of about 272 acres of upland forest and 217 acres of forested wetlands;
- Effect on sensitive areas and habitats of concern including Terra Ceia, Green Swamp, Lake Wales Ridge Ecosystem, Kissimmee River, Trail Ridge, Barley Barber Swamp, and Dupuis Reserve;
- Potential introduction and control of non-native species;
- Effect on specialty crops such as citrus groves and sugar cane;
- Compatibility with the ongoing and proposed restoration projects along the Kissimmee River;
- Effect on wildlife, fisheries including essential fish habitat, and rare plant habitats;
- Impacts on 58 federally endangered and threatened species including the Florida panther, Louisiana black bear, West Indian manatee, American alligator, bald eagle, red-cockaded woodpecker, and Atlantic gulf sturgeon;
- Effect on historic and prehistoric archeological sites and historic structures;
- Effect on public lands and special use areas including Terra Ceia, Little Manatee River Watershed, the Beker property (potential State preserve), Duette Regional Park, Peace River Watershed/Peace River, Charlie Creek Watershed, Tenoroc Fish Management Area, Green Swamp Area of Critical Concern, Arbuckle Creek, Kissimmee River/COE Restoration Project Boundary, Trail Ridge, Barley Barber Swamp, Dupuis Reserve, Everglades Agricultural Area, the Florida National Scenic Trail, and the Sun N' Lakes Preserve, Silver Lake Site, and Carter Creek Conservation and Recreation Lands (CARL) Property;
- Visual effect of aboveground facilities on surrounding areas;
- Effect on local air quality and noise environment as a result of compressor station operations; and

—Combined effect of the proposed project with other projects, including other natural gas pipelines, which have been or may be proposed in the same region and similar time frames.

Public Participation and Scoping Meetings

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentator, your concerns will be addressed in the EIS 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 two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426.

- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR-11.2.

- Reference Docket No. CP00-6-000.
- Mail your comments so that they will be received in Washington, DC on or before January 21, 2000.

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meetings the FERC will conduct in the project area. The locations and times for these meetings are listed below.

SCHEDULE OF PUBLIC SCOPING MEETINGS FOR THE GULFSTREAM PIPELINE PROJECT ENVIRONMENTAL IMPACT STATEMENT

Date and time	Location	Phone
January 4, 2000; 7 p.m.	Mobile Convention Center, ¹ 1 South Water Street, Mobile, Alabama.	(334) 208-2128
January 6, 2000; 7 p.m.	Manatee High School, One Hurricane Lane, Bradenton, Florida.	(941) 714-7300
January 11, 2000; 7 p.m.	Florida Dept. of Agriculture, and Consumer Services, The Florida Room, 500 3rd St. NW, Winter Haven, Florida ³ .	(863) 291-5820
January 12, 2000; 7 p.m.	Indiantown Civic Center, 15675 S.W. Osceola Street, Indiantown, Florida.	(561) 597-5222
January 13, 2000; 7 p.m.	Sebring High School, 3514 Kenilworth Boulevard, Sebring, Florida.	(863) 471-5500

¹ Scoping meetings at Mobile, Alabama, and Winter Haven, Florida would involve joint meetings for the Buccaneer and Gulfstream Projects.

The public meetings are designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. Prior to the start of the meetings, company representatives will be available to informally discuss the project. At 7:00 p.m. each company will provide a summary discussion of the project (about 10 minutes each). Then the comment period will begin. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues they believe should be addressed in the Draft EIS. A transcript of each meeting will be made so that your comments will be accurately recorded.

On the dates of the meetings, the staff will also be visiting some project areas. Anyone interested in participating in a site visit may contact the Commission's Office of External Affairs identified at the end of appendix 1 of this notice for more details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EIS 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 5). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late intervenors must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. 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. As details of the project become established, representatives of

Gulfstream may also separately contact landowners, communities, and public agencies concerning project matters, including acquisition of permits and rights-of-way.

