

1

UNITED STATES OF AMERICA

2

FEDERAL ENERGY REGULATORY COMMISSION

3

4 Bear Swamp Power Company, LLC Project No.:

5

2669-085

6

7

8 FERC MEMBERS:

IN ATTENDANCE:

9 Patrick Crile Dave Culligan Richard Quinn

10 Erin Kinsey Scott Jones Tom Christopher

11 Nick Palso Mary McCann Norm Sims

12 John Baummer Steve Murphy Bob Nasdor

13 Tim Furdina Rob Quiggle John Ragonese

14 Rosemarie Curran

15 Jennifer Griffin

16

17

18 MEETING HELD AT: HOLIDAY INN

19 40 Main Street

20 North Adams, Massachusetts

21 March 18, 2015 7.11 p.m. - 8.09 p.m.

22

23

24 Jessica M. DeSantis

25 Court Reporter

1 MR. BAUMMER: Welcome back,
2 everyone. We'll go ahead and start our
3 evening meeting. My name is John Baummer,
4 as pretty much everyone in the room knows.
5 I'm with the Federal Energy Regulatory
6 Commission in Washington, D.C., Division of
7 Hydropower Licensing for the New England
8 branch. And I want to welcome everyone to
9 the public scoping meeting for the Bear
10 Swamp Project, FERC No. P2669-085.

11 I'd like to first start and
12 introduce other members of the FERC team
13 that are here with us tonight. We'll start
14 with Patrick.

15 MR. CRILE: My name is Patrick
16 Crile. I'm the project engineer and
17 geologist.

18 MS. KINSEY: Erin Kinsey. I'm the
19 outdoor rec. planner and cultural
20 resources.

21 MR. PALSO: I'm Nick Palso. I'll
22 also be working on outdoor recreation,
23 esthetics, and cultural issues.

24 MR. FURDINA: I'm Tim Furdina. I'm
25 from the FERC Office of the General Counsel

1 Energy Projects.

2 MR. BAUMMER: And I'm John Baummer.

3 I'm the project coordinator, and I'm the

4 fish biologist.

5 Oh, and we're also missing one

6 person tonight, Amy Chang, who is our

7 terrestrial biologist. She'll probably be

8 here for the meetings coming up in July.

9 So, just kind of a brief outline of

10 how we're going to run the meeting. First,

11 I'll give some background and introduction

12 about FERC and who we are. And then we'll

13 also have a presentation by Bear Swamp

14 Power, and then we'll open up the floor for

15 questions and we'll talk a little bit about

16 the site visit for tomorrow.

17 So, we'll have an introduction,

18 we'll have an overview of the FERC

19 licensing process, purpose of scoping,

20 request for information of studies, project

21 and description, which is made by Bear

22 Swamp Power. Any resource issues that FERC

23 staff have identified from our review of

24 the pre-application document. We'll also

25 take comments, talk about some important

1 dates coming up and we'll open the floor up
2 to questions.

3 So, just to make sure everybody
4 signed in tonight, there is a sign-in sheet
5 at the back of the room. We want to make
6 sure we know who all is here this evening.

7 We also have our court reporter here
8 with us tonight. So, if you could clearly
9 state your name and affiliation before
10 speaking so we can get your name on the
11 record.

12 Important dates coming up here,
13 comments on the pre-application document
14 and study requests are due April 18th,
15 2015.

16 We can either take your comments
17 tonight spoken at the meeting here or we
18 can also file your comments with the FERC.

19 Also talk about our mailing list and
20 how to e-subscribe to the project and our
21 e-library system.

22 So, a little bit about FERC. We are
23 an independent regulatory agency. There is
24 five commissioners that make up the FERC.
25 They are appointed by the president and

1 they are confirmed by the senate.

2 And we regulate hydropower. And
3 FERC's jurisdiction for hydropower is that
4 hydropower that we regulate has to be on
5 inevitable waterways or occupies lands of
6 the United States affecting interstate or
7 foreign commerce. FERC also utilizes
8 surplus water from a federal dam.

9 So, Bear Swamp Power has chosen the
10 integrated licensing process as the -- how
11 they're going to prepare their license
12 application.

13 So, in December of 2014, they filed
14 a Notice of Intent and their
15 pre-application document. We're currently
16 here in the scoping process in March.
17 We'll be working on studies and developing
18 our study plan, and July 2nd we'll have our
19 meetings here or somewhere nearby here
20 discussing the studies that are put
21 together for the relicensing studies.

22 In 2015 to 2016 Bear Swamp Power
23 will be conducting studies for the
24 development of their application.

25 Finally, they will file their

1 application. And, once we review their
2 application, we'll issue a Ready for
3 Environmental Analysis notice.

4 And then we'll probably -- right now
5 we're intending to prepare a draft and
6 final EA. And at some point in the future
7 the commission will issue an order for the
8 project.

9 So, our scoping process here
10 tonight, as we are soliciting input and
11 comments on the Bear Swamp Project. We are
12 looking at identifying the issues related
13 to relicensing this project, and we want to
14 discuss existing conditions and information
15 needs that we have and other people have in
16 understanding how the project operates and
17 effects on the resources.

18 So, why are we here? Well, we're
19 looking for information that may help us to
20 define the geographic and temporal scope of
21 analysis and identify any significant
22 environmental issues.

