

where feasible, and planted with native vegetation. WGC will implement BMPs to minimize adverse environmental impacts during construction of road crossings. WGC has prepared and submitted a Federal Section 404 Authorization permit for water resources impacts, including wetlands impacts, and a State Section 401 permit under the Clean Water Act issued by USACE and WVDEP, respectively. DOE estimated that 0.26 acre of wetlands will be potentially impacted at the proposed power plant site by service roads, stockpile areas, and water supply lines.

Under one option a cooling water intake structure, pump house, and pipeline would be used to withdraw water from Meadow River. WGC is currently looking at the best locations for these facilities to minimize disturbance of wetlands and floodplains. Prior to construction of a permanent intake structure WGC must obtain a Section 404 Authorization permit from the USACE and Section 401 permit from the WVDEP. The Section 404 Authorization permit is required as a result of water resources impacts, including wetlands impacts. The Water Quality 401 Certification is required to ensure that the project will not violate the state's water quality standards or stream designated uses. Depending upon the final plant design and location of the water supply line from the sewage treatment plant, up to one additional acre of wetlands and 120 linear feet "waters of the U.S." could be impacted. WGC is in the process of consulting with the USACE concerning the wetland permitting process to identify wetland impacts and methods for avoiding and minimizing impacts and developing suitable forms of wetland mitigation.

Under all options for the transmission line corridor from the proposed WGC power plant to the Grassy Falls substation, construction activities would be temporary and localized and would not result in permanent impacts to existing 100-year floodplains. Where the transmission line corridor would cross a stream, new power line poles would be situated at maximum distances so as to not obstruct flood flows. Construction and operation of the transmission line could impact approximately three acres of wetlands, of which 0.38 acres could be permanently impacted as discussed above in *Biological Resources*.

No floodplain or wetland impacts are expected as a result of the fuel recovery efforts that would occur at the Anjean, Donegan, Green Valley, and Joe Knob coal refuse sites to be used for fuel supply to the project.

Any structures located within the floodplain would be designed in accordance with the National Flood Insurance Program (NFIP) requirements for nonresidential buildings and structures located in special flood hazard areas. The NFIP regulations require vulnerable structures to be constructed above the 100-year flood elevation or to be watertight. In accordance with 10 CFR part 1022, DOE will ensure through the cooperative agreement that WGC implements measures to mitigate the adverse impacts of actions in a floodplain or wetlands, including but not limited to, minimum grading requirements, runoff controls, design and construction constraints. Whenever possible, WGC will avoid disturbing floodplains and wetlands and will minimize impacts to the extent practicable, if avoidance is not possible. Impacts to floodplains and wetlands will be minimized through the implementation of engineering design standards and BMPs (as described above under Mitigation, these measures are contained in Appendix M (Volume 2) of the EIS). In addition, WGC will comply with state and Federal wetlands permits, which may require additional mitigation as well as compensatory wetland replacement.

Issued in Washington, DC, on this 23rd day of April, 2008.

**James A. Slutz,**

*Acting Principal Deputy Assistant Secretary,  
Office of Fossil Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 1864-079-MI & WI]

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

April 22, 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 the proposed lake level amendment for the bond Falls Project, located in the Ontonagon River Basin in Ontonagon and Gogebic Counties, Michigan and Vilas County, Wisconsin, and has prepared a Draft Environmental Assessment (Draft EA).

A copy of the Draft EA is on file with the Commission and is available for

public inspection. The Draft 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-1864) 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 should be filed by May 27, 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-1864) 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 Monica Maynard at (202) 502-6013.

**Kimberly D. Bose,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[RT01-99-000, RT01-99-001, RT01-99-002 and RT01-99-003; RT01-86-000, RT01-86-001 and RT01-86-002; RT01-95-000, RT01-95-001 and RT01-95-002; RT01-2-000, RT01-2-001, RT01-2-002 and RT01-2-003; RT01-98-000; RT02-3-000]

**Regional Transmission Organizations;  
Bangor Hydro-Electric Company, et al.;  
New York Independent System  
Operator, Inc., et al.; PJM  
Interconnection, L.L.C., et al.; PJM  
Interconnection, L.L.C.; ISO New  
England, Inc.; New York Independent  
System Operator, Inc.; Notice of Filing**

April 21, 2008.

Take notice that PJM Interconnection, L.L.C., New York Independent System Operator, Inc. and ISO New England, Inc. have posted on their internet Web sites information updating their progress on the resolution of RTO seams.

Any person desiring to file comments on this information should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such comments