

**SCOTT’S MILL HYDRO, LLC**

April 1, 2021

The Honorable Kimberly Bose, Secretary

Federal Energy Regulatory Commission

888 First Street, NE

Washington, DC 20426

*RE:* ***SCOTT’S MILL HYDROELECTRIC PROJECT***

***FERC PROJECT NO. 14867-001***

***SUPPLEMENT TO MARCH 31, 2021 RESPONSES TO COMMISSION LETER OF OCTOBER 28, 2020***

Dear Secretary Bose:

On March 31, 2021, Scott’s Mill Hydro filed its responses to the Federal Energy Regulatory Commission’s (Commission) October 28, 2020, deficiency letter. Emails from the U.S. Fish and Wildlife Service (USFWS) and the Virginia Department of Wildlife Resources (VDWR) were not received in time to incorporate them into the filing. Accordingly, we are including the updated cost estimates from the USFWS and VDWR in this filing. Both agencies have waived their fees for this project.

Through discussions with Commission staff, Scott’s Mill learned that although the property owner of the proposed project boundary lands (Luminaire Technologies) is owned by the same person that owns Scott’s Mill Hydro, Scott’s Mill must have an agreement with the entity identified on the deed. The attached email from Mr. Mark Fendig confirms that Luminaire Technologies has entered into a long-term lease with Scott’s Mill Hydro.

Scott’s Mill received several updates to the distribution list in response to its email transmitting the responses to interested parties yesterday. Staff at some organizations have been replaced, some email addresses were no longer valid, and several additional entities have been added at the suggestions of others. Accordingly, Scott’s Mill has updated the distribution list and included the updated distribution list in this filing.

The March 31, 2021 filing included a PDF of Sheet 2 of Exhibit G. As part of this filing, a georeferenced file of Exhibit G is also included. Sheet 1 will be provided when it is available.

If you have any questions, feel free to contact me at (916) 719-7022 or Mr. Mark Fendig at (540) 320-6762.

Sincerely,



Wayne Dyok, Consultant to Scott’s Mill Hydro

U.S. Fish and Wildlife Service

Chesapeake Bay Field Office, Annapolis, MD 21401

Cost Estimate for FERC Scotts Mill 30(C) Exemption Application

SCOTTS MILL DAM HYDROELECTRIC PROJECT, FERC P-14425, JAMES RIVER, LYNCHBURG, VA

1. Jessica Pica, Fish Passage Engineer
2. David Sutherland, Fish and Wildlife Biologist

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Biologist day rate |  | $711 |
| USFWS Overhead rate |  | 22% |
| Overhead total |  | $156 |
| Total biologist day with overhead |  | $867 |

|  |  |  |
| --- | --- | --- |
| Conference calls and summary documents from Aug-Oct 2017 | 3 days x 2 | $5,202 |
| Preparation and Site Visit to Scotts Mill Dam November 6, 2017 | 2 days x 2 | $3,468 |
| Scott's Mill Project Draft License Application review, January 2, 2018 | 2 days x 2 | $3,468 |
| James River Assoc Meeting, Agency Meeting, November 8, 2018 | 1 day | $867 |
| Design Questions to Applicant November and December 2018 | 2 days x 2 | $3,468 |
| Agreement in Principal calls and drafting March 1, 2019 to February 28, 2020 | 7 days x 2 | $12,138 |
| ER20/0274 OEPC File Number: PEP/NRM 9043.1, June 25, 2020 | 4 days | $3,468 |
| Draft Settlement Agreement January 25, 2021 to March 24, 2021 | 5 days | $4,335 |
| Final Settlement Agreement drafting and coordination | 5 days | $4,335 |
| FERC Final Environmental Review and REA Notice | 4 days x 2 | $6,936 |
| Post Licensing Study Review and Coordination | 4 days x 2 | $6,936 |
| Total Estimate | 63 days | $54,621 |

Comments on Cost Estimate

U.S. Fish and Wildlife Service (Service) has developed this Exemption 30 (C) cost estimate for the Scotts Mill Hydroelectric Project. For this project, the Service has determined that the charges will not be required due to the natural resource and energy benefits that will be provided by this project. This project will promote natural resources, advance hydroelectric development science, and encourage other hydroelectric operators upstream in the river to provide safe, timely and effective fish passage. The Scott’s Mill representatives have developed a partnership with the natural resource agencies, and under these unique circumstances the Service will not require any compensation from this project. We believe this project to be in the best interest of the Commonwealth of Virginia and the general public.