23 We're looking for data that would
24 help us to describe the existing
25 environment and the effects of the projects

1 and other developmental activities with
2 environmental and socioeconomic resources.

3 We're also looking to identify any
4 state, federal, or local management plans
5 and to identify any future project
6 proposals that may affect resources in the
7 area.

8 We're also looking for documentation
9 to show why any resources or identified
10 issues should be excluded from further
11 analysis or consideration.

12 And, we're also looking for
13 documentation to show -- we're looking at
14 studies that would help provide some
15 framework for collecting information on the
16 resources potentially affected by the
17 project.

18 So, in developing our studies for
19 this relicensing effort, this is FERC's
20 seven criteria here.

21 When you file your study requests we
22 ask that you address these seven criteria.

23 First one is, describe the goals and
24 objectives of your study proposal.

25 The second one is to explain any

1 resource management goals, whether they be
2 fisheries resource management goals or
3 threatened endangered species, et cetera.

4 Also need an explanation of relevant
5 and public interest and considerations.
6 Any existing information and the need for
7 additional information.

8 And, finally, this is important,
9 too. Explain the nexus between project
10 operations effects and how the study
11 results will inform us on future licensing
12 requirements.

13 Description of the methodology for
14 the study and how it's consistent with
15 accepted practices.

16 And, finally, a description of the
17 level of effort and cost for the study and
18 why an alternative study is needed.

19 So, for this last part here, we're
20 just kind of looking for an example of how
21 much -- if you don't know exactly how much
22 it cost to complete one of these studies,
23 we'd like for you to just kind of ballpark
24 what an estimate of how much it would cost
25 to perform this study.

1 So, studies and comments on the PAD
2 are due April 18, 2015.

3 When you file your comments on the
4 PAD, or studies, please identify clearly on
5 the first page the Bear Swamp Project, FERC
6 project No. 2669-085. These can either be
7 filed electronically or by mail. And, if
8 you're going to file anything by mail,
9 please send this to the address following
10 here. And it's also in the scoping
11 document as well.

12 Yes, sir.

13 FROM THE FLOOR: Can I interrupt you
14 to ask a question?

15 MR. BAUMMER: Yes, please.

16 FROM THE FLOOR: If you could go
17 back to the seven requirements.

18 MR. BAUMMER: Criteria, yes.

19 FROM THE FLOOR: As someone who is
20 not with a state agency and doesn't know
21 how to conduct these kind of studies, of
22 course I have no idea how much they would
23 cost.

24 MR. BAUMMER: Right.

25 FROM THE FLOOR: And, I may not

1 really understand the standard methodology
2 for these kinds of studies, but I know FERC
3 takes these seven criteria very, very
4 seriously. So, I'm wondering, as a member
5 of the public or an NGO, if I don't really
6 know this stuff, is that going to torpedo
7 my study?

8 MR. BAUMMER: No, it would not
9 torpedo the study. We would expect that
10 you try to address all of these criteria
11 when you develop your study.

12 So, when you file something with us,
13 we aren't going to automatically write off
14 your study request because it didn't
15 automatically fit in the seven criteria.
16 But we need to have -- all of these things
17 here probably should be addressed in some
18 format.

19 If you look -- if you know of a
20 study that you're interested in and you're
21 not -- if you're sure about -- not exactly
22 sure about the methodology, but you've seen
23 something like that done in the past for
24 some other proceeding or you know that
25 there is a method out there that could be

1 used and has been proven in the scientific
2 community, you've seen it somewhere else in
3 a similar study, then describe what that
4 methodology is the best you can. So.

5 MR. NASDOR: Bob Nasdor. American
6 Whitewater.

7 If FERC knows the answer, for
8 example, knows how much a controlled flow
9 study costs. I mean, I can tell you it'll
10 cost \$10,000, but if FERC knows it's going
11 to cost \$30,000 --

12 MR. BAUMMER: Right

13 MR. NASDOR: Do you fill in
14 information with knowledge that you have or
15 are we supposed to know this?

16 MR. BAUMMER: For example, I mean,
17 the cost -- some of these study costs can
18 vary on the scale as to the level of
19 effortness involved when conducting them.

20 It all boils down to, how much
21 information that we need to make a decision
22 about a licensing condition.

23 So, for example, you know, if we
24 want to study the entire river basin,
25 that's going to be a pretty substantial

1 effort, and it would cost a substantial
2 amount of money to do something like that.

3 Information that we would need is
4 related to the project and its effects on
5 the flow in the river within a certain
6 river miles in the river.

7 So, if you know that -- if you
8 would -- we kind of separate research
9 efforts from what we actually need from a
10 study to inform us on a licensing decision.

11 So, you may say that -- you know,
12 you may say that is going to be a 30-year,
13 \$3,000 study. And some of the components
14 of your study FERC may look at, at some
15 point, and say, well, these are more
16 directed to, like, a research effort and
17 may not give us -- may be extraneous
18 information that we possibly would not need
19 to form a licensing decision.

20 So, we kind of look at the cost on
21 more of, like, a global scale to see
22 exactly how much it costs to complete the
23 study, get the information we need versus
24 how much it would complete the study to get
25 all of the information. You know. FERC

1 may or may not need all of the information
2 there to complete -- make a decision on
3 licensing.

