

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Tidewalker Associates

Project No. 12704-002

NOTICE OF INTENT TO FILE LICENSE APPLICATION, FILING OF PRE-APPLICATION DOCUMENT, COMMENCEMENT OF LICENSING PROCEEDING, SCOPING MEETINGS, SOLICITATION OF COMMENTS ON THE PAD AND SCOPING DOCUMENT, AND IDENTIFICATION OF ISSUES AND ASSOCIATED STUDY REQUESTS

(May 26, 2009)

- a. Type of Filing: Notice of Intent to File License Application for a New License and Commencing Licensing Proceeding.
- b. Project No.: 12704-002
- c. Dated Filed: March 25, 2009
- d. Submitted By: Tidewalker Associates
- e. Name of Project: Half Moon Cove Tidal Power Project
- f. Location: Cobscook Bay, between the City of Eastport and Town of Perry, Washington County, Maine. No federal lands are involved.
- g. Filed Pursuant to: 18 CFR Part 5 of the Commission's Regulations
- h. Potential Applicant Contact: Normand Laberge, Tidewalker Associates, 46 Place Cover Road, Trescott, Maine 04652. (207) 733-5513
- i. FERC Contact: Steve Kartalia, Stephen.kartalia@ferc.gov, (202) 502-6131.
- j. We are asking federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in paragraph 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 Historical 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 Tidewalker Associates 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. Tidewalker Associates filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations. The Commission issued a Scoping Document on May 26, 2009.
- n. A copy of the PAD and the scoping document are 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 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 paragraph h.

Register online at <http://ferc.gov/esubscribenow.htm> 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 the scoping document, as well as study requests. All comments on the PAD and the scoping document, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and the scoping document, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application (original and eight copies) must be filed with the Commission at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. All filings with the Commission must include on the first page, Half Moon Cove Tidal Power Project) and number (P-12704-002), and bear the 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 the scoping document, and any agency requesting cooperating status must do so by July 23, 2009.

Comments on the PAD and the scoping document, study requests, requests for cooperating agency status, and other permissible forms of communications with the Commission 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 website (<http://www.ferc.gov>) under the “e-filing” link.

- 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, these meetings 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 June 24, 2009

Time: 10:00 a.m.

Location: Marine Trades Center
16 Deep Cove Road, Eastport, ME

Phone: Normand Laberge at (207) 733-5513

Evening Scoping Meeting

Date: Wednesday June 24, 2009

Time: 7:00 p.m.

Location: Marine Trades Center
16 Deep Cove Road, Eastport, ME

Phone: Normand Laberge at (207) 733-5513

The scoping document, 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 the scoping document 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. Depending on the extent of comments received, Scoping Document 2 may or may not be issued.

Site Visit

Tidewalker Associates will conduct a site visit of the project at 2:00 p.m. on Tuesday June 23, 2009. All participants should meet where Old Route 190 terminates at the shore on the Eastport end of the proposed dam location. See Figure 2 of the scoping document for a map. All participants are responsible for their own transportation. Anyone with questions about the site visit should contact Normand Laberge.

Scoping 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 the scoping document are included in item n of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project.

Kimberly D. Bose,
Secretary.

Document Content(s)

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