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## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Project No. 9282-039]**

#### **Pine Valley Hydroelectric Power Company, LLC; Notice of Intent to File License Application, Filing of Pre-Application Document, and Approving Use of The Traditional Licensing Process**

- a. Type of Filing: Notice of Intent to File License Application and Request to Use the Traditional Licensing Process
- b. Project No.: 9282-039
- c. Date Filed: September 27, 2022
- d. Submitted By: Pine Valley Hydroelectric Power Company, LLC (Pine Valley Hydro)
- e. Name of Project: Pine Valley Hydroelectric Project (project)
- f. Location: On the Souhegan River in Hillsborough County, New Hampshire. No federal lands are occupied by the project works or located within the project boundary.
- g. Filed Pursuant To: 18 CFR 5.3 and 5.5 of the Commission's regulations
- h. Potential Applicant Contact: Mr. Jonathan DiCesare, Pine Valley Hydroelectric Power Company, LLC; 10 Roberts Lane, Suite 201, Ridgefield, CT 06877; (518) 657-9012; or email at [info@dichotomypower.com](mailto:info@dichotomypower.com).
- i. FERC Contact: Michael Watts at (202) 502-6123; or email at [michael.watts@ferc.gov](mailto:michael.watts@ferc.gov).

j. Pine Valley Hydro filed its request to use the Traditional Licensing Process on September 27, 2022, and provided public notice of its request on September 20, 2022. In a letter dated November 23 2022, the Director of the Division of Hydropower Licensing approved Pine Valley Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the New Hampshire State Historic Preservation Officer, as required by section 106 of the 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 Pine Valley Hydro as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and consultation pursuant to section 106 of the National Historic Preservation Act.

m. On September 27, 2022, Pine Valley Hydro 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.

n. A copy of the PAD may be viewed and/or printed 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 FERCOOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19) issued on March 13, 2020.

o. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 9282. Pursuant to 18 CFR 16.20, each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by September 30, 2027.

p. Register online at <https://ferconline.ferc.gov/FERCOOnline.aspx> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: November 23, 2022.

**Kimberly D. Bose,**

*Secretary.*

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