4 So, does that kind of answer your
5 question a little bit or?

6 MR. NASDOR: I just want to be
7 clear. My understanding of what you're
8 saying is that you'll fill in the blanks
9 with information that you already know if
10 it's information that's not available to
11 us. Is that right?

12 MR. BAUMMER: Right. FERC has a
13 database of studies and stuff that's done
14 in the past, and we have an idea about how
15 much things cost to get done, so.

16 And, that goes back to level of
17 effort involved in the study, so.

18 MR. NASDOR: Right.

19 MR. BAUMMER: We even know that
20 these studies cost -- for this level of
21 effort is going to cost this amount of
22 money. A water quality study is going to
23 cost X amount of money for this many
24 stations that we monitor continuously in
25 the river basin, so.

1 We have an idea about how much it
2 is. And, we also have an idea about what
3 kind of -- how much information that we
4 need to make a decision about relicensing a
5 project, so.

6 MR. NASDOR: Thank you.

7 MR. BAUMMER: Yup.

8 Is there any other questions about
9 FERC stuff before I have Bear Swamp talk
10 about their project before we go further on
11 this?

12 MR. RAGONESE: Just one question.

13 MR. BAUMMER: Yes.

14 MR. RAGONESE: John Ragonese with
15 TransCanada.

16 Are you going to present any
17 information on the scoping document that
18 you issued or is that -- is that not going
19 to be --

20 MR. BAUMMER: Slide film.

21 MR. RAGONESE: Except for the
22 slides?

23 MR. BAUMMER: No. Anything aside
24 from what resource issues we've identified
25 in the scoping document, nothing more.

1 And, other than the dates that are upcoming
2 for -- so.

3 Anybody else before I go ahead?

4 Okay.

5 MR. MURPHY: So, good evening. I'm
6 Steve Murphy, Brookfield Renewable Group.
7 I'm the licensing manager for our
8 operations.

9 With me tonight, I have Pat Moriarty
10 who is our operation's manager for Bear
11 Swamp and FIFE Brook.

12 Also with me this evening is HGR.
13 HGR is our consultant who will support us
14 through this process.

15 I've got Rob Quiggle, Dave Culligan,
16 Scott Jones, and Mary McCann.

17 So, just a little 101 on who is
18 Brookfield Renewable Energy Group. We're a
19 company that's focused on renewable energy.

20 We have approximately 1300
21 employees. We operate in five countries,
22 including the U.S. and Canada. We've got
23 100 years of experience in power
24 generation. We've got 6700 megawatts of
25 capacity. We've got 234 generating

1 facilities with 136 generating facilities
2 in the U.S. alone, including Bear Swamp and
3 FIFE Brook.

4 So, bear Swamp Power Company is a
5 limited liability company that's jointly
6 owned by Brookfield Renewable Energy Group
7 and Emera. They're the licensee and
8 owner/operator of Bear Swamp Project.

9 So, in that situation with Emera, we
10 are the managing partner, Brookfield is.
11 Emera plays a silent partner, if you will.

12 So, we are the authorized agent for
13 this relicensing.

14 The project is located on Deerfield
15 River in the towns Monroe and Florida in
16 Berkshires and Franklin county,
17 Massachusetts.

18 The original license was issued
19 April 28, 1970 from the FERC. The existing
20 license expires on March 31st, 2020.

21 The project was commissioned in
22 1974. The project includes the Bear Swamp
23 Pump Storage development, as well as the
24 FIFE Brook Conventional Hydro Development.

25 Bear Swamp Power Incorporation

1 acquired the project in 2005.

2 So, here is just an aerial or a
3 quick map to give you an idea how
4 everything lays out.

5 This is the upper reservoir, Bear
6 Swamp. This would be the lower reservoir,
7 Bear Swamp. Also, the FIFE Brook
8 reservoir.

9 So, the plant, Bear Swamp Pump
10 Storage Powerhouse. It's right in the
11 mountain itself. FIFE Brook Powerhouse
12 sits right here. There is a dam right
13 there, obviously.

14 Bear Swamp Pump Storage generally
15 consists of 118-acre upper reservoir
16 retained by four dikes with an emergency
17 spillway; a submerged inlet/outlet
18 structure and associated tunnel which
19 bifurcates into two penstocks; an
20 underground powerhouse containing two
21 reversible Francis-type-pump-turbine units,
22 and motor-generated units for a combined
23 capacity of 600 megs; two tailrace tunnels
24 leading to the inlet/outlet structure in
25 the lower reservoir; and a 152-acre lower

1 reservoir, again, which is also the FIFE
2 Brook impoundment formed by the FIFE Brook
3 dam on the Deerfield River.

4 The FIFE Brook development, the FIFE
5 Brook Development is a dam impoundment.
6 It's common to both Bear Swamp Pump Storage
7 and FIFE Brook.

8 The dam is a compact glacier till
9 dam. It includes a tainter gate structure,
10 a concrete intake structure, a single
11 penstock leading to a concrete powerhouse
12 containing one conventional Francis-turbine
13 generator with a capacity of 10 megawatts.

14 So, the Deerfield River, the
15 Deerfield -- the Bear Swamp Project is one
16 of three hydroelectric projects on the
17 Deerfield River. There is a Deerfield
18 River Project, 2323. There is a Bear Swamp
19 Project, 2669, and there is Gardner Falls
20 project, 2334.

