

maintained from pinniped haul-out sites; and (8) NMFS will be contacted within 48 hours if injurious or lethal takes are discovered during marine mammal monitoring.

**Mitigation/Monitoring Procedures Under the NBVC Point Mugu Biological Opinion:** USFWS and the Navy agreed to annual reporting and implementation of mitigation and conservation measures. The Navy has already implemented a jet assisted takeoff (JATO) bottle retrieval program for the salt marsh in front of Building 55. In addition, the Navy will: (1) Conduct standardized and consistent population monitoring of salt marsh bird's-beak, western snowy plover, California least tern, and light-footed clapper rail; (2) areas shall be restored as salt marsh, sandy beach, or other habitat for listed species where physical parameters are appropriate and no other use is anticipated; (3) aircraft overflights will be modified and monitored by air operations personnel in order to avoid and minimize potential adverse effects to listed species; (4) Base personnel and contractors shall be educated on the identification and importance of conserving listed species, and their personal responsibilities in that regard; (5) All mitigation measures shall be evaluated to determine their effectiveness in avoiding and minimizing take of listed species, and where these mitigation measures are not effective, corrective measures shall be implemented.

**Mitigation/Monitoring Procedures Under the San Nicolas Island Biological Opinion:** The Navy has closed the south side of the island to all activities year-round from the barge landing at Daytona Beach to Bachelor Beach to protect three species of marine mammals, western snowy plovers, Brandt's cormorants, western gulls, and California brown pelicans, and to provide undisturbed habitat for a variety of other wildlife species. Other mitigation and conservation measures to be implemented by the Navy, in addition to annual reporting, include: (1) Closure of western snowy plover nesting areas during the breeding season using signs and barricades; (2) regular and consistent monitoring of the distribution and status of listed species, particularly those with habitat in or near operational areas, in order to assess the potential effects of Navy activities; (3) mandatory attendance by permanent and visiting island personnel at an "environmental briefing" on personal responsibilities regarding protected species under federal legislation and Navy regulations; (4) restoration of island night lizard habitat using revegetation; (5) alteration

of the substrate immediately adjacent to the Building 807 launch area (during the nonbreeding season) to reduce its attractiveness as a nest site by snowy plovers (this area is not designated critical habitat for the species); (6) thorough cleaning and inspection of construction equipment, vehicles, and supplies prior to their shipment to San Nicolas Island to reduce the potential for introduction of non-native species; (7) whenever feasible, staging areas for temporary storage of equipment and materials will be sited in areas with low island night lizard densities; and (8) when practicable, proposed facility construction projects sites and associated access roads will be placed to avoid habitat that may harbor island night lizards.

**Cultural Resources:** Prior to use of the drop zone located in the near-shore areas of Becher's Bay at Santa Rosa Island, the Navy will conduct a thorough survey of the entire impact area, in addition to a buffer zone, for the presence of shipwrecks. If resources are found to be present, the Navy will comply with Section 106 of the National Historic Preservation Act.

As concluded in the EIS/OEIS and this Record of Decision, all practicable means to avoid or minimize environmental harm that would result from implementing this alternative will be adopted by the Navy.

**Response to Comments Received Regarding the Final EIS:** Comments on the EIS/OEIS were received from USFWS. No other comments were received from any other federal agency, state or local agencies, or from non-governmental organizations or individual members of the public.

The USFWS commented that the Final EIS/OEIS did not recognize that programmatic Biological Opinions had been completed for both NBVC Point Mugu and San Nicolas Island and that the Navy may have erroneously concluded in the EIS/OEIS that these Biological Opinions would protect all "sensitive species" present at the installations, not just those that are federally listed as endangered or threatened or proposed for listing. The Navy indicates that in Chapter 4.8, the Final EIS/OEIS contains a thorough discussion of both completed Biological Opinions. In addition, the Navy acknowledges that the Biological Opinions pertain only to the protection of federally listed endangered or threatened species or those proposed for listing.

**Conclusions:** After carefully considering the purpose and need of the proposed action, the analysis contained in the EIS/OEIS, the IHA issued by

NMFS, the Biological Opinions issued by USFWS, and the comments received on the EIS/OEIS from federal, state, and local agencies, non-governmental organizations, and individual members of the public, I have determined that the Preferred Alternative will best meet the needs of the Navy. I have also determined that the Preferred Alternative will cause no significant harm to the resources of the global commons. Therefore, implementation of the Preferred Alternative will enable NAWCWPNS Point Mugu to continue to conduct state-of-the-art weapons systems testing and evaluation and maintain the operational readiness of our military services on a safe, operationally realistic, and thoroughly instrumented Sea Range.

Dated: July 24, 2002.

**Donald R. Schregardus,**

*Deputy Assistant Secretary of the Navy (Environment).*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

July 30, 2002.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12234-000.

c. *Date filed:* June 17, 2002.

d. *Applicant:* Lower Anacoco Hydro, LLC.

e. *Name and Location of Project:* The Lower Anacoco Dam Project would be located on the Bayou Anacoco in Vernon Parish, Louisiana. The proposed project would be located on an existing dam owned by the Louisiana Department of Wildlife and Fisheries and would not occupy any federal lands or facilities.

f. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

g. *Applicant contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745-8630, Fax (208) 745-7909.

h. *FERC Contact:* Tom Papsidero, (202) 219-2715.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. Please include the project number (P-12234-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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.

j. *Description of Project:* The proposed run-of-river project would consist of: (1) An existing 3,600-foot-long, 47-foot-high concrete dam, (2) an impoundment, Lake Anacoco, with a surface area of 2,600 acres and a storage capacity of 24,000 acre-feet at normal maximum water surface elevation of 200 feet, (3) a proposed powerhouse with a total installed capacity of 1.2 megawatts, (4) a proposed 100-foot-long, 7-foot-diameter penstock, (5) a proposed 1-mile-long, 15 kv transmission line, and (6) appurtenant facilities. The project would operate in a run-of-river mode and would have an average annual generation of 10.5 GWh.

k. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular

application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP02-391-000]

#### Natural Gas Pipeline Company of America; Notice of Intent To Prepare an Environmental Assessment for the Proposed North Lansing Storage Field NSS Project and Request for Comments on Environmental Issues

July 30, 2002.

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 North Lansing Storage Field NSS Project involving construction and operation of facilities by Natural Gas Pipeline Company of America (NGPL) in Harrison County, Texas.<sup>1</sup> These facilities would consist of one additional 6,000 horsepower compressor at an existing compressor station, drill 17 additional injection/withdrawal wells, and about 4,255 feet of connecting well pipelines and appurtenant facilities. The project

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