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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2669-085]

Bear Swamp Power Company, LLC;

Notice Of Intent To File License Application, Filing Of Pre-Application Document (Pad), Commencement Of Pre-Filing Process, And Scoping; Request For Comments On The Pad And Scoping Document, And Identification Of Issues And Associated Study Requests

February 18, 2015.

- a. Type of Filing: Notice of Intent to File License Application for a New License and Commencing Pre-filing Process
- b. Project No.: 2669-085
- c. Dated Filed: December 19, 2014
- d. Submitted By: Bear Swamp Power Company, LLC
- e. Name of Project: Bear Swamp Project
- f. Location: On the Deerfield River, in Berkshire and Franklin Counties, Massachusetts. The project does not occupy federal lands.
- g. Filed Pursuant to: 18 CFR Part 5 of the Commission's Regulations
- h. Potential Applicant Contact: Steven P. Murphy, Manager Licensing, Brookfield Renewable Energy Group, 33 West 1<sup>st</sup> Street South, Fulton, NY.
- i. FERC Contact: John Baummer at (202) 502-8785 or email at [john.baummer@ferc.gov](mailto:john.baummer@ferc.gov).
- j. Cooperating agencies: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

- k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.
- l. With this notice, we are designating Bear Swamp Power Company, LLC as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.
- m. Bear Swamp Power Company, LLC filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.
- n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (<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), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

- o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You

must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The first page of any filing should include docket number P-2669-085.

All filings with the Commission must bear the appropriate heading: “Comments on Pre-Application Document,” “Study Requests,” “Comments on Scoping Document 1,” “Request for Cooperating Agency Status,” or “Communications to and from Commission Staff.” Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by **April 18, 2015**.

- p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, the meetings below will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

### Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

#### Daytime Scoping Meeting

Date: Wednesday, March 18, 2015

Time: 10:00 am

Location: Holiday Inn Berkshires

40 Main Street

North Adams, Massachusetts 01247

Phone Number: (413) 663-6500

### Evening Scoping Meeting

Date: Wednesday, March 18, 2015

Time: 7:00 p.m

Location: Holiday Inn Berkshires

40 Main Street

North Adams, Massachusetts 01247

Phone Number: (413) 663-6500

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at <http://www.ferc.gov>, using the "eLibrary" link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

### Environmental Site Review

The potential applicant and Commission staff will conduct an environmental site review of the project on Thursday, March 19, 2015, starting at 9:00 a.m. All participants should meet at the Bear Swamp Visitors Center, located at 458 River Road, Florida, Massachusetts, 01247. Please notify Steve Murphy at (315) 598-6130 or [Steven.Murphy@brookfieldrenewable.com](mailto:Steven.Murphy@brookfieldrenewable.com) on or before **March 4, 2015**, if you plan to attend the environmental site review. A map providing the location of the Bear Swamp Project Visitors Center can be obtained from <http://www.bearswampproject.com>. Bear Swamp Power has indicated that persons attending the environmental site review will need to comply with the following requirements: (1) persons must be 16 years or older; (2) persons must have a current, valid, government-issued or school photo identification (i.e., driver's license, etc.); (3) persons with open-toed shoes/sandals/flip flops/high heels, etc. will not be allowed on the environmental site review; (4) no photography will be allowed on-site; (5) small bags containing personal items for the site visit (i.e., notebooks, maps, water, etc.) will be allowed, but are subject to search; (6) no weapons are allowed on-site; (7) no alcohol/drugs are allowed on-site (or persons exhibiting the effects thereof); (8) all persons coming on-site are subject to search; and (9) no animals (except for service animals) are allowed on the environmental site review.

### Meeting Objectives

At the scoping meetings, staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

### Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Kimberly D. Bose,  
Secretary.

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