21 So, this is kind of an overview of
22 the projects. You can see the headwaters
23 are in Vermont. You can see Bear Swamp
24 Project is the newest of those
25 developments. It's the only pump storage

1 project on the river. It lays out on a map
2 right here.

3 So, up here in Vermont. You can see
4 the orange-colored ones are Deerfield River
5 project. You can see Bear Swamp FIFE Brook
6 here. And you can see Gardner Falls down
7 below here. All the orange would be the
8 Deerfield River Project.

9 So, the general operations, the
10 overall flow regime of the Deerfield River
11 can be generally characterized as having a
12 regular flow and stage fluctuation driven
13 by a long history of peaking operations on
14 the Deerfield and as currently licensed
15 under the Deerfield River Project.

16 Because Bear Swamp Power Company
17 does not drive the system, the FIFE Brook
18 Development concluded to operating in a
19 run-of-release mode reacting to and passing
20 influx.

21 Similarly, Bear Swamp Pump Storage
22 Development operates independent of and
23 with no effect on the Deerfield River
24 flows, upstream or downstream of the Bear
25 Swamp Pump Storage Development and FIFE

1 Brook Development.
2 Bear Swamp Power Company and
3 TransCanada engage in regular
4 communications and coordinations regarding
5 the day-to-day administration of each
6 entities respective minimum flow and
7 whitewater releases articles, with emphasis
8 on exchange of information necessary to
9 facilitate and enable each licensee to
10 meeting its minimum flows and whitewater
11 recreation release obligations.

12 Coordination among and meeting the
13 whitewater polar area interests on the
14 Deerfield River, stakeholders, and
15 developing the annual whitewater release
16 schedule.

17 Communication by and from the
18 Deerfield River Project license relates to
19 its daily peaking schedule, including
20 changes it may make to its schedule.

21 Mutual communications on matters
22 such as outages, maintenance, inspections,
23 and emergencies.

24 So, the Bear Swamp Pump Storage
25 development, the normal operation. It

1 operates on pumped storage mode, which is
2 characterized as a regular scheduled
3 movement of water in the upper reservoir to
4 the lower reservoir, which is generation.
5 And from the lower reservoir pumped back up
6 to the top reservoir, which is pumping.

7 The upper reservoir has a usable
8 storage of 4900 acre feet. During normal
9 operations the upper reservoir is typically
10 drawn down 44 1/2 feet from 1600 feet to
11 1555.5.

12 The lower reservoir, FIFE Brook
13 impoundment, has a usable storage of 4900
14 acre feet. Between the normal maximum full
15 elevation of 870, and the allowable 40 foot
16 drawdown limit of 830.

17 In general, the Bear Swamp Pump
18 Storage development's normal operations
19 consists of generating with and pumping
20 back some or all of the usable upper
21 reservoir storage capacity within the
22 general framework over the 24-hour period.

23 Bear Swamp Pump Storage Development
24 is dispatched to generate by ISO New
25 England in response to regional energy

1 needs.

2 So, the FIFE Brook Development runs
3 and operates on run-of-release mode
4 utilizing those inflows peaking or
5 otherwise as provided by the upstream
6 Deerfield No. 5 station.

7 Bear Swamp Power Company schedules
8 FIFE Brook to effectively follow Deerfield
9 5 schedule while accounting for provisions
10 for the 125 minimum flow.

11 The FIFE Brook Development release
12 from two minimum flow pipes, a total of 106
13 whitewater releases based on the whitewater
14 schedule established each year.

15 When Deerfield No. 5 is generating,
16 regardless of whether Bear Swamp Pump
17 Storage Development is pumping, generating
18 or idling, the FIFE Brook Development will
19 generate an allowable to effectively match
20 the timing and magnitude of inflow.

21 Based on the schedule received from
22 TransCanada, Bear Swamp Pump Storage
23 Development publishes public notification
24 of expected FIFE Brook operations on the
25 internet using Waterline at

1 WWW.h2online.com.

2 When making the transition from the
3 125 minimum flow of discharge to the higher
4 scheduled discharge level, Bear Swamp Power
5 Company turns on a strobe light at FIFE
6 Brook dam, sounds an alarm, both visual and
7 audible warning, brings the FIFE Brook
8 Powerhouse up to 3 megawatts, and curtails
9 the minimum flow. Holds the FIFE Brook
10 Powerhouse at approximately 3 megawatts for
11 15 minutes, and then brings the FIFE Brook
12 Powerhouse up to its scheduled discharge.

13 15 minute 3 megawatt hold ramp point
14 is a result of a collaboration with
15 downstream angler interests relative to
16 improving angler safety. And Bear Swamp
17 Power Company continues to examine
18 opportunities of stakeholders to improve
19 public safety within the peaking flow
20 framework licensed under the Deerfield
21 River Project.

22 Given the spatial context of Bear
23 Swamp Power Company and its temporal
24 contacts constructed decades after the
25 peaking system was established.

1 Bear Swamp Power Company can confirm
2 that Bear Swamp Pump Storage Development
3 and FIFE Brook Development are not the
4 source or cause of diurnal peaking flows
5 and flow stage fluctuations on the
6 Deerfield River.

7 Bear Swamp Pump Storage and FIFE
8 Brook do not have the ability to
9 re-regulate the Deerfield River Project
10 operations.

