

August 28, 2017
Via Electronic Filing

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Bear Swamp Project (FERC Project No. 2669-085)
Request for Revisions to the Process Plan and Schedule

Dear Secretary Bose:

Bear Swamp Power Company, LLC (BSPC) is pursuing a new license from the Federal Energy Regulatory Commission (FERC or Commission) for the Bear Swamp Project (Project) (FERC No. 2669) utilizing the Integrated Licensing Process (ILP). On June 1, 2015, the Commission issued a process plan and schedule for the ILP which outlines pre-filing milestones and deadlines. The process plan and schedule was revised by the Commission by letter dated January 10, 2017. At this time, BSPC respectfully requests that the Commission modify the process plan and schedule as described herein. The requested modifications will consolidate meetings and filings scheduled for September, October, and November, 2017 in a manner that BSPC believes will benefit all parties.

Requested Revisions to the Process Plan and Schedule

BSPC is requesting that the Commission revise the process plan and schedule to allow BSPC to file the Updated Study Report (USR) on September 30, 2017 concurrent with the submittal of the final reports for Studies 6, 9, and 12 (Recreation Report, Operations Model, and Entrainment Evaluation, respectively).¹ This modification would allow the schedule for the USR Meeting, USR Meeting Summary, and USR dispute resolution process to run concurrently with the Study Report Meeting, Study Report Meeting Summary, and dispute resolution process for the final study reports for studies 6, 9, and 12.² BSPC would hold the Study Report Meeting and the USR Meeting on the same day, thereby streamlining the schedule and reducing the burden on stakeholders who would otherwise need to attend two study report meetings a month apart. The proposed modification to the schedule also allows an additional month in which to conduct the USR process prior to submittal of the Draft License Application for review. The existing and proposed process plan and schedule for upcoming milestones, incorporating BSPC's requested modifications, is presented as Table 1 below (the proposed modified dates are highlighted in blue).

¹ The regulations at 18 C.F.R. § 5.18(f) require that a potential applicant for a new license file the USR "pursuant to the Commission-approved study plan and schedule provided for in § 5.13, or no later than two years after Commission approval of the study plan, whichever comes first." The SPD was issued by the Commission on October 30, 2015; therefore, the Commission has the authority to modify the approved schedule to allow BSPC to file the USR on September 30, 2017.

² Pursuant to the Commission's July 28, 2017 determination, BSPC intends to present the results of the Instream Flow Assessment Study Report Supplemental Analysis at the Study Report Meeting. The July 28, 2017 determination stated that "Commission staff will issue a determination on all requested modifications to the Instream Flow Assessment Study on January 26, 2018, in conjunction with the determination on the September 30, 2017 study report."

**TABLE 1
 EXISTING AND PROPOSED PROCESS PLAN AND SCHEDULES**

Responsible Party	Milestone	Currently Approved Date	Proposed / Modified Date	FERC Regulation
Bear Swamp	File Final Study Report for Studies 6, 9, and 12	9/30/17	9/30/17	5.15(c) 5.15(f)
All Stakeholders	Study Report Meeting – <i>9/30/2017 Study Report</i>	10/15/17	10/15/17	5.15(c)(2)
Bear Swamp	File Study Report Meeting Summary – <i>9/30/17 Study Report</i>	10/30/17	10/30/17	5.15(c)(3)
All Stakeholders	File Disputes/Requests to Amend Study Plan – <i>9/30/17 Study Report</i>	11/29/17	11/29/17	5.15(c)(4)
All Stakeholders	Response to Disputes/Amendment Requests Due – <i>9/30/17 Study Report</i>	12/29/17	12/29/17	5.15(c)(5)
FERC	Directors Determination on Disputes/Amendments – <i>9/30/17 Study Report</i>	1/28/18	1/28/18	5.15(c)(6)
Bear Swamp	Updated Study Report due	10/30/17	9/30/17	5.15(f)
All stakeholders	Updated Study Report Meeting	11/13/17	10/15/17	5.15(f)
Bear Swamp	Updated Study Report Meeting Summary	11/28/17	10/30/17	5.15(f)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	12/28/17	11/29/17	5.15(f)
All stakeholders	Responses to Disputes/Amendment Requests Due	1/27/18	12/29/17	5.15(f)
FERC	Director's Determination on Disputes/Amendments	2/26/18	1/28/18	5.15(f)
Bear Swamp	File Preliminary Licensing Proposal/DLA	11/1/17	11/1/17	5.16(a)
All stakeholders	Preliminary Licensing Proposal Comments Due	1/30/18	1/30/18	5.16(e)
Bear Swamp	File Final License Application	3/31/18	3/31/18	5.17
Bear Swamp	Issue Public Notice of License Application Filing	4/14/18	4/14/18	5.17(d)(2)

*Shaded milestones are unnecessary if there are no study disputes.

The Commission's July 28, 2017 Modifications to Approved Studies

Pursuant to the revised process plan and schedule promulgated by the Commission on January 10, 2017, BSPC filed eleven study reports on March 31, 2017. BSPC held a Study Report Meeting to discuss the studies on April 11 and 12, 2017, and BSPC filed a Study Report Meeting Summary with the Commission on April 27, 2017. Subsequently, and in response to stakeholders' comments, BSPC filed an Instream Flow Assessment Study Report Supplemental Analysis on June 29, 2017. On July 28, 2017, the Commission issued a determination on requests for study modifications and new studies for the Project. With respect to the studies filed on March 31, 2017, the Commission's determination directed BSPC to complete the following by November 30, 2017:

- File the Quality Assurance Project Plan (QAPP) as an addendum to the Water Quality Study;
- Consult with the Massachusetts Division of Fisheries and Wildlife (MADFW) on potential ocellated darter (*Boyeria grafiana*) surrogate species that could be used for supplemental odonates analyses; and
- File an addendum to the Whitewater Boating Flow Study that (1) provides the summary of whitewater boating attributes of each flow for each boat type; (2) presents the acceptable and optimal flow for each boat type; and (3) discusses results from other studies to identify any competing recreational uses or other resource needs that may be adversely affected by scheduled releases.

BSPC notes that the QAPP was filed with the Commission as an addendum to the Water Quality Study Report on August 28, 2017. BSPC will file the remaining information required by the Commission's July 28, 2017 determination on or before September 30, 2017 to facilitate discussion during the Study Report and USR Meeting and the Commission's review of any requests to amend the approved study plan.

Conclusion

As described above, BSPC intends to file all remaining study reports and the information required by the Commission's July 28, 2017 study determination by September 30, 2017. As such, BSPC believes that it is appropriate to modify the process plan and schedule to allow BSPC to concurrently file the USR on September 30, 2017. This proposed modification to the process plan and schedule would allow BSPC to hold the Study Report Meeting and USR Meeting concurrently, thereby eliminating the need for resource agencies and stakeholders to attend two study report meetings a month apart. It would also allow the concurrent processing of meeting notes, responses, and any determinations as appropriate.

BSPC respectfully requests that the Commission revise the process plan and schedule as shown in Table 1.

If you have any questions or would like to discuss this matter further, please contact either Steve Murphy at (315) 598-6130 or me at (207) 755-5603 or Frank.Dunlap@BrookfieldRenewable.com.

Sincerely,



Frank H. Dunlap
Licensing Specialist

Cc: Distribution List
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