

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
November 2, 2023

OFFICE OF ENERGY PROJECTS

Project No. 4639-033–New York
Christine Falls Hydroelectric Project
Ampersand Christine Falls Hydro, LLC

VIA FERC Service

Mr. Sayad Moudachirou, Licensing Manager
Ampersand Christine Falls Hydro, LLC
717 Atlantic Avenue, Suite 1A
Boston, MA 02111

Reference: Letter granting extension of time to file application for water quality certification

Dear Mr. Moudachirou:

On August 17, 2023, the Commission issued a *Notice Of Application Accepted For Filing, Soliciting Motions To Intervene And Protests, Ready For Environmental Analysis, And Soliciting Comments, Recommendations, Terms And Conditions, And Fishway Prescriptions* (REA Notice) for the Christine Falls Hydroelectric Project (Christine Falls Project or project). The notice included a requirement, per the Commission's regulations, for Ampersand Christine Falls Hydro, LLC (Ampersand) to file, no later than 60 days after REA Notice issuance: (1) a copy of the water quality certification (WQC or certification); (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of certification. The notice also stated that Ampersand's certification request must comply with 40 C.F.R. § 121.5(b) and include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request.

The deadline for filing proof of a certification application or waiver was October 16, 2023. On October 25, 2023, Ampersand requested that the Commission grant a 45-day extension of time to conduct a pre-filing meeting and file a WQC application with the New York State Department of Environmental Conservation (New York DEC).

Section 401 of the Clean Water Act prohibits the Commission from issuing a hydropower license until a certification for the project is either issued or waived. Therefore, section 4.34(b)(5)(i) of the Commission's regulations regarding the timing of Ampersand's WQC application is waived and its request for a 45-day extension of time to file a WQC application with New York DEC is granted.

So that Commission staff's processing of the relicense application is not affected, Ampersand must schedule and hold a pre-filing meeting with New York DEC and file a WQC application at least 30 days after the meeting is held. Ampersand must also file a copy of the WQC application and proof of the date of New York DEC's receipt of the WQC application with the Commission.

If you have any questions, please contact Andy Bernick at (202) 502-8660, or email at andrew.bernick@ferc.gov.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing