

b. FERC Contact: Jim Haimes, project coordinator, at 202-219-2780 or at [james.haimes@ferc.gov](mailto:james.haimes@ferc.gov).

c. Participants: Representatives of the Office of Energy Projects (OEP) who included Edward Abrams, Sean Murphy, Charlene Scott, and Jim Haimes; Matthew Cassel and Jaime Tsandes of Psomas, environmental consultant for the City of Springville, Utah, licensee; and John Logan and Garish Willis, representatives of the Forest Service (FS).

d. Agenda: (1) Introduction; (2) Introduction of Participants; (3) Discussion of Issuance of the Commission's Environmental Assessment (EA) for the relicensing of the Bartholomew Hydroelectric Project (project); (4) Commission Staff's EA Recommendation to Eliminate Preliminary 4(e) Conditions 17, 20, and 21 Submitted by the FS; (4) Scheduling of Final 4(e) Conditions; and (5) Follow-up Actions.

e. Discussion: (1) FS representatives expressed concern that the Commission's EA issued on May 13, 2002, for the relicensing of the project was not a draft EA but rather a final EA. Prior to issuance of this document, the FS expected to have considerably more time than 45 days, the public comment period indicated in the EA, to complete its NEPA and administrative responsibilities necessitated to formulate and obtain a Finding Of No Significant Impact conclusion for its list of final 4(e) conditions.

OEP representatives explained that the Commission's policy regarding EAs has changed; whenever a project relicensing involves minimal conflicts and disputes, Commission staff will issue only one EA rather than draft and final documents. In fact, footnote 5 of the Scoping Document (SD) issued on March 30, 2001, for the subject relicensing indicated as follows:

If there are relatively few comments and recommendations filed in response to this scoping document and our public notice indicating that the subject application is ready for environmental analysis, staff will consolidate the environmental review process by excluding the Draft EA and issuing an EA that provides 45 days for public comment. Any comments filed on the EA would then be considered in the Commission order approving or denying a new license for the Bartholomew Project.

(2) Staff's EA concluded that the FS did not provide adequate support for its:

(1) Condition 17, requiring the City to install continuous recording flow gages and a bypass system at each of its spring collection boxes on FS land; (2)

Condition 20, requiring the City to develop a plan to protect federally listed and sensitive plant and wildlife species on FS lands; and (3) Condition 21, requiring the City to develop an avian collision and electrocution hazards plan. Therefore, staff recommends in the EA that the FS exclude these conditions from its list of final 4(e) conditions.

After discussing each of the aforementioned items, the following conclusions and decisions were reached.

(i) Because of a misunderstanding regarding data on flows that are available for diversion to the Upper Bartholomew Powerhouse, the FS originally concluded that the licensee was diverting more than the 10 cubic feet per second (cfs) permitted by the City's existing water rights. The FS now understands that diverted flows do not exceed 10 cfs; therefore, its Condition 17 probably is not needed.

(ii) The FS does not want the licensee to conduct further studies and analysis now regarding the impacts of project operation and maintenance on existing federally listed and FS sensitive species that may be located on project lands within the Uinta National Forest. Instead, the FS wants the Commission to retain the authority to require the licensee to conduct future surveys and analysis for any newly listed or additional FS sensitive species that potentially could be located near project facilities on FS land. Therefore, the FS intends to modify its Condition 20 accordingly.

(iii) Commission staff concludes that, because all portions of project-related electric lines on FS lands are underground, there is inadequate support to include Condition 21, which would require the licensee to develop a plan to protect avians against electrocution and collision with the project's power lines. FS representatives agreed that existing data provided by the licensee indicate that all project-related power lines on FS lands do not pose a hazard to avians.

