



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2800-054]

Essex 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

- a. Type of Filing: Notice of Intent to File License Application for a New License and Commencing Pre-filing Process
- b. Project No.: 2800-054
- c. Dated Filed: June 16, 2023
- d. Submitted By: Essex Company, LLC (Essex)
- e. Name of Project: Lawrence Hydroelectric Project (Lawrence Project)
- f. Location: The project is located on the Merrimack River in the City of Lawrence in Essex County, Massachusetts.
- g. Filed Pursuant to: 18 CFR part 5 of the Commission's Regulations
- h. Applicant Contact: Kevin Webb, Hydro Licensing Manager, Essex Company, 670 N. Commercial Street, Suite 204, Manchester, NH 03101; (978) 935-6039; kwebb@patriohydro.com.
- i. FERC Contact: Bill Connelly at (202) 502-8587 or e-mail at william.connelly@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 the National Oceanic and Atmospheric Administration 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 Office, 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 Essex 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. Essex 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 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 at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TYY, (202) 502-8659.

You may register online at <https://ferconline.ferc.gov/FERCOOnline.aspx> to be notified via email of new filings and issuances related to these 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 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 <https://ferconline.ferc.gov/FERCOOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Support at FERCOnlineSupport@ferc.gov. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number **P-2800-054**.

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 **October 14, 2023**.¹

- p. The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.
- q. The Commission’s scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Meetings

Commission staff will hold two scoping meetings for the project to receive input on the scope of the NEPA document. An evening meeting will be held at 7:00 p.m. on September 13, 2023, at the Elk’s Lodge #65 in Lawrence, Massachusetts, and will focus on receiving input from the public. A daytime meeting will be held at 10:00 a.m. on September 14, 2023, at Lawrence Public Library in Lawrence, Massachusetts, and will focus on the concerns of resource agencies, non-governmental organizations (NGOs), and Indian Tribes. We invite all interested agencies, Indian Tribes, non-governmental organizations, and individuals to attend one or both meetings. **Spanish-English translation services will be provided.** If a significant number of people are interested in providing oral comments, a time limit of 3 minutes may need to be implemented for each commentor.

The times and locations of these meetings are as follows:

Evening Scoping Meeting

DATE: Wednesday, September 13, 2023

¹ The Commission’s Rules of Practice and Procedure provide that if a filing deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the filing deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2) (2022). Because the filing deadline falls on a Saturday (*i.e.*, September 2, 2023), the filing deadline is extended until the close of business on Monday, October 16, 2023.

TIME: 7:00 p.m. (EDT)
PLACE: Elks Lodge #65
ADDRESS: 652 Andover Street, Lawrence, MA 01843
PHONE: (978) 687-7274

Daytime Scoping Meeting

DATE: Thursday, September 14, 2023
TIME: 10:00 a.m. (EDT)
PLACE: Lawrence Public Library, Sargent Auditorium
ADDRESS: 51 Lawrence Street, Lawrence, MA 01841
PHONE: (978) 620-3600

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 and Essex's distribution list. Copies of SD1 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 applicant and Commission staff will conduct an environmental site review of the project. All interested individuals, agencies, tribes, and NGOs are invited to attend. Please RSVP via email to Mkinney@patriohydro.com or notify Miley Kinney at (603) 732-8162 on or before September 5, 2023 if you plan to attend the environmental site review. The time and location of the environmental site review is as follows:

Lawrence Project

DATE: Wednesday, September 13, 2023
TIME: 9:00 a.m. (EDT)
PLACE: Lawrence Gateway parking lot
ADDRESS: 70 General Street, Lawrence, MA 01840

Participants will meet at the Lawrence Gateway parking lot and depart to the Lawrence at 9:15 a.m (EDT). Essex will provide transportation to the project facilities. All participants are responsible for their own transportation to the Lawrence Gateway parking lot.

All persons attending the environmental site review must wear sturdy, closed-toe shoes or boots. The applicant will provide hard hats to attendees for entry into low-overhead areas, if needed; however, participants who have their own hardhats should bring them.

Meeting Objectives

At the scoping meetings, Commission staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions; (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 potential of any federal or state agency or Indian tribe to act 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

Commission staff are moderating the scoping meetings. The meetings are recorded by an independent stenographer and become part of the formal record of the Commission proceeding on the project. Individuals, NGOs, Indian Tribes, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the NEPA document.

Dated: August 15, 2023.

Kimberly D. Bose,
Secretary.

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