11 So, this graph kind of goes back to
12 what I was saying here. It's really --
13 what we're trying to demonstrate here is
14 that, you know, Bear Swamp is independent
15 of FIFE Brook.

16 So, if you look -- if you look here
17 at the red, that is Bear Swamp Pump
18 Storage, their pumping flow.

19 If you look at the green, that is
20 the generation flow from Bear Swamp Pump
21 Storage.

22 And, if you look at the purple, and
23 there is actually blue in there too.

24 The purple is outflow from FIFE
25 Brook and the blue is inflow from Deerfield

1 No. 5.

2 So, what we're trying to show here,
3 again, is that Bear Swamp is independent of
4 FIFE Brook. Bear Swamp has no effect on
5 the Deerfield River. And that for all
6 practical purposes, FIFE Brook mirrors
7 Deerfield No. 5 operations.

8 This is a 15-minute composite for a
9 two-month period there. This is a little
10 expanded out. This is daily average flows
11 just looking at daily average inflow from
12 Deerfield River No. 5 in blue.

13 And, then, in the purple is the
14 average outflow of FIFE Brook.

15 I don't know if you guys can see
16 those colors, but they pretty much overlap
17 one another.

18 So, recreation facilities and
19 opportunities. The existing recreational
20 facility is the Bear Swamp Development
21 project and its proximity to state and
22 national forests provide a wealth of
23 recreational opportunities and amenities in
24 the project facility.

25 Angling, whitewater boating and

1 tubing are popular recreational activities
2 along the Deerfield River in the vicinity
3 of the project.

4 There are six formal recreational
5 facilities located on Bear Swamp Project,
6 the Bear Swamp Visitor Center, the FIFE
7 Brook fishing and boat access area, Zoar
8 Whitewater access area, Zoar picnic area,
9 FIFE Brook overlook hiking trail, Bear
10 Swamp Public Hunting area.

11 In addition to the formal project
12 recreation facilities, numerous informal
13 shoreline parking -- geez. I think I'm
14 doing that.

15 In addition to the formal project
16 recreation facilities, numerous informal
17 shoreline parking access areas are
18 available along the Deerfield River
19 downstream of FIFE Brook dam.

20 So, this is a map that gives you a
21 general overview of the Deerfield, the Bear
22 Swamp Project would be right here. It
23 would extend down to about here. So, those
24 facilities I mentioned are on the right
25 slide, but this map was developed in

1 consultation with the Deerfield River
2 Public Safety Forum. A bunch of users got
3 together and said we need, you know, to
4 consolidate everything here.

5 So, these are the six or seven
6 facilities that I noted in the previous
7 slide, and how they layout at the facility.

8 Again, upper reservoir, FIFE Brook
9 impoundment. There is a visitor center
10 here. Here is the public hunting area.
11 The hiking trail, the FIFE Brook access
12 area. The Zoar whitewater access area, and
13 the Zoar picnic area.

14 So, in accordance with each parties
15 FERC license, Bear Swamp Power Company and
16 TransCanada provide 106 whitewater releases
17 from FIFE Brook dam between April 1 and
18 October 31st.

19 Releases are provided at a minimum
20 flow of 700 CFSs for a duration of at least
21 three continuous hours. Releases can start
22 anywhere between 9.30 and noon and are
23 scheduled for 50 weekends and 56 weekdays
24 from April 1 to October 31st, annually.

25 Bear Swamp Power Company and

1 TransCanada coordinate an annual meeting to
2 cooperatively develop the whitewater
3 release schedule in consultation with
4 representative citizen groups, including
5 New England Flow and Trout, Unlimited.

6 Bear Swamp Power Company provides
7 information to the public regarding
8 estimated current and forecasted flow
9 conditions downstream of the FIFE Brook dam
10 on the waterline website. And, again,
11 that's WWW.h2online.com.

12 The annual whitewater release
13 schedule is posted at the project
14 recreation area and is also available on
15 the Waterline website.

16 So, this is the 2014 schedule. I
17 understand the '15 schedule is out, but
18 this is the 106 releases.

19 And, again, you can get that on
20 Waterline.

21 So, the contact information for this
22 project. Again, it's myself, all my
23 contact information is up there.

24 One important note is we've
25 developed a website for this project and

1 we'll use that website to get a lot of the
2 larger documents to folks, and maintain a
3 lot of the history. We'll note upcoming
4 meetings, that type of thing.

5 Can you read that okay?

6 WWW.bearswampproject.com.

7 So, we've already started
8 populating. We've got the Notice of Intent
9 on there, the scoping document, PAD scoping
10 document. And we got a request this
11 morning to put these -- this presentation
12 and another one on there, so.

13 MR. BAUMMER: Thank you, Steve.

14 So, some of the resources that are
15 affected by the project that the FERC staff
16 have identified, from my review of the
17 pre-application document. We identified
18 effects of the project to aquatic
19 resources, terrestrial resources,
20 threatened and endangered species,
21 recreation and land use, effects of the
22 project to cultural resources, and also the
23 developmental resources.

24 Some important dates coming up here
25 in regards to the relicensing effort.

1 Comments and study requests are due April
2 18, 2015.

3 Bear Swamp will provide a proposed
4 study plan on June 2nd, 2015.

5 We'll have study plan meetings
6 somewhere in this area on/or about July
7 2nd, 2015.

8 Wrap-up our efforts here with the
9 filing of the revised study plan on
10 September 30, 2015.

11 And, the commission will issue its
12 determination on the studies on October 30,
13 2015.

14 Now, at this point in the meeting,
15 I'm take comments and questions from
16 anybody, either regarding the FERC process
17 or from anything Bear Swamp Power
18 presented.

