

to seek court review of the Commission's final order.

Motions to intervene, protests and comments 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 under the "e-Filing" link. The Commission strongly encourages electronic filings.

*Comment Date:* May 29, 2009.

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

[FR Doc. E9-12078 Filed 5-22-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12775-001]

#### City of Spearfish, South Dakota; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

May 18, 2009.

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

- a. *Type of Application:* Major Project.
- b. *Project No.:* 12775-001.
- c. *Date Filed:* September 10, 2008.
- d. *Applicant:* City of Spearfish, South Dakota.
- e. *Name of Project:* Spearfish Hydroelectric Project.
- f. *Location:* On Spearfish Creek in Lawrence County, South Dakota. The project occupies about 57.3 acres of United States lands within the Black Hills National Forest administered by the U.S. Forest Service.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).
- h. *Applicant Contact:* Ms. Cheryl Johnson, Public Works Administrator, City of Spearfish, 625 Fifth Street, Spearfish, SD 57783; (605) 642-1333; or e-mail at [cherylj@city.spearfish.sd.us](mailto:cherylj@city.spearfish.sd.us).
- i. *FERC Contact:* Steve Hocking at (202) 502-8753 or [steve.hocking@ferc.gov](mailto:steve.hocking@ferc.gov).
- j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions 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: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, and prescriptions 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."

k. This application has been accepted and is now ready for environmental analysis.

l. The existing Spearfish Project consists of: (1) A 130-foot-long gravity dam with an effective height of 4 feet; (2) a 0.32-acre reservoir; (3) a gatehouse next to the dam that contains four 2-foot-high, 4-foot-wide steel intake gates; (4) a 4.5-mile-long, 6.5-foot-wide, 9-foot-high concrete-lined aqueduct; (5) a forebay pond; (6) two 1,200-foot-long, 48-inch diameter, wood stave pipelines; (7) four 36-inch-diameter, 54-foot-high standpipe surge towers; (8) two 5,250-foot-long, 30- to 34-inch diameter steel penstocks; (9) a reinforced concrete powerhouse containing two Pelton turbines and two 2,000-kilowatt (kW) generators; and (10) appurtenant facilities.

m. 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 (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.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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 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 directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (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.

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

Milestone	Target date
All stakeholders: recommendations, terms, and conditions due .....	July 17, 2009.
All stakeholders: reply comments due .....	August 31, 2009.

Milestone	Target date
FERC issues draft environmental assess (EA) .....	November 3, 2009.
All stakeholders: draft EA comments due .....	December 3, 2009.
All stakeholders: modified terms and conditions due .....	February 1, 2010.
FERC issues final EA .....	March 30, 2010.

**Kimberly D. Bose,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PF09-9-000]

#### ETC Tiger Pipeline, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Tiger Pipeline Project, Request for Comments on Environmental Issues and Notice of Public Scoping Meetings

May 15, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or

Commission) is in the process of preparing an environmental assessment (EA) that will discuss the environmental impacts that could result from the construction and operation of the Tiger Pipeline Project. The project is planned by ETC Tiger Pipeline, LLC (ETC Tiger) to transport natural gas from the Haynesville and Barnett Shale production areas to markets in the Midwest, Northeast, and Southeast.

This Notice of Intent (NOI) initiates the scoping process that will be used to gather input from the public and interested agencies on the project. Your input will help determine which issues will be evaluated in the EA. The staff will also use the scoping process to determine whether preparation of an environmental impact statement (EIS) is more appropriate for this project based

upon the anticipated level of impacts. Please note that the scoping period for this project will close on June 29, 2009.

Comments may be submitted in written or verbal form. Further details on how to submit written comments are provided in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission Staff invites you to attend the public scoping meetings scheduled as follows.

Date and time	Location
Monday, June 8, 2009, 7 p.m. (CDT) .....	Delhi Civic Center, 232 Denver Street, Delhi, Louisiana 71232.
Tuesday, June 9, 2009, 7 p.m. (CDT) .....	Jackson Parish Community Center, 182 Industrial Drive, Jonesboro, Louisiana 71251.
Thursday, June 11, 2009, 7 p.m. (CDT) .....	Texas Country Music Hall of Fame, 300 West Panola Street, Carthage, Texas 75633.

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 EA. A transcript of the meetings will be generated so that your comments will be accurately recorded.

The FERC will be the lead Federal agency in the preparation of an EA or EIS that will satisfy the requirements of the National Environmental Policy Act (NEPA) and will be used by the FERC to consider the environmental impacts that could result if the Commission issues ETC Tiger a Certificate of Public Convenience and Necessity (Certificate) under Section 7 of the Natural Gas Act.

This NOI is being sent to Federal, State, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Indian Tribes and regional Native American organizations; commentors and other interested parties; and local libraries and

newspapers. We<sup>1</sup> encourage government representatives 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 an ETC Tiger representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. ETC Tiger would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the FERC, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, ETC Tiger 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?" is available for viewing on the FERC Internet Web site ([http://www.ferc.gov/for-citizens/citizen-](http://www.ferc.gov/for-citizens/citizen-guides.asp)

[guides.asp](http://www.ferc.gov/for-citizens/citizen-guides.asp)). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in FERC's proceedings.

#### Summary of the Proposed Project

ETC Tiger has announced its proposal to construct and operate a new natural gas pipeline and associated structures with a flow capacity of 2.0 billion cubic feet per day (Bcf/d). The project would consist of an approximate 174-mile, 42-inch-diameter pipeline running from the Carthage Hub in Panola County, Texas to the Perryville Hub in Richland Parish, Louisiana. ETC Tiger states that the Tiger Pipeline would transport natural gas from the growing Haynesville Shale production area to Midwest, Northeast, and Southeast markets through seven interconnects with other major interstate natural gas pipelines and one bi-directional interconnect with an existing intrastate pipeline at the Carthage Hub. In addition, the Tiger Pipeline would transport gas from the Barnett shale production area through its

<sup>1</sup> "We," "us," and "our" refer to the environmental staff of the FERC's Office of Energy Projects.