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*Comment Date:* April 1, 2004.

**Linda Mitry,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 11858-002]

#### Elsinore Municipal Water District and Nevada Hydro Company, Inc.; Notice Extending Deadline for Submitting Additional Study Requests

March 12, 2004.

Take notice that the date for filing study requests has been extended for the Lake Elsinore Advanced Pumped Storage Project, FERC Project No. 11858-02.

On February 2, 2004, Elsinore Municipal Water District and the Nevada Hydro Company, Inc. filed a license application for a major unconstructed project that would be located on Lake Elsinore and San Juan Creek, in the Town of Lake Elsinore, Riverside County, California.

In a notice tendering the license application for filing and soliciting additional study requests issued February 10, 2004, the Commission set the deadline for filing additional study requests as April 2, 2004. However, some of the consulted parties were not provided with a copy of the application by the applicant as set forth in the Commission’s regulations.<sup>1</sup> Because the applicant will have just finished mailing the application to the consulted agencies and tribes as of March 12, 2004, we are extending the deadline for filing additional study requests to give

all consulted parties a full 60-day period to review the application.

The deadline for filing additional study requests and requests for cooperating agency status is now May 11, 2004.

All documents (original and eight copies) should be filed with: Magalie R. Salas, 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.

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>) under the “e-Filing” link.

**Linda Mitry,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD04-4-000]

#### Panel Member List for Hydropower Licensing Study Dispute Resolution; Notice Requesting Applications for Panel Member List for Hydropower Licensing Study Dispute Resolution

March 12, 2004.

This notice requests applications from those interested in being listed as potential panel members to assist in the Federal Energy Regulatory Commission’s (Commission) study dispute resolution process for the integrated licensing process for hydropower projects.

#### Background

The Commission’s final rule revising its regulations pertaining to hydroelectric licensing under the Federal Power Act encourages informal resolution of study disagreements. In cases where this is not successful, a formal study dispute resolution process

is available for State and Federal agencies or Indian tribes with mandatory conditioning authority.<sup>1</sup>

The final rule provides that the disputed study must be submitted to a dispute resolution panel consisting of a person from Commission staff, a person from the agency or Indian tribe referring the dispute to the Commission, and a third person selected by the other two panelists from a pre-established list of persons with expertise in the disputed resource area.<sup>2</sup> The third panel member (TPM) will serve without compensation, except for certain allowable travel expenses to be borne by the Commission (31 CFR 301).

The role of the panel members is to make a finding, with respect to each disputed study request, on the extent to which each study criteria set forth in the regulations is or is not met,<sup>3</sup> and why. The panel will then make a recommendation to the Director of the Office of Energy Projects based on the panel’s findings.

TPMs can only be selected from a list of qualified persons (TPM List) that is developed and maintained by the Commission. Each qualified panel member will be listed by area(s) and sub-area(s) of technical expertise, for example Fisheries Resources—Instream flow. The TPM list will be available to the public on the Commission’s web site. All individuals submitting their applications to the Commission for consideration must meet the Commission’s qualifications.

#### Application Contents

The applicant should describe in detail his/her qualifications in items 1–4 listed below.

1. Technical expertise, including education and experience in each resource area and sub-area for which the applicant wishes to be considered:

- Aquatic resources:
  - Water quality;
  - Instream flows;
  - Fish passage;
  - Macroinvertebrates;
  - Threatened and endangered species;
  - General.
- Terrestrial resources:
  - Wildlife biology;
  - Botany;
  - Wetlands ecology;
  - Threatened and endangered

<sup>1</sup> See § 5.14 of the final rule, which may be viewed on the Commission’s Web site at <http://www.ferc.gov/home/Order2002.pdf>, and see excerpted attachment describing the formal dispute resolution process.

<sup>2</sup> These persons must not be otherwise involved with the proceeding.

<sup>3</sup> See § 5.9 of the final rule.

<sup>1</sup> See 18 CFR 4.38(d)(1).