Nevertheless, FS representatives still are of the opinion that small portions of existing non-project, above ground electric lines operated by the City may cross FS lands. Based on available information, the FS representatives agreed to eliminate Condition 21 from the list of 4(e) conditions. However, they retain the right to require the licensee to conduct additional surveys pursuant to the new FS Special Use Permit to be issued for the project.

f. Follow-up Actions: Psomas will supply the FS with a detailed analysis of the capacity of Springville City's water collection system, which would

allow the FS to drop its gaging request. FS representatives stated that they would like to revise this condition to require the City to continue to operate and maintain wildlife watering troughs in the upper portions of the project. Sean Murphy, the OEP biologist assigned to the subject project, will assist John Logan of the FS in drafting appropriate revised language for FS Condition 20.

The meeting participants agreed that the currently required FS conditions would be less costly and more effective if the revisions agreed upon at the teleconference were included in the list of final conditions filed by the FS. FS representatives expressed concern that, under its current policy, the Commission could issue an order providing the City with a new license for the project before the FS provides its list of final 4(e) conditions. OEP representatives discussed the possibility of the FS providing its final 4(e) conditions in an expeditious manner; FS representatives, however, responded that the FS would be unable to provide its final conditions before September 19, 2002.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RP01-236-006, RP00-553-009, and RP00-481-006.]

### Transcontinental Gas Pipe Line Corporation; Notice of Compliance Plan

May 30, 2002

Take notice that on April 29, 2002, in compliance with the Commission's order issued March 29, 2002 in the referenced dockets, Transcontinental Gas Pipe Line Corporation (Transco) submits this filing to explain how it will comply with the requirements of Order Nos. 637 and 587 before the start of the 2002-03 winter heating season regardless of whether its 1Line business system is operational.

Transco indicates that the 1Line business system is on schedule for a April 1, 2003 implementation date and at that time it will be able to comply with Order Nos. 637 and 587. Transco outlines numerous delays in implementing 1Line and indicates that it cannot modify its existing business systems to comply with Order Nos. 637

and 587. Further, Transco contends that it cannot manually comply with Order Nos. 637 and 587. Transco contends that to address customer concerns regarding the trading fee for netting and trading, it proposes in the interim, to assess a trading fee based on the FT commodity rate, rather than the originally proposed IT rate. Transco included *pro forma* tariff sheets in its filing setting forth the interim trading fee. Transco proposes to file and move into effect these tariff sheets and the other 1line related tariff sheets filed in this proceeding for an April 1, 2003 implementation of 1Line. Transco also provided a proposed schedule identifying, among other things, the dates by which customer training and customer issues will be addressed under an April 1, 2003 implementation date.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed must be filed on or before June 7, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and interventions 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.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RP00-487-001, and RP01-14-001]

### Tuscarora Gas Transmission Company; Notice of Compliance Filing

May 31, 2002.

Take notice that on May 13, 2002, Tuscarora Gas Transmission Company (Tuscarora) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the revised tariff sheet listed on Appendix A to the filing.

Tuscarora states that the purpose of this filing is to comply with the Commission's April 12, 2002 order on Tuscarora's Order No. 637 Compliance Filing.

Tuscarora states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed on or before June 7, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and interventions 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.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER02-1885-000]

### Waterside Power, LLC; Notice of Filing

May 31, 2002.

Take notice that on May 28, 2002, Waterside Power, LLC (Waterside), an

electric power developer organized under the laws of Delaware, petitioned the Federal Energy Regulatory Commission (Commission) for acceptance of its market-based rate tariff, waiver of certain requirements under subparts B and C of part 35 of the Commission's regulations, and preapproval of transactions under part 34 of the regulations. Waterside is developing a 69.25 MW (net) gas turbine electric generating facility in Stamford, Connecticut.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions (call 202-208-2222 for assistance). Protests and interventions 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.

*Comment Date:* June 10, 2002.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP02-341-000]

### Western Gas Interstate Company; Notice of Compliance Filing

May 31, 2002.

Take notice that on May 21, 2002, Western Gas Interstate Company (WGI), tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, First Revised Sheet No. 146, Superseding Original Sheet No. 146, in compliance with Order No. 587-N. The