

installed capacity of 4.6 MW; (7) a proposed 20-foot-wide roller gate; (8) a new intake flume with trashracks; (9) a new 150-foot-long recreational boat portage located along the north bank of the Kansas River; (10) a new 765-foot-long, 12-kilovolt (kV) transmission line connecting to an existing 535-foot-long 2.3-kV transmission line; and (8) appurtenant facilities.

The project would be operated in a run-of-river mode, where water levels in the reservoir would be maintained near the top of the flash boards. To avoid potential flooding of upstream lands, the project would incorporate a 20-foot-wide roller gate designed to release flows up to 2,600 cfs. In addition, the flashboards would be designed to collapse during periods of high inflows when the water surface elevation rises 6 inches above the top of the flashboards.

o. 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. A copy is also available for inspection and reproduction at the address in item (h) above.

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.

p. With this notice we intend to waive stage I and stage II pre-filing consultation requirements. On October 6, 2009 Bowersock filed a pre-application document and request for waiver of stage I and stage II consultation. As required by sections 5.3(d)(2) of the Commission's regulations, on September 24, 2009 Bowersock published notice in a local paper (the Lawrence Daily Journal) of its request to waive consultation which specified that comments should be filed with the Commission. The application includes letters from the U.S. Fish and Wildlife Service and the Kansas Department of Wildlife and Parks, both indicating that there is sufficient information available to make a recommendation for licensing the project and that no further studies are necessary. Commission staff reviewed the application and comments received and determined that Bowersock's application adequately addresses the issues such that no additional agency consultation is necessary.

q. With this notice we intend to waive scoping. Based on a review of the application filed by Bowersock, resource agency consultation letters, and comments filed to date, Commission staff intends to prepare a single environmental assessment (EA). The EA will assess the potential effects of project construction and operation on geology and soils, aquatic, terrestrial, threatened and endangered species, recreation and land use, aesthetic, and cultural and historic resources. Commission staff determined that the issues that need to be addressed in its EA have been adequately identified during the pre-filing period for the application, which includes a public meeting and site visit conducted by Bowersock on August 13, 2009, and no new issues are likely to be identified through additional scoping.

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

Milestone	Target date
Additional study requests and cooperating agency request due.	April 9, 2010.
Notice of Acceptance, Intervenor, and Ready for Environmental Analysis issued.	April 23, 2010.
Recommendations, preliminary terms & conditions, and fishway prescriptions due.	June 22, 2010.
Commission issues EA Comments on EA due.	August 20, 2010. September 20, 2010.

**Kimberly D. Bose,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13616-000]

#### Free Flow Power Qualified Hydro 23, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

March 3, 2010.

On November 5, 2009, Free Flow Power Qualified Hydro 23, LLC (FFP Qualified Hydro 23) filed an application for a preliminary permit, pursuant to

section 4(f) of the Federal Power Act, proposing to study the feasibility of the Felts Mills Hydroelectric Project No. 13616, to be located at an existing partially breached dam at river mile 19.2, on the Black River, in Jefferson County, New York.

The proposed project would consist of: (1) A new 18.5-foot-high by 292-foot-long concrete gravity dam, a refurbish 5-foot-high by 520-foot-long auxiliary dam, and a new 6-foot-high by 1,000-foot-long earthen embankment; (2) a new 140-acre impoundment with a normal water surface elevation of 589 feet mean sea level; (3) a new 54-foot-long by 74-foot-wide powerhouse to contain two new turbine-generator units for a total installed capacity of 5.0 megawatts; (4) a new 2.6-mile-long, 23-kilovolt transmission line; and (5) appurtenant facilities. The proposed project would operate in a run-of-river mode and generate an estimated average annual generation of 40,000 megawatt-hours.

FFP Qualified Hydro 23: Ramya Swaminathan, FFP Qualified Hydro 23, LLC., 33 Commercial Street, Gloucester, MA 01930, (978) 283-2822.

*FERC Contact:* Michael Watts, (202) 502-6123.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "eFiling" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13616) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**

*Secretary.*

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