19 And, again, I ask that you, before
20 you -- if you want to make a comment, that
21 you state your name and affiliation for the
22 record so the court reporter can have
23 everything on the record.

24 Yes, sir.

25 MR. QUINN: Mr. Quinn from Deerfield

1 River Watershed. My question is to Steve,
2 actually. And, it has to do with the
3 deregulation. The scheduled releases, they
4 do ramp up slowly. Unscheduled releases,
5 it comes up in a hurry. Independent system
6 operators are calling for it. And it's put
7 quite a -- it's a safety issue with the
8 fishermen. They're getting caught below
9 and having a hard time getting into the
10 times.

11 And, I don't know if it can be
12 ramped up in the unscheduled releases like
13 you do on scheduled releases.

14 MR. MURPHY: Yeah, I don't think
15 there is any difference.

16 MR. MORIARTY: There is no
17 difference. It's actually a function of a
18 program logic controllers. You press a
19 start button and it goes through a sequence
20 of events. After pressing the start
21 button, there is no human intervention on
22 the ramp rate.

23 MR. QUINN: Well, there's a whistle
24 of the dam, and then two minutes later it
25 whistles again. It should be five minutes

1 later, correct?

2 MR. MORIARTY: Press the start
3 button and the whistle goes off.

4 MR. QUINN: Well --

5 MR. MORIARTY: Increase happens 15
6 minutes later depending on the set point.
7 The set point is high enough to increase
8 the flow. I can't remember the exact
9 number is significant enough, the alarm
10 will go off again.

11 MR. QUINN: And, also, with the
12 ramping, a lot of slimy sculpin get caught
13 on the bank and are stranded there when the
14 water gets back down, which is a concern to
15 me, lot of the anglers, too.

16 So, there are a few things to think
17 about.

18 MR. BAUMMER: Okay.

19 MR. QUINN: Thank you.

20 MR. BAUMMER: You're welcome.

21 MR. NASDOR: Bob Nasdor, American
22 Whitewater.

23 Question for Brookfield.

24 The water that TransCanada supplies
25 you for the whitewater releases comes from,

1 at least my understanding, an agreement
2 that you have with TransCanada or at least
3 that your predecessor had with TransCanada.

4 With the expiration of your license
5 in 2020, does Brookfield have an agreement
6 with TransCanada to continue the water for
7 the whitewater releases for the expiration
8 of TransCanada's license or does that
9 agreement expire with your license?

10 MR. MURPHY: So, it does expire with
11 our license. And, we're certainly not
12 opposed to, you know, discussions around
13 continuing it.

14 MR. NASDOR: But nothing to show it
15 at this point?

16 MR. MURPHY: We haven't had the
17 discussion yet, no.

18 MR. NASDOR: Thank you.

19 MR. BAUMMER: Anybody else have any
20 questions? I know a lot of people were
21 here this morning.

22 MR. QUINN: I have a question for
23 Brookfield again about, wasn't Brookfield
24 supposed to put steps in at the turn-around
25 parking area for FIFE Brook dam for the

1 fishermen?

2 MR. MURPHY: There are steps down
3 there.

4 MR. QUINN: There are steps below
5 for the whitewater people towards the dam
6 more, the yellow gate.

7 But there is also -- there was talk
8 about putting steps in right at the
9 turn-around area where you do put gravel
10 down for it, but steps are so much nicer.

11 MR. MORIARTY: There have been
12 discussions in the past about putting steps
13 down where the kiosk is that's located
14 downstream of the FIFE Brook for the
15 rafters. That's a very over-steepened
16 area, and a decision was made not to pursue
17 that based on the fact that after Hurricane
18 Irene, the construction road that's
19 upstream of the rafter put in was
20 re-established. And, it's a much safer
21 gradual slope to walk down to the river.

22 MR. QUINN: Steps would be nice with
23 a railing.

24 MR. BAUMMER: Anybody else have any
25 comments or questions?

1 MR. RAGONESE: This is John Ragonese
2 from TransCanada.

3 I noticed in the scoping document
4 that you are defining geographic scope
5 somewhat uniquely for water quality in that
6 a geographic scope runs all the way to the
7 headwaters.

8 Can you explain where -- what the
9 rationale is behind that or what --

10 MR. BAUMMER: I think we had
11 something originally put in just to make it
12 broad enough to cover any effects on water
13 quality within the basin.

14 In the past FERC has taken like a
15 basin-wide approach for looking at effects
16 of water quality within the whole basin.
17 So, we started from the headwaters as the
18 point for our geographic start on that, but
19 if there is information out there to
20 suggest that that is too broad of a scope,
21 certainly we can adjust that through the
22 licensing process.

23 MR. RAGONESE: This is just more of
24 a general policy kind of approach?

25 MR. BAUMMER: Yeah.

1 MR. CHRISTOPHER: Tom Christopher,
2 New England Flow.

3 Now that you've brought that subject
4 up, John, I guess the question I have is --
5 bringing in the whole geographic scope.

