



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

September 27, 2022

In the Matter of
Bear Swamp Power Company, LLC

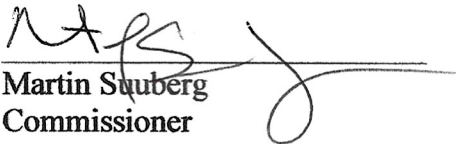
OADR Docket No. 2020-020
Florida, MA

FINAL DECISION

I have reviewed the attached Settlement Agreement signed on January 12, 2022, by: the Petitioner's representatives Thomas Deedy, President and Thomas Uncher, Vice President of the Applicant Bear Swamp Power Company, LLC; the intervenor's representative, Keith Curley, Vice President of Trout Unlimited; and Kathleen M. Baskin, Assistant Commissioner of the Bureau of Water Resources for the Massachusetts Department of Environmental Protection ("MassDEP" or "the Department"). I adopt as, and incorporate in this Final Decision, the Recommended Final Decision of the Presiding Officer recommending that I approve the Settlement Agreement, including the Presiding Officer's finding that the date of MassDEP's receipt of the Applicant's Water Quality Certification Application is misstated in ¶ 6 of the Settlement Agreement and should be modified to insert the correct date of March 27, 2019. In doing so, I note that the correct date of the Application does appear on the Proposed Water Quality Certification that will be fully executed by MassDEP in connection with my

approval of the Settlement Agreement.

Under the terms of 310 CMR 1.01(8)(c), these proceedings are dismissed with the parties waiving whatever rights they may have to further administrative review before the Department as well as appeal to court.


Martin Stauber
Commissioner

SERVICE LIST

In The Matter Of:

Bear Swamp Power Company, LLC

Docket No. 2020-020

File No. BRP WW10, Tr. No. X282682
Florida

Representative

Adam P. Kahn, Esq.
Seth D. Jaffe, Esq.
Foley Hoag, LLP
155 Seaport Boulevard
Boston, MA 02210
akahn@foleyhoag.com
sjaffe@foleyhoag.com

Christopher B. Myhrum, Esq.
1500 Main Street, Suite 2010
P.O. Box 15407
Springfield, MA 01115
chrismyhrum@myhrumlaw.com

Rebekah Lacy, Esq.
Office of General Counsel
MassDEP - Boston
One Winter Street
Boston, MA 02108
Rebekah.Lacey@mass.gov

Robert Nasdor, Esq.
American Whitewater
65 Blueberry Hill Lane
Sudbury, MA 01776
bob@americanwhitewater.org

Andrew Fisk, Executive Director
Connecticut River Conservancy
15 Bank Row
Greenfield, MA 01301
afisk@ctriver.org

John L. Ragonese, FERC License Manager
Great River Hydro, LLC
40 Pleasant Street; Suite 202
Portsmouth NH 03801
jragonese@greatriverhydro.com

Cc:

Party

PETITIONER

Bear Swamp Power Company, LLC

INTERVENOR

Trout Unlimited, Inc.

DEPARTMENT

PARTICIPANT

American Whitewater
Appalachian Mountain Club
New England FLOW

PARTICIPANT

Connecticut River Conservancy

PARTICIPANT

Great River Hydro, LLC

Kathleen Baskin, Assistant Commissioner
Bureau of Water Resources
MassDEP - Boston
One Winter Street
Boston, MA 02108
Kathleen.Baskin@mass.gov

DEPARTMENT

Stephanie Moura, Director
Wetlands and Waterways Program
MassDEP - Boston
One Winter Street
Boston, MA 02108
Stephanie.Moura@mass.gov

DEPARTMENT

Thomas Gruszkos, Wetlands Analyst
MassDEP Wetlands Program
MassDEP – Boston
One Winter Street
5th Floor Boston, MA 02108
Thomas.Gruszkos@mass.gov

DEPARTMENT

Leslie DeFilippis, Paralegal
Office of General Counsel
MassDEP - Boston
One Winter Street
Boston, MA 02108
Leslie.Defilippis@mass.gov

DEPARTMENT

Dr. Everose Schluter
MassDFW – Westboro
Eve.Schluter@mass.gov

Dr. Caleb Slater
MassFWE – Westboro
Caleb.Slater@mass.gov
Misty Anne Marold
MassFWE – Westboro
Misty-Anne.Marold@mass.gov

Jesse Leddick
MassFWE – Westboro
Jesse.Leddick@mass.gov

Tori Labate, Assistant General Counsel'
Department of Fish and Game
Tori.LaBate@mass.gov
Bruce Lessels
Zoar Outdoor
bdlessels@gmail.com

Audrey Mayer
Department of Interior
U.S. Fish and Wildlife Service
Audrey_Mayer@FWS.gov

Melissa Roberts
Gabe Porter-Henry
Berkshire Whitewater
melissa@berkshireeast.com
gabe@berkshireeast.com

Kimberly Noake MacPhee
Andrea Donlon
Franklin Regional Council of Governments
kmacphee@frcog.org
adonlon@frcog.org

Tom Christopher
New England FLOW
tom.christopher@comcast.net

Jim Perry
Deerfield River Watershed Association
drwa@deerfieldriver.org

Melissa Grader
Department of Interior
U.S. Fish and Wildlife Service
Melissa_Grader@FWS.gov

Frank Mooney
Crab Apple Whitewater, Inc.
frank@crabapplewhitewater.com

Rowe Conservation Commission
rsanchezinc@gmail.com

Charlemont Conservation Commission
sectobds@charlemont-ma.us

Florida Conservation Commission
Townhall.floridamass@gmail.com