

with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: June 28, 2009.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. 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 "e-filing" link. For a simpler method of submitting text only comments, click on "Quick Comment."

m. The application is not ready for environmental analysis at this time.

n. The project consists of the following facilities: (1) An intake at Periodic Springs; (2) an existing 97,000 gallon buried concrete surge tank; (3) an existing 16,775-foot-long, 18-inch-diameter iron ductile pipe; (4) a new approximately 95-foot-long, 2-foot-diameter ductile iron penstock conveying flows from the existing pipe to the new powerhouse; (5) a 20-foot-long by 20-foot-wide powerhouse containing a single Pelton turbine and generator with an installed capacity of 225 kilowatts (kW); (6) an approximately 10-foot-long, 2.5-foot-diameter draft tube discharging flows from the powerhouse to an existing access hatchway at the top of the storage tank; (7) a one-million-gallon storage tank; and (8) appurtenant facilities. The power generated will intertie with the existing 12.5-kilovolt distribution

system at the culinary water treatment plant.

The Culinary Water System Hydroelectric Project would utilize some features from the Town of Afton's existing culinary water supply system. Under current operating conditions, water is piped from Periodic Springs to a buried concrete surge tank. From this tank, water is routed to a water treatment plant, and then to a storage tank before distribution. The new hydroelectric project will divert flow at an existing bifurcation in the conveyance pipe, upstream of the treatment plant. Flows up to 12 cubic feet per second (cfs) will be diverted to the powerhouse for hydropower generation, then discharged directly to the storage tank, bypassing the current treatment plant. The proposed project would have a total installed capacity of 225 kW and would produce an average annual generation of 1,272,463 kilowatt-hours. The generated power would be utilized to offset the energy used by the culinary water system, with net power sold to Lower Valley Energy, Inc. The project will operate as a run-of-river, with any flows in excess of the turbine capacity of 12 cfs bypassing the project to the existing treatment plant.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Wyoming State Historic Preservation Officer (SHPO), as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR at 800.4.

q. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance Letter; July 6, 2009.

Issue Scoping Document for comments; August 5, 2009.

Notice that application is ready for environmental analysis; November 3, 2009.

Notice of the availability of the EA; March 3, 2010.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 3052-016]

#### City of Black River Falls; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, and Terms and Conditions

May 6, 2009.

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

a. *Type of Application:* Amendment of License.

b. *Project No.:* 3052-016.

c. *Date Filed:* April 9, 2009.

d. *Applicant:* City of Black River Falls.

e. *Name of Project:* Black River Falls Project.

f. *Location:* The project is located on the Black River in the City of Black River Falls, Jackson County, Wisconsin.

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

h. *Applicant Contact:* Mr. Jerry Ewert, Administrator, Black River Falls Municipal Utilities, 119 North Water Street, Black River Falls, Wisconsin 54615, (715) 284-9463.

i. *FERC Contact:* Mr. Steven Sachs (202) 502-8666 or [Steven.Sachs@ferc.gov](mailto:Steven.Sachs@ferc.gov).

j. Deadline for filing motions to intervene and protests, comments, recommendations, and preliminary terms and conditions, is 60 days from the issuance of this notice; reply comments are due 105 days from the issuance date of this notice. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

k. *Description of Request:* The applicant proposes to replace eight existing tainter gates and associated concrete piers with six larger tainter gates and concrete piers. The applicant also proposes to construct a new

powerhouse containing a new 410 kW turbine/generator unit situated between the gated spillway and non-overflow section of the dam. The applicant also proposes to replace the left non-overflow section of the dam, replace the retaining wall on the left side of the tailrace, and to patch concrete on the overflow spillway, forebay walls, and at the upstream end of the tailrace. Finally, the applicant proposes to modify releases into the tailrace in order to provide improved whitewater recreational opportunities.

l. *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) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3372 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) Bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," or "TERMS AND CONDITIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone

number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. 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, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. As provided for in 18 CFR 4.34(b)(5)(i), a license applicant must file, no later than 60 days following the date of issuance of this notice of acceptance and ready for environmental analysis: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

q. e-Filing: Comments, motions to intervene, protests, or terms and conditions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov> under the "eFiling" link.

**Kimberly D. Bose,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13414-000]

#### City of Burlington, IA; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

May 4, 2009.

On March 31, 2009, the City of Burlington, Iowa filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the City of Burlington Hydroelectric Project, to be located on the Mississippi River, in Des Moines County, Iowa and Henderson County, Illinois.

The proposed City of Burlington Hydroelectric Project would be located at the existing U.S. Army Corps of Engineers' Lock and Dam No. 18 near Gladstone, Illinois and Burlington, Iowa. Lock and Dam No. 18's impoundment equals about 12,152 surface acres.

The proposed project would consist of: (1) Thirty submersible 500-kilowatt turbine/generators with total installed hydraulic capacity of 36,000 cubic feet per second and total installed generating capacity of 15 megawatts; (2) a new 1-mile-long transmission line; (3) appurtenant facilities. The City of Burlington Project would have an estimated average annual generation of 76,831 megawatts-hours, which would be sold to Alliant Energy, Inc.

*Applicant Contact:* Mr. Doug Worden, City Manager, City of Burlington, Iowa, 400 Washington Street, Burlington, Iowa 52601, (319) 753-8120.

*FERC Contact:* John Ramer, (202) 502-8969.

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. 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 under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at