

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 12775-001]

**City of Spearfish, SD; Notice of Scoping Meetings and Site Visit and Soliciting Scoping Comments**

December 2, 2008.

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

- a. *Type of Application*: Major Project.
- b. *Project No.*: P-12775-001.
- c. *Date filed*: September 10, 2008.
- d. *Applicant*: City of Spearfish, South Dakota.

e. *Name of Project*: Spearfish Hydroelectric Project.

f. *Location*: On Spearfish Creek in Lawrence County, South Dakota. The project occupies about 57.3 acres of United States lands within the Black Hills National Forest administered by the U.S. Forest Service.

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

h. *Applicant Contact*: Ms. Cheryl Johnson, Public Works Administrator, City of Spearfish, 625 Fifth Street, Spearfish, SD 57783; (605) 642-1333; or e-mail at [cherylj@city.spearfish.sd.us](mailto:cherylj@city.spearfish.sd.us).

i. *FERC Contact*: Steve Hocking at (202) 502-8753; or e-mail at [steve.hocking@ferc.gov](mailto:steve.hocking@ferc.gov).

j. *Deadline for filing scoping comments*: February 13, 2009.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedures 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.

Scoping comments 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.

k. This application is not ready for environmental analysis at this time.

l. *The existing Spearfish Project consists of*: (1) A 130-foot-long, 4-foot-

high concrete gravity dam; (2) a 0.32-acre reservoir; (3) a gatehouse next to the dam that contains four 2-foot-high, 4-foot-wide steel intake gates; (4) a 4.5-mile-long, 6.5-foot-wide, 9-foot-high concrete-lined rock tunnel; (5) a forebay pond; (6) two 1,200-foot-long, 48-inch diameter, wood stave pipelines; (7) four 36-inch-diameter, 54-foot-high standpipe surge towers; (8) two 4,700-foot-long, 30-to 34-inch diameter steel penstocks; (9) a reinforced concrete powerhouse containing two Pelton turbines and two, 2,000-kilowatt generators; and (10) appurtenant facilities.

m. 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 at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, (202) 502-8659. 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.

**n. Scoping Process**

The Commission intends to prepare a single (no draft) environmental assessment (EA) for the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

**Scoping Meetings**

Commission staff will conduct one agency scoping meeting and one public meeting. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

**Evening Scoping Meeting**

*Date and Time*: January 13, 2009, from 7 p.m. to 10 p.m.

*Location*: City of Spearfish Council Center, 625 Fifth Street, Spearfish, SD 57783.

**Daytime Scoping Meeting**

*Date and Time*: January 14, 2009, from 10 a.m. to 2 p.m.

*Location*: City of Spearfish Council Center, 625 Fifth Street, Spearfish, SD 57783.

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list for this project. Copies of SD1 will be available at the scoping meeting or may be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link (see item m above).

**Site Visit**

Commission staff will hold a site visit to the project on January 13, 2009, from 9 a.m. to about 12 noon. Anyone wishing to attend the site visit should meet at the Spearfish Project powerhouse at 9 a.m. located at 520 S. Canyon, Spearfish, South Dakota 57783. We will drive to the dam and stop along the way to view Spearfish Creek; drive to the project's forebay and standpipe facilities; then drive back to the project's powerhouse and take a tour of the powerhouse. All participants are responsible for their own transportation.

The site visit scheduled for January 13, 2009, is weather dependent. If the site visit is cancelled, notice will be placed on the Commission's January 13, 2009, calendar which can be found on the Commission's Web site (<http://www.ferc.gov>). Please check the Commission's January 13, 2009, calendar before leaving in the morning to attend the site visit.

**Objectives**

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

**Procedures**

Scoping meetings will be recorded by a stenographer and will become part of

the Commission's formal record for this proceeding.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the EA.