6 Are you going to look at any
7 analysis or do any analysis on what's
8 happening on Mount Snow? Originally they
9 had plans to do some water withdrawals from
10 the Deerfield directly, fortunately those
11 plans fell upon -- fell by the wayside.

12 But, more recently, they're getting
13 ready to develop a reservoir with water
14 coming off of Coldbrook, I believe. And I
15 think that is a trip to the Deerfield.

16 So, consequently, are you looking at
17 that relative to not only water quality,
18 but water volume?

19 MR. BAUMMER: This is the first time
20 I'm hearing about this tonight. So, we'll
21 have to take a look at that for sure.
22 Thank you.

23 Is that a new development or is --
24 you said they were constructing a
25 reservoir?

1 MR. CHRISTOPHER: It's so new, the
2 ink is not dry on the newspaper.

3 MR. BAUMMER: I see. Very good.
4 That's information that certainly would be
5 relevant.

6 MR. CHRISTOPHER: There were a
7 number of attempts over a 10-year period of
8 Mount Snow trying to acquire water for
9 snowmaking. And, there was some
10 discussions with New England Power. They
11 looked at Powerman; (phonetic) they looked
12 at Deerfield; they looked at Somerset. But
13 all of that ultimately failed.

14 Now there is a new plan that was
15 just in the paper within the last couple of
16 days.

17 MR. BAUMMER: Okay.

18 MR. CHRISTOPHER: It may be worth
19 bringing that information into the
20 equation.

21 MR. BAUMMER: First time I'm hearing
22 about this tonight. So, thank you.

23 Other comments or concerns?

24 MR. QUINN: About the steps again.
25 I understood that you guys didn't want us

1 going up by the dam to fish.

2 What you're saying is, I think,
3 you're saying it's easier to get in the
4 river up there.

5 MR. MORIARTY: The original
6 construction access road that was
7 re-established after Hurricane Irene to
8 remove the damaged gait house, as a result
9 of the hurricane, meets the river, down the
10 stream river with some boat barriers that
11 our sort of designated area where we prefer
12 the public do go beyond that upstream
13 facility.

14 MR. QUINN: And, we're not allowed
15 to park down that way either.

16 MR. MORIARTY: There is a gate
17 preventing public vehicle access, yes.

18 MR. QUINN: Okay. Thank you.

19 MR. BAUMMER: Anybody else?

20 I guess we'll talk a little about
21 the site visit tomorrow, if that's okay
22 with everybody. I don't know how many
23 people are planning to attend the site
24 visit, but Steve can talk a little about
25 our site visit tomorrow.

1 MR. MURPHY: Yup. So, tomorrow
2 morning, 9.00 o'clock, we're going to all
3 meet at the visitor center. I think we've
4 got 33 people right now.

5 FROM THE FLOOR: Yeah, around that.

6 MR. MURPHY: 33 people signed up so
7 far including FERC and the HR folks, so.

8 So, again, 9.00 o'clock tomorrow.
9 We'll meet at the visitor -- Bear Swamp
10 Visitor Center. This is the address. I
11 don't know if anybody signed up in here or
12 planned on going. I know I got somebody
13 new today back there.

14 So, that address right there. That
15 is the address. It's a mile or two just
16 upstream of the access road to the
17 powerhouse. If you type that in to Google
18 and MapGuest you'll end up on the
19 Housatonic.

20 So, I believe Bing takes you to the
21 general vicinity. But most of you probably
22 know where you're going anyway.

23 So, the site visit. We're going to
24 go to eight locations. We're going to
25 start at the visitor center. From there

1 we're going to take a half hour ride up to
2 the upper reservoir.

3 Now, understand there is still a lot
4 of snow out there, right. So, we're going
5 to take a bus. So, we're going to be very
6 limited. We'll be able to get the general
7 overview, but we're not going to be walking
8 around the reservoir or anything like that.
9 We've got a pretty aggressive schedule to
10 get done by noon, too.

11 So, we'll be able to give everybody
12 an overview. Obviously, we're not going to
13 visit the hunting area or anything like
14 that, but we'll be able to point you in the
15 right direction anyways.

16 Bear Swamp Powerhouse in the lower
17 reservoir, we'll go down there next.

18 The FIFE Brook Powerhouse. FIFE
19 Brook fishing area and boat access area,
20 Zoar picnic area and Zoar access area.

21 So, again, transportation will be by
22 bus. We won't allow any personal vehicles
23 inside the fences anywhere. So, the upper
24 reservoir, the powerhouse, the lower
25 reservoir, the FIFE Brook Powerhouse, it's

1 just easier if we can coordinate and get
2 everybody on the bus. But if you want to
3 meet us at those rec. facilities, that's
4 fine, but inside the gates we won't allow
5 that.

6 So, again, 9.00-1.00.

7 So, in the notice, FERC's notice we
8 put a bunch of rules on there. The only
9 one -- you know, the only one I really tell
10 everybody you got to watch out for is
11 please come with some decent footwear for
12 what's out there. You know, every once in
13 a while somebody is out there in sandals or
14 flip flops or high heels, and it just
15 doesn't work for us in the powerhouse, so.

16 We will supply hard hats and safety
17 glasses as needed.

18 And, the other thing is photographs
19 inside the fences we will not allow.

20 FROM THE FLOOR: Steve, can I ask a
21 question about that? Because it is okay to
22 take photographs in the public areas on the
23 bus.

