

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

[Docket No. CP05-55-000]

**Northern Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cunningham Withdrawal Wells Project and Request for Comments on Environmental Issues**

March 1, 2005.

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 Cunningham Withdrawal Wells Project involving construction and operation of facilities by Northern Natural Gas Company (Northern) in Pratt and Kingman Counties, Kansas.<sup>1</sup> These facilities would consist of two withdrawal wells, associated pipeline and 200 horsepower (hp) of electrically powered compression. 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 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 Northern 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**

Based on recent testing and analyses, Northern has determined that gas is migrating away from its Cunningham

Storage Field. Northern is seeking authorization to construct and operate two additional withdrawal wells and associated facilities to recapture the gas and integrate it into its existing pipeline infrastructure. Specifically, Northern proposes to install two new wells (#19-14 and #24-42), associated surface equipment, two sections totaling 4,500 feet of 4-inch-diameter gas pipeline, two sections totaling 3,700 feet of 3-inch-diameter liquid pipeline, and a 200 horsepower electrical compressor unit.

To support these facilities, Northern would use a temporary workspace of about 500 square feet at each well site and would permanently use a 100-foot by 200-foot rock or gravel pad and a 50-foot by 360-foot ground bed at each well site. Northern would also use 20-foot wide rock or gravel driveways for access to the well sites.

The proposed facilities would operate within the existing certified parameters of the Cunningham Storage Field.

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 29.0 acres of land. Following construction, about 0.9 acre would be maintained as new aboveground facility sites and 1.3 acres would be maintained as access roads. The remaining 26.8 acres of land would be restored and allowed to revert to its former use.

**The EA Process**

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their

<sup>2</sup> The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the "eLibrary" link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

constituents of this proposed action and encourage them to comment on their areas of concern.

In the EA we<sup>3</sup> will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Land use.
- Water resources, fisheries, and wetlands.
- Cultural resources.
- Vegetation and wildlife.
- Air quality and noise.
- Endangered and threatened species.
- Public safety.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, State, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

**Currently Identified Environmental Issues**

We have already identified issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Northern. This preliminary list of issues may be changed based on your comments and our analysis.

- A potential surface water feature that could potentially contain Arkansas darter habitat may be located within the project area.
- The installation of additional compression may contribute to an increase in noise levels at nearby noise sensitive areas.
- Topsoil separation, restoration and revegetation may need to be addressed through specific mitigation measures.

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

<sup>3</sup> "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

## Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposed locations, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 2.
- Reference Docket No. CP05-55-000.
- Mail your comments so that they will be received in Washington, DC on or before March 30, 2005.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created online.

We may mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 4). If you do not return the Information Request, you will be taken off the mailing list.

## Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor status plays a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must send one electronic copy (using the Commission's eFiling system) or 14 paper copies of its filings to the Secretary of the Commission and must

send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see Appendix 2).<sup>4</sup> Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

## Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities.

## Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to <http://www.ferc.gov/esubscribenow.htm>.

<sup>4</sup> Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

Finally, public meetings or site visits will be posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information.

Magalie R. Salas,

Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2738-054]

### New York State Electric & Gas Corporation; Notice Soliciting Scoping Comments

February 28, 2005.

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

- Type of Application:* New major license.
- Project No.:* P-2738-054.
- Date Filed:* April 4, 2004.
- Applicant:* New York State Electric & Gas Corporation.
- Name of Project:* Saranac River Hydroelectric Project.
- Location:* On the Saranac River, in Clinton County, New York. This project does not occupy Federal lands.
- Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).
- Applicant Contact:* Hugh Ives, New York State Electric & Gas Corporation, Corporate Drive, Kirkwood Industrial Park, P.O. Box 5224, Binghamton, NY 13902, (585) 724-8209.
- FERC Contact:* Tom Dean, (202) 502-6041 or [thomas.dean@ferc.gov](mailto:thomas.dean@ferc.gov).
- Deadline for Filing Scoping Comments:* March 31, 2005.

*All Documents (Original and Eight Copies) Should Be Filed With:* Magalie R. Salas, 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 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