**Kimberly D. Bose,**

*Secretary.*

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 12611-003]

**Verdant Power, LLC; Notice of Intent To File License Application, Filing of Draft Application, Request for Waivers of Integrated Licensing Process Regulations Necessary for Expedited Processing of a Hydrokinetic Pilot Project License Application, Extending the Comment Period, and Soliciting Comments**

December 1, 2008.

a. *Type of Filing:* Notice of Intent to File a License Application for an Original License for a Hydrokinetic Pilot Project.

b. *Project No.:* 12611-003.

c. *Date Filed:* November 25, 2008.

d. *Submitted By:* Verdant Power, LLC.

e. *Name of Project:* Roosevelt Island Tidal Energy Project.

f. *Location:* In the east channel of the East River, in New York City, New York. The project would not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Applicant Contact:* Ronald F. Smith, Verdant Power, LLC, The Octagon, 888 Main Street, New York, NY 10044 (212) 888-8887 ext 601.

i. *FERC Contact:* Tom Dean (202) 502-6041.

j. *Verdant Power, LLC (Verdant Power) has filed with the Commission:* (1) A notice of intent (NOI) to file an application for an original license for a kinetic hydropower pilot project and a draft license application with monitoring plans; (2) a request for

waivers of the integrated licensing process regulations necessary for expedited processing of a hydrokinetic pilot project license application, including extending the period to file comments on the draft license application and monitoring plans; (3) a proposed process plan and schedule; (4) a request to be designated as the non-federal representative for section 7 of the Endangered Species Act consultation; and (5) a request to be designated as the non-federal representative for section 106 consultation under the National Historic Preservation Act (collectively the pre-filing materials).

k. With this notice, we are soliciting comments on the pre-filing materials listed in paragraph j above, including the draft license application and monitoring plans. All comments should be sent to the address above in paragraph h. The comment period has been extended 45 days at the request of Verdant Power to take into consideration the holiday season. In addition, all comments (original and eight copies) must be filed with the Commission at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All filings with the Commission must include on the first page, the project name (Roosevelt Island Tidal Energy Project) and number (P-12611-003), and bear the heading "Comments on the proposed Roosevelt Island Tidal Energy Project." Any individual or entity interested in submitting comments on the pre-filing materials must do so by January 9, 2009.

Comments 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.

l. With this notice, we are approving Verdant Power's request to be designated as the non-federal representative for section 7 of the Endangered Species Act (ESA) and its request to initiate consultation under section 106 of the National Historic Preservation Act; and recommending that it begin informal consultation with:

(a) the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as required by section 7 of ESA; and (b) the New York State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

m. This notice does not constitute the Commission's approval of Verdant Power's request to use the Pilot Project Licensing Procedures. Upon its review of the project's overall characteristics relative to the pilot project criteria, the draft license application contents, and any comments filed, the Commission will determine whether there is adequate information to conclude the pre-filing process.

n. The proposed Roosevelt Island Tidal Energy Project would consist of: (1) A field array of thirty 35-kilowatt, 5-meter-diameter axial flow Kinetic Hydropower System (KHPS) turbine-generator units mounted on ten triframe mounts, with a total capacity of about 1 megawatt; (2) underwater cables from each turbine to five shoreline switchgear vaults, that would interconnect to a control room and interconnection points; and (3) appurtenant facilities for navigation safety and operation. The estimated annual generation of the proposed project would be between 1,680 and 2,400 megawatt-hours.

o. A copy of the draft license application and all pre-filing materials are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's 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. 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. A copy is also available for inspection and reproduction at the address in paragraph h.

p. Pre-filing process schedule. The pre-filing process will be conducted pursuant to the following tentative schedule. Revisions to the schedule may be made as appropriate.

Milestone	Date
Comments on pre-filing materials due .....	January 9, 2009.
Issuance of meeting notice (if needed) .....	January 26, 2009.
Public meeting/technical conference (if needed) .....	February 25, 2009.
Issuance of notice concluding pre-filing process and ILP waiver request determination .....	February 9, 2009 (if no meeting is needed).
	March 12, 2009 (if meeting is needed).