

between Farm-to-Market (FM) Road 1396 and FM Road 409, in Fannin County, TX. The proposed project site consists of 17,068 acres. Approximately 38 percent of the project site is cropland, 37 percent is bottomland hardwoods and riparian woodlands. The remaining 25 percent is mostly upland deciduous forest.

The purpose of the proposed project is to impound the waters of Bois d'Arc Creek and its tributaries to create a new 16,641 acre water supply reservoir for NTMWD. Approximately 427 acres would be required for the construction of the dam and spillways. NTMWD has requested the right to impound up to 367,609 acre-feet of water, to produce an estimated firm yield of 126,200 acre-feet of water per year. State population projections show the NTMWD service population to increase from 1.6 million to 3.3 million by 2060. The Lower Bois d'Arc Creek Reservoir would provide a new water supply to help meet this increasing demand.

Lower Bois d'Arc Creek Reservoir Dam would be about 10,400 feet in length and would have a maximum height of about 90 feet. The design top elevation of the embankment would be 553.5' msl with a conservation pool elevation of 534.0' msl controlled by a service spillway at elevation 534.0' msl with a crest length of 150 feet. The service spillway would be located at the right (east) abutment of the dam. Required low-flow releases would be made through a 36-inch diameter low-flow outlet. An emergency spillway would also be located in the right abutment of the dam. The emergency spillway would be a 1,400-foot wide uncontrolled broad crested weir structure with a crest elevation of 541' msl. This elevation was selected to contain the 100-year storm such that no flow passes through the emergency spillway during this event.

Raw water from the reservoir would be transported by 29 miles of 90-inch pipeline to a proposed water treatment plant near the City of Leonard in southwest Fannin County. To allow the NTMWD the ability to treat water from Lower Bois d'Arc Creek Reservoir at its existing facilities in Wylie, TX, 14 miles of 66-inch pipeline would also extend from the water treatment plant to an outfall on Pilot Grove Creek, a tributary of the East Fork of the Trinity River, to deliver raw water to Lake Lavon, in the Trinity River basin.

Construction of the dam and impoundment of the water within the normal pool elevation of 534' msl would result in direct fill impact or inundation of approximately 120 acres of perennial streams, 99 acres of intermittent

streams, 87 acres of open water, 4,602 acres of forested wetlands, 1,223 acres of herbaceous wetlands, and 49 acres of shrub wetlands.

2. *Alternatives:* Alternatives available to the USACE are to: (1) Issue the Department of the Army permit; (2) issue the Department of the Army permit with special conditions; or (3) deny the Department of the Army permit. Alternatives available to NTMWD include: (1) Construct Lower Bois d'Arc Creek Reservoir as proposed; (2) construct Lower Bois d'Arc Creek Reservoir as proposed by NTMWD, with modifications; (3) developing or acquiring other water supply sources; or (4) no action. As part of the EIS process, a full range of reasonable alternatives, including the applicant's preferred alternative, will be evaluated.

3. *Scoping and Public Involvement:* A public notice for the Section 404 CWA permit application was issued on the proposal on October 14, 2008 soliciting comments from federal, state, and local agencies and officials, interested individuals and the general public. The 30-day comment period was extended by 30 days until December 12, 2008 to afford ample opportunity for public and agency comment on this project. A public Scoping Meeting will be held regarding the proposed action to seek public comments on the proposed project and its potential effects to the human environment (*See DATES AND ADDRESSES*). The USACE will be conducting the public scoping meeting to describe the project, preliminary alternatives, the NEPA compliance process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments for scoping will be accepted until January 9, 2010.

4. *Significant Issues:* Issues to be given analysis in the EIS are likely to include, but will not be limited to: The effects of the lake on the immediate and adjacent property owners, nearby communities, downstream hydraulics and hydrology, wetlands, surface water quality and quantity, groundwater quality and quantity, geological resources, vegetation, fish and wildlife, federally-listed threatened and endangered species, soils, prime farmland, noise, light, aesthetics, historic and pre-historic cultural resources, socioeconomic, land use, public lands, public roads, air quality, and the effects of construction of related facilities.

5. *Cooperating Agencies:* The USACE has invited the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Forest Service, Texas Commission on Environmental

Quality, Texas Parks and Wildlife Department, Texas Historical Commission, and Texas Water Development Board to be Cooperating Agencies (CA) in the formulation of the EIS. No decisions have been made on CA status at this time. Regardless of final CA status decisions, these agencies, as well as other federal, tribal, state, and local governmental entities are expected to be involved in the review and comment of the Draft EIS.

6. *Additional Review and Consultation:* Compliance with other Federal and State requirements that will be addressed in the EIS include, but are not limited to, state water quality certification under Section 401 of the CWA, protection of water quality under the Texas Pollutant Discharge Elimination System, protection of air quality under the Texas Air Quality Act, protection of endangered and threatened species under Section 7 of the Endangered Species Act, and protection of cultural resources under Section 106 of the National Historic Preservation Act.

7. *Availability of Draft EIS:* The Draft EIS is projected to be available by September 2010. There will be a public comment cycle (a public meeting(s) and opportunity for public hearing) following the release of the Draft EIS.

David A. Manning,

Chief, Regulatory Office.