**Virginia Department of Wildlife Resources**

Forest Regional Office, Forest, VA

Cost Estimate for FERC Scotts Mill 30(C) Exemption Application

SCOTTS MILL DAM HYDROELECTRIC PROJECT, FERC P-14425, JAMES RIVER, LYNCHBURG, VA

|  |  |  |  |
| --- | --- | --- | --- |
| **Scotts Mill Estimated Costs to VDWR for Terms and Conditions** |  |  |  |
|  |  |  |  |
| **Personnel** |  |  |  |
|  |  |  |  |
| Scott Smith – Regional Fisheries Manager |  |  |  |
| Alan Weaver – Fish Passage Coordinator |  |  |  |
|  |  |  |  |
| Daily rate for personnel time = $435/day/person |  |  |  |
| Mileage for Weaver = $115/day |  |  |  |
|  |  |  |  |
| Task | Personnel Time | Mileage | VDWR Cost |
| Establish and Review Terms and Conditions | 2 people x 3 days | 0 | 2,610 |
| Monitor efficacy of Terms and Conditions (Year 1) | 2 people x 8 days | 920 | 6,960 |
| Monitor efficacy of Terms and Conditions (Year 2) | 2 people x 3 days | 345 | 2,610 |
| Monitor efficacy of Terms and Conditions (Years 3-9) | 2 people x 2 days | 230 | 1,740 |
| Monitor efficacy of Terms and Conditions (Years 10-20) | 2 people x 5 days | 575 | 4,350 |
|  |  |  |  |
| Subtotals |  | 2,070 | 18,270 |
|  |  |  |  |
| Total |  |  | 20,340 |
|  |  |  |  |
| Notes: |  |  |  |
| Personnel rate calculated from avg hourly rate plus fringe |  |  |  |
| Mileage rate calculated at $0.52/mi. |  |  |  |

Comments on Cost Estimate

The Virginia Dept. of Wildlife Resources (VDWR) has developed this Exemption 30 (C) cost estimate for the Scotts Mill Hydroelectric Project. For this project, VDWR has determined that the charges will not be required due to the natural resource and energy benefits that will be provided by this project. This project will promote natural resources, advance hydroelectric development science, and encourage other hydroelectric operators upstream in the river to provide safe, timely and effective fish passage. The Scott’s Mill representatives have developed a partnership with the natural resource agencies, and under these unique circumstances VDWR will not require any compensation from this project. We believe this project to be in the best interest of the Commonwealth of Virginia and the general public.

**mfendig@aisva.net** <mfendig@web-o.net>

**To:**Wayne Dyok

Wed, Mar 31 at 11:04 PM

To who it may concern,

Scotts Mill Hydro which is currently owed by Mark Fendig has a lease agreement with Luminaire Technologies Inc. to lease the property rights to the Scotts Mill Dam which is owned by Luminaire Technologies Inc.which is also owed by Mark Fendig also the owner of the Scotts Mill Hydro, LLC.

