

Please include the project number (P-2503-086) on any comments or motions filed. 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. The Commission strongly encourages e-filings.

k. *Description of Request:* Duke Power, licensee for the Keowee-Toxaway Hydroelectric Project, has requested Commission approval to lease 3.79 acres of project land for non-project use. Duke Power proposes to lease these lands to Waterside Crossing Owners Association, Inc., and Crescent Communities S.C, LLC, for the purpose of constructing a commercial/residential marina. The marina facilities will consist of 12 cluster docks with a total of 117 boat docking locations. The cluster docks will consist of a steel frame and treated wood deck. The docks will be constructed offsite and floated into place. No dredging is proposed. In association with the proposed marina, the licensee is also requesting Commission authority to approve an irrigation intake and boat pump-out. The marina facilities will provide access to Lake Oconee for the residents of the Waterside Crossing community, located in Oconee County, North Carolina.

l. *Location of the Application:* 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 "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, contact (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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, 385.211, 385.214. 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.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described applications. A copy of the applications 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.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E5-1420 Filed 3-30-05; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

March 22, 2005.

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

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 349-096.

c. *Date Filed:* March 4, 2005.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Martin Dam Hydroelectric Project.

f. *Location:* Lake Martin in Tallapoosa County, Alabama. This project does not occupy any federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a), 825(r), and 799 and 801.

h. *Applicant Contact:* Mr. Keith E. Bryant, Sr. Engineer, Hydro Services, Alabama Power, 600 North 18th Street, Post Office Box 2641, Birmingham, Alabama, 35291, (205) 257-1403.

i. *FERC Contacts:* Any questions on this notice should be addressed to Ms. Shana High at (202) 502-8674.

j. *Deadline for filing comments and or motions:* April 22, 2005.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P-349-096) on any comments or motions filed. 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. The Commission strongly encourages e-filings.

k. *Description of Proposal:* Alabama Power Company is requesting Commission approval to permit The Profile Group to use project lands to build a 1700-foot-long walkway along the shoreline and 19 dock structures with 128 boat slips for the private use of residents of condominiums that will be constructed on non-project lands. The proposed facilities are on two parcels bordering portions of two coves on either side of Sunset Pointe Drive within the StillWaters Resort near Dadeville, Tallapoosa County, Alabama.

l. *Location of the Applications:* The filings are available for review at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, 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, please call the Helpline at (866) 208-3676 or contact [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, contact (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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, 385.211, 385.214. 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.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR

“MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described applications. A copy of the applications 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.

q. 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 at <http://www.ferc.gov> under the “e-Filing” link.

Magalie R. Salas,  
Secretary.

[FR Doc. E5-1421 Filed 3-30-05; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Settlement Agreement and Soliciting Comments

March 22, 2005.

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

a. *Type of Application:* Settlement Agreement.

b. *Project Nos.:* 2071-013; 2111-018; and 935-053.

c. *Date Filed:* March 15, 2005.

d. *Applicant:* PacifiCorp.

e. *Name of Projects:* Yale Hydroelectric Project (2071); Swift No. 1 Hydroelectric Project (2111); and Merwin Hydroelectric Project (935).

f. *Location:* On the North Fork Lewis River, in Cowlitz, Clark, and Skamania County Washington. The Yale and Merwin Projects occupy 84 and 142.15 acres, respectively, of Federal land administered by the Bureau of Land Management. The Swift No. 1 Project occupies 63.25 acres of Federal land administered by the Bureau of Land Management and 229.00 acres of Federal lands administered by the U.S. Forest Service.

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

602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Frank C. Shrier, Lead Project Manager, Hydro Licensing, PacifiCorp, 825 NE. Multnomah Street, Suite 1500, Portland, Oregon 97232; Telephone (503) 813-6622.

i. *FERC Contact:* Jon Cofrancesco at (202) 502-8951; or e-mail at [jon.cofrancesco@ferc.gov](mailto:jon.cofrancesco@ferc.gov).

j. *Deadline for filing comments:* 20 days from the filing date. Reply comments due 30 days from the filing date.

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.

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. PacifiCorp and American Rivers have entered into an agreement for the purpose of, under certain circumstances, further enhancing reservoir survival of salmonids in addition to the measures in the comprehensive settlement agreement previously filed for the licensing proceedings for these projects and the Swift No. 2 Project (P-2213-011), in December 2004. The agreement concerns the evaluation of the causes of reservoir mortality for salmonids and the funding of appropriate improvement measures to address reservoir mortality. The parties request the Commission accept the settlement agreement in its license orders without material modification.

l. A copy of the settlement agreement 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 1-866-208-3676, 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.

Magalie R. Salas,  
Secretary.

[FR Doc. E5-1422 Filed 3-30-05; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2539-003]

#### Erie Boulevard Hydropower, L.P.; Notice of Settlement Agreement Accepted for Filing and Soliciting Comments

March 24, 2005.

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

a. *Type of Application:* Settlement agreement.

b. *Project No.:* 2539-003.

c. *Date Filed:* March 9, 2005.

d. *Applicant:* Erie Boulevard Hydropower, L.P.

e. *Name of Project:* School Street Hydroelectric Project

f. *Location:* On the Mohawk River in Albany and Saratoga county, New York. The project does not occupy any Federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r) and Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Jerry L. Sabattis, Hydro Licensing Coordinator, Brascan Power New York, 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088; Telephone (315) 413-2787; e-mail—[jerry.sabattis@brascanpower.com](mailto:jerry.sabattis@brascanpower.com).

i. *FERC Contact:* Emily Carter at (202) 502-6512; or e-mail at [emily.carter@ferc.gov](mailto:emily.carter@ferc.gov).

j. *Deadline for filing comments on the settlement is 20 days from the issuance of this notice; reply comments are due 30 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.