

Aquaculture Association were signatories to the Settlement Agreement.

The final EA contains the staff's analysis of the potential environmental effects of the proposed project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the final EA are available for review in Public Reference Room 2-A of the Commission's offices at 888 First Street, NE., Washington, DC. The final EA may also be viewed on the Commission's Internet Web site (<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. Additional information about the project is available from the Commission's Office of External Affairs, at (202) 502-6088, or on the Commission's Web site using the eLibrary link. For assistance with eLibrary, contact [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676; for TTY contact (202) 502-8659.

For further information, contact Kenneth Hogan at (202) 502-8434 or by e-mail at [kenneth.hogan@ferc.gov](mailto:kenneth.hogan@ferc.gov).

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 10854-080-MI]

#### Upper Peninsula Power Company; Notice of Availability of Environmental Assessment

July 2, 2008.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed Upper Peninsula Power Company's proposed shoreline management plan for the Cataract Hydroelectric Project, located on the Middle Branch of the Escanaba River in Marquette County, Michigan, and has prepared an Environmental Assessment (EA).

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the

"eLibrary" link. Enter the docket number (P-10854) 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.

Any comments on the EA should be filed by August 1, 2008, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1-A, Washington, DC 20426. Please reference the project name and project number (P-10854) on all comments. Comments may be filed electronically via 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 under the "eFiling" link. For further information, contact Jon Cofrancesco at (202) 502-8951.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP06-5-009]

#### Empire Pipeline, Inc. and Empire State Pipeline; Notice of Intent To Prepare an Environmental Assessment for the Amended Empire Connector Project and Request for Comments on Environmental Issues

July 2, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the amended portion of the Empire Connector Project involving construction and operation of facilities by Empire Pipeline, Inc. (EPI) and Empire State Pipeline (Empire), a subsidiary of National Fuel Gas Company, in Ontario County, New York.<sup>1</sup> These amended facilities would consist of about 1 mile of 24-inch-diameter pipeline. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a

<sup>1</sup> EPI and Empire's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

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 prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice EPI provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>).

#### Summary of the Proposed Project

EPI and Empire's Empire Connector Project (project) which expands Empire's pipeline system in New York was approved by the FERC on December 21, 2006, and is a part of the Northeast-07 Project (NE-07 Project)<sup>2</sup> and is currently under construction. Through its recent easement negotiations about the crossing of the New York State Thruway (Thruway) with the New York State Department of Transportation (NYSDOT), Empire learned that a portion of the approved route between approximate mileposts (MPs) 4.0 and 4.8 along Crowley Road lies within the NYSDOT property and is part of the Thruway easement. The NYSDOT's policy prohibiting lateral occupancy of limited access highways by utilities (other than communication utilities) applies to this location. Empire has developed the proposed alternative pipeline route to avoid construction within the easement. Empire seeks authority to construct and operate:

- About 1 mile of 24-inch-diameter pipeline between MPs 3.8 and 4.8 of the project.

The location of the project facilities is shown in Appendix 1.<sup>2</sup>

#### Land Requirements for Construction

Construction of the proposed facilities would require about 11.0 acres of land. Following construction, about 5.3 acres would be maintained within the

<sup>2</sup> The notice of availability for the final supplemental environmental impact statement for the NE-07 Project was issued October 13, 2006. It will be incorporated by reference into the EA for this amendment project.