24 Is it okay to bring like a cell
25 phone with us, and when we're inside the

1 fence just put it away and when we're
2 outside the fence, like fishing area or the
3 boat launch area have --

4 MR. MURPHY: Absolutely.

5 Absolutely. Yup.

6 So, again, here is the visitor
7 center. You know, the access gate would be
8 right here, and you just follow the river
9 road up to here.

10 FROM THE FLOOR: Steve, it's been a
11 little while since I hung out on the
12 Deerfield day in and day out. But there
13 used to be a road from Route 2. Is that
14 open in the winter?

15 MR. MURPHY: Yeah.

16 FROM THE FLOOR: All right. I just
17 couldn't remember.

18 MR. BAUMMER: When you get down to
19 the bottom make a left and that takes you
20 --

21 FROM THE FLOOR: Yeah. Yeah. No.
22 But it's from near the top of the hill
23 here, right?

24 MR. BAUMMER: Yeah.

25 FROM THE FLOOR: Okay, good. I just

1 couldn't remember if that was open.

2 MR. MURPHY: So, again, here are the
3 stops. The visitor center. That will be
4 open. We can take a quick walk through it.

5 The upper reservoir. Again, we'll
6 get right to the gate. We'll be able to
7 walk up to an area and give you an overview
8 of what you're looking at from there.

9 That's taken from the upper
10 reservoir. That is a public hunting area.
11 But we'll just be able to give you a 10,000
12 foot view of that one.

13 Lower reservoir. We'll be right
14 there by that guardrail and we can explain
15 everything that's going on and talked about
16 today.

17 That's Bear Swamp Powerhouse. We
18 will just be visiting this level.
19 Basically, anything below that level there
20 just isn't anything to see. It's just
21 encased in concrete, so.

22 But, again, we'll be able to give
23 you the overview of what's going on at the
24 plant right from there.

25 There is a FIFE Brook dam and

1 Powerhouse. We'll be able to get you right
2 in there.

3 FIFE Brook fishing area and boat
4 access right there.

5 Zoar picnic area. Again, we've got
6 it plowed out. We can get the bus in
7 there, but we're not going to go very far
8 from the bus.

9 And, the access road. Again, we can
10 get the bus pulled over there. Not sure if
11 the snow bank is -- you can probably see
12 more sitting up in the bus from your seat
13 than you can from the ground there.

14 That's it.

15 MR. BAUMMER: Now, I'll just have a
16 few final statements.

17 April 18th, 2015, is the date we
18 need to have study requests and comments on
19 the PAD file. Pages 19 and 25 of the
20 scoping document discusses how you can be
21 added to -- or e-subscribe to the project
22 so that you get notifications from FERC,
23 and anybody else that files anything on the
24 record for the project. And, also how to
25 be added or taken away from the mailing

1 list for this project.

2 We essentially send you hard copies
3 of everything we issue in the mail. So, if
4 you have the scoping document today, there
5 is a mailing list that we established, but
6 from this point forward, you need to be
7 added to the mailing list if you're not
8 already on the mailing list for the
9 project, so.

10 Yes, sir.

11 FROM THE FLOOR: Does Brookfield
12 maintain a mailing list? I know for the
13 Connecticut River we received mailings from
14 First Light and TransCanada.

15 Is Brookfield doing something
16 similar?

17 MR. MURPHY: Yes.

18 FROM THE FLOOR: We can sign up on
19 your website?

20 MR. MURPHY: No, we don't have that,
21 but -- can we do that?

22 FROM THE FLOOR: Again, that was
23 something we could do on the Connecticut
24 project. I don't know if you have similar
25 capability.

1 MR. MURPHY: I mean, my contact
2 information is certainly there. You know,
3 you can certainly get a hold of me and I
4 can get you added like that.

5 FROM THE FLOOR: Okay.

6 MR. MURPHY: That's interesting.

7 FROM THE FLOOR: I think that's in
8 your PAD to do that, get on the mailing
9 list.

10 MR. MURPHY: Yeah, I never thought
11 about doing that on the website. I kind of
12 like that, actually.

13 But, yes, we're maintaining a
14 distribution list. It should be with the
15 PAD NOI as far as where we are today.

16 FROM THE FLOOR: Question. Just to
17 clarify, April 18th is a Saturday.

18 MR. BAUMMER: Anything that happens
19 on Saturday, the next business day, which
20 would be Monday the 20th.

21 FROM THE FLOOR: So, the 20th is the
22 deadline?

23 MR. BAUMMER: Yes.

24 FROM THE FLOOR: Steve, are you the
25 pointman for Brookfield now?

1 MR. MURPHY: For the relicensing
2 only. So, Pat is plant operations. Tom is
3 dedicated to New England. So, Tom was a
4 water resource manager that was heavily
5 involved in public safety. So, we've got
6 another compliance specialist, Marshal
7 Olsen. He's been out here a couple times.
8 So, he's been with a couple of the groups.

9 MR. BAUMMER: Any other final
10 comments before we close the meeting?

11 All right. Well, I guess, Thanks
12 everyone for coming out tonight and we'll
13 see you tomorrow morning, hopefully.

14 FROM THE FLOOR: Good job.

15 MR. BAUMMER: Thank you.

16

17 (Meeting concluded)

18

19

20

21

22

23

24

25