Thanks,

Mark Fendig

**Scott’s Mill Hydropower Project Distribution**

* + - * Ms. Kimberly Bose, Secretary, Federal Energy Regulatory Commission
      * Mr. Jon Smith, Federal Energy Regulatory Commission
      * Mr. Jody Callihan, Federal Energy Regulatory Commission
      * Division of Dam Safety and Inspection, Federal Energy Regulatory Commission
      * Federal Energy Regulatory Commission, Regional Office
      * Ms. Catherine Gray, Cultural Resources Specialist, Cherokee Nation
      * Chief, Tuscarora Indian Nation
      * Monacan Nation
      * R. Duschane, Tribal Historical Preservation Officer, Absentee-Shawnee
      * Kim Jumper, Tribal Historical Preservation Officer, Eastern Shawnee Tribe of Oklahoma
      * Tribal Historical Preservation Officer, Shawnee Tribe
      * Resources Department, Eastern Band of Cherokee Indians
      * Chief, United Keetoowah Band of Cherokee Indians
      * Ms. K. Penrod, Delaware Nation
      * Mr. Robert Gray, Pamunkey Tribe
      * Virginia Council on Indians
      * District Engineer, Norfolk District, U.S. Army Corps of Engineers (Jeanne Richardson)
      * Mr. David Sutherland, U.S. Fish and Wildlife Service
      * Ms. Cindy Shultz, Virginia Field Office, U.S. Fish and Wildlife Service
      * Director, National Marine Fisheries Service (Ms. Julie Crocker)
      * James River District Ranger, National Park Service
      * National Park Service (Nathan Hilbert)
      * National Park Services (Moses Chun)
      * U.S. Department of Agriculture, Forest Service, Washington, DC (L. B. Stull)
      * Mr. David Whitmore, U.S. Forest Service, Roanoke
      * Ms. Ginny Davis, U.S. Environmental Protection Agency (USEPA)
      * Ms. Karen Delgrosso, USEPA
      * Ms. Barbara Rudnick, USEPA
      * Advisory Council on Historic Preservation
      * U.S. Bureau of Indian Affairs (Johnna Blackhair)
      * U.S. Bureau of Land Management, Springfield VA Office (S. Banks)
      * Mr. Scott Smith, Virginia Department of Game and Inland Fisheries
      * Mr. George Palmer, Virginia Department of Wildlife Resources
      * Mr. Alan Weaver, Virginia Dept. of Wildlife Resources
      * Ms. Jennifer Wampler, Virginia Department of Conservation and Recreation
      * Mr. Robert Ruhr, Virginia Department of Conservation and Recreation
      * Mr. Anthony Cario, Department of Environmental Quality
      * Mr. Brian McGurk, Env. Program Planner, VDEQ
      * Blue Ridge Regional Office, VDEQ
      * Ms. Roger W. Kirchen, Virginia Department of Historic Resources
      * Mr. Marc Holma, Virginia Department of Historic Resources
      * Ms. Julie Langan, Virginia Department of Historic Resources
      * Mr. Michael Johnson, Virginia Marine Resources Commission
      * Director, DCR Dam Safety
      * Kelly Hitch, Central Virginia Planning District
      * Mr. Dean Rodgers, County of Amherst
      * J.S. Bryant, County of Amherst
      * Patrick Nalley, County of Amherst
      * Erin Hawkins, City of Lynchburg
      * Susannah smith, City of Lynchburg
      * Rachel Frischeisen, City of Lynchburg
      * Nancy Lilly, City of Lynchburg
      * Mr. Bob Hopkins, Amherst County Service Authority
      * Mr. Timothy Mitchell, City of Lynchburg Utilities
      * Mr. Greg Poff, City of Lynchburg
      * Kristian M. Dahl, McGuire Woods, LLP
      * American Whitewater (Kevin)
      * Ms. Lisa Pappas, The Nature Conservancy
      * Hydro Reform Coalition (Kelly Catlett)
      * American Rivers (J Thomas-Blate)
      * Mr. Rob Campbell, VCNA
      * Mr. Bob Gates, Eagle Creek Renewable Energy
      * Mr. Michael Scarzelli, Eagle Creek Renewable Energy
      * Mr. John Wagner, Town of Bedford
      * Mr. Corey Chamberlain, Dominion Energy
      * DB Crawford
      * Kevin Daniels
      * Slusser, Lynchburg Education
      * Jonathan Crowder, Merrick Company
      * Benjamin Nielson, Merrick Company
      * Ian Anderson, Merrick Company
      * Rick McLaughlin, Merrick Company
      * Mr. David Duquette, Littoral Power Systems
      * Mr. Ben Leatherland, Hurt and Proffitt
      * Mr. Randy Lichtenberger, Hurt and Proffitt
      * Mr. Mark Fendig, Scott’s Mill Hydro