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DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision for Stationing and Training of Increased Aviation Assets Within U.S. Army Alaska

AGENCY: Department of the Army, DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: The Department of the Army announces the availability of its Record of Decision (ROD) that documents and summarizes the decision for implementing actions to increase numbers and types of aviation assets and training within U.S. Army Alaska (USARAK). The decision is based on the analysis described in the Final Environmental Impact Statement (FEIS) for Stationing and Training of Increased Aviation Assets within U.S. Army Alaska (August 2009), supporting studies, and comments provided during formal comment and review periods.

ADDRESSES: Requests for copies of the Army's ROD may be made to Ms. Carrie McEnteer, Directorate of Public Works,

Attention: IMPC-FWA-PWE, 1060 Gaffney Road #4500, Fort Wainwright, AK 99703-4500; *fax:* (907) 361-9867; *e-mail address:* carrie.mcenteer@us.army.mil.

FOR FURTHER INFORMATION CONTACT: Ms. Linda L. Douglass, Public Affairs Office, 1060 Gaffney Road #5900, Fort Wainwright, AK 99703-5900; *telephone:* (907) 353-6701; *e-mail address:* linda.douglass@us.army.mil.

SUPPLEMENTARY INFORMATION: The Army has decided to proceed with implementing the Preferred Alternative (Alternative 2) identified in the FEIS to reorganize and augment its aviation assets in Alaska as an Aviation Task Force (ATF). The ATF will be formed by augmenting USARAK's existing assigned aviation assets (approximately 490 Soldiers and 32 helicopters) with 710 additional Soldiers and 40 additional helicopters. Alternative 2 will result in 1,200 total Soldiers and 72 total helicopters at Fort Wainwright (FWA), with a total projected population increase of approximately 2,005 (including Soldiers, Family members, and Civilian support personnel). The ATF will be permanently stationed at FWA. Construction of new facilities as well as demolition within the FWA Main Post and operation of additional generators and vehicles will be required. Training will occur on current USARAK training lands and use existing flight corridors.

By choosing to implement Alternative 2 in the ROD, the Army expects direct, indirect, and cumulative impacts as a result of troop stationing, facilities construction, and helicopter training exercises at USARAK. The principal environmental impacts will be to airspace management, cultural and visual resources, noise, hazardous materials and hazardous waste, and wildlife. Although additional helicopters will be stationed in Alaska, existing airspace aviation travel routes will be utilized, resulting in minor increases in air traffic. Significant adverse impacts will occur to the Ladd Field National Historic Landmark as a result of facility construction at FWA. Adverse impacts will be the result of the new construction being out of scale with historic buildings, historical viewshed obstruction and change in use of two historic buildings. Temporary minor noise impacts will occur due to facility construction. Noise associated with helicopter training will increase but not to a level that will significantly increase annoyance levels at FWA or surrounding lands. Hazardous materials and waste, both existing sources and those created by the stationing and

operation of an aviation unit, will be managed under existing programs and agreements. Facility construction is proposed within known areas of contamination. USARAK will continue to consult with the appropriate State and federal agencies as outlined in existing agreements in order to protect human health and the environment. Various wildlife species will be affected by increased military training, specifically moose, bison, caribou, trumpeter swan, and bear; however, population level impacts will not occur. In addition, increased hunting pressure on game mammals could result from increased stationing of Soldiers.

As part of the decision to implement Alternative 2 at FWA, the Army will enact environmental mitigation measures to minimize the impacts of this decision, including the implementation and continuation of existing environmental management programs, use of best management practices, and other specific mitigation measures. The majority of mitigation measures the Army has committed to in the ROD involve the continued use of existing management programs and existing best management practices. In addition to these existing programs, the Army and the National Historic Preservation Act Section 106 consulting parties have developed specific mitigation measures to minimize the adverse effects to the Ladd Field National Historic Landmark at FWA. These measures have been outlined and agreed to in a Programmatic Agreement between the Army and the Section 106 consulting parties.

The ROD outlines that Alternative 2 reflects the proper balance of enhancing USARAK aviation capabilities, improving training opportunities for existing USARAK forces, improving the Army's ability to support worldwide military operations, and protecting the environment.

Copies of the ROD can be viewed and downloaded at http://www.usarak.army.mil/conservation/NEPA_home.html.

Dated: November 2, 2009.

Addison D. Davis, IV,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12492-001]

Ha-Best Inc.; Notice of Application Ready for Environmental Analysis, Soliciting Motions To Intervene and Protests, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

November 5, 2009.

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

a. *Type of Application:* Original Minor License.

b. *Project No.:* P-12492-001.

c. *Date filed:* July 3, 2007, and amended on July 31, 2008.

d. *Applicant:* Ha-Best Inc.

e. *Name of Project:* Miner Shoal Waterpower Project.

f. *Location:* The proposed project is located on the Soque River, near the Town of Demorest, Habersham County, Georgia. The proposed project does not occupy federal lands.

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

h. *Applicant Contact:* Don Ferguson, 34 West Jarrard Street, Cleveland, GA 30528; Telephone (706) 865-3999.

i. *FERC Contact:* Janet Hutzel, Telephone (202) 502-8675, or by e-mail at: janet.hutzel@ferc.gov.

j. The deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice and reply comments are due 105 days from the issuance date of this notice.

All documents may be filed electronically via the Internet. 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 "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: 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