All commenters will be retained on our mailing list. If you do not want to send comments at this time but still want to keep informed and receive copies of the Draft and Final EISs, you must return the Information Request (appendix 6). If you do not send comments or return the Information Request, you will be taken off the mailing list.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208-1088 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the

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David P. Boergers,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application and Applicant Prepared Environmental Assessment Accepted for Filing; Requesting Interventions and Protests; Establishing Procedural Schedule and Final Amendment Deadline; Requesting Comments, Final Terms and Conditions, Recommendations and Prescriptions; Requesting Reply Comments

December 6, 1999.

Take notice that the following hydroelectric application has been filed with the Commission. An Applicant-Prepared Environmental Assessment (APEA) for the Upper Menominee River Basin Projects which includes the project below, has been filed with the Commission. Both documents are available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2072-008.

c. *Date filed:* October 1, 1999.

d. *Applicant:* Wisconsin Electric Power Company (WE).

e. *Name of Project:* Lower Paint Hydroelectric Project.

f. *Location:* The project is located on the Paint River, near Crystal Falls, in Iron County, Michigan. The project would not utilize any Federal lands or facilities.

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

h. *Applicant Contact:* Ms. Rita L. Hayen, P.E., Wisconsin Electric Power Company, 231 West Michigan Street, P.O. Box 2046, Milwaukee, WI 53201-2046.

i. *FERC Contact:* Any questions on this notice should be addressed to Patti Leppert-Slack, E-mail address patricia.leppertslack@ferc.fed.us, or telephone (202) 219-2767.

j. *Deadline for filing motions to intervene, protests, comments, final terms and conditions, recommendations, and prescriptions:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St. NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, the intervenor must also serve a copy of the document on that resource agency.

k. *Status of Environmental Analysis:* On March 25, 1996, the Director, Office of Hydropower Licensing, approved WE's use of the Alternative Licensing Process. Scoping, pursuant to the National Environmental Policy Act of 1969 as amended, for the project was conducted through scoping documents issued in July 1996 and January 1997, and in public scoping meetings on September 16 and 17, 1996. The draft license application and APEA were distributed by the applicant for comment on October 20, 1998.

The Commission staff has reviewed the license application and APEA and has determined that the application is acceptable for processing and no additional information or studies are needed to prepare the Commission's environmental assessment. Comments, as indicated above, are being requested from interested parties. The applicant will have 45 days following the end of this period to respond to those comments, or may elect to seek a waiver of this deadline.

l. *Description of Project:* The project consists of the following: (1) A 128-foot-long, 6-foot-high left earth embankment; (2) a 101-foot-long concrete gated spillway with three 27-foot-long by 15-foot-high Taintor Gates; (3) a 150-foot-long, 25-foot-high uncontrolled concrete gravity spillway; (4) a 316-foot-long, 17-foot-high right earth embankment; (5) an impoundment with a 340-acre surface area at normal full pool elevation 1,285.5 feet National Geodetic Vertical Datum; (6) a 1.4-mile-long, 89-foot-wide, 1,700 cubic feet per second capacity diversion canal; (7) a powerhouse containing a single generating unit rated at 100 kilowatts; and (8) appurtenant facilities.

The Lower Paint diversion canal diverts water from the Paint River to the reservoir of WE's Peavy Falls Project, located on the Michigamme River.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be

viewed on the web at www.ferc.fed.us. Call (202) 208-2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

n. *Protests or Motions to Intervene—* Anyone may submit a protest or a motion to intervene in accordance with the requirements of the rules of Practice and Procedures, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application and APEA.

o. *Filing and Service of Responsive Documents—* The Commission is requesting comments, recommendations, terms and conditions, prescriptions, and reply comments.

The Commission directs, pursuant to 18 CFR 4.34(b) of the regulations, that all comments, recommendations, terms and conditions, and prescriptions concerning the application and APEA be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

p. All filings must: (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," "PRESCRIPTIONS," or "REPLY COMMENTS;" (2) set forth in the heading the name of the applicant and the project number of the application and APEA to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application and APEA directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Secretary, Federal Energy