



February 2, 2016

**RE:** Application for FERC Project No. 14425, Scott's Mill dam hydropower proposal

To Whom It May Concern:

James River Association (JRA) is a conservation organization that has been solely dedicated to restoring and protecting the James River for over thirty-five years. On behalf of our thousands of members and supporters throughout Virginia, JRA provides these comments on the proposed licensure of the Scotts Mill dam hydropower project.

The JRA staff uses Virginia water bodies for scientific study, educational programs and recreational purposes that are vital to our mission. The JRA owns land and holds a lease to other property adjacent to the James River giving it valuable economic interests in protecting water quality. JRA members enjoy a wide range of recreational activities, including fishing, swimming, and boating, throughout the James River basin and in other Virginia water bodies. Also, our members have important economic, professional and aesthetic interests in the health of Virginia water bodies. Thus, JRA and our members have direct, substantial, past, and ongoing interests that will be affected by this proposed project.

### **Aquatic Organism Passage**

Scott's Mill dam serves as the first upstream complete blockage to fish and aquatic organism passage in the 340-mile mainstem James River. This proposal creates a distinct opportunity to mitigate the effects of this physical obstruction for diadromous and resident freshwater species. As restored passage is an established goal of the both state and federal initiatives in this waterbody, species of concern to consider for restored river passage include: freshwater mussels and host fish species, resident fish species (including smallmouth bass and centrarchids), migratory species (including river herring and shad, lamprey and American eel) and state and federally listed species documented within the impounded and immediate downstream waters.

### **Documentation Regarding Proposed Generator Units**

The Applicant has proposed the use of Natel hydro units for this project. Modeling analyses are



insufficient to establish operational impact of these units. Observational data and statistics that provide critical information -- such as fish impingement and entrainment, measured fish mortality and passage success -- are necessary in order to determine specific product appropriateness for potential application. We request that these units be thoroughly tested and analyzed for effectiveness in protecting aquatic life and ecological integrity. These data and conclusions should subsequently be publicized and scrutinized for review prior to licensure.

### **Effects of Enhanced Dam Elevation**

It was suggested at the December 2, 2015 joint meeting that the dam is proposed to be raised 2 to 3 feet in height. The effects of this alteration both upstream and downstream of the dam should be determined and publicized both in writing and in visual map format. Of particular concern are resulting alterations to shoreline habitats, to downstream amenities (including public boat ramps), to available aquatic habitat and to overall downriver conditions.

### **Effects of Water Diversion**

Also on December 2, 2015, there was a reference to the possibility of physically diverting and concentrating the impounded waters toward the hydro units. It is recommended that the Applicant provide detailed engineering specifications on the effects of such a diversion of water. Of particular concern again are resulting alterations to shoreline habitats, to downstream amenities (including public boat ramps), to available aquatic habitat and to overall downriver conditions.

### **Determination of Project Area**

It was unclear on December 2, 2015 as to where the formal Project Area would extend. It is recommended that the Project Area parameters and boundaries be publicized utilizing map and aerial photography formats.

### **Water Rights**

It was suggested on December 2, 2015 meeting that a claim or claims to private water rights may exist in the Project Area. It is recommended that any claim to and intent to exercise private water rights be forfeited by involved parties as a term of licensure.

### **Public Boating Access**

As no public access is available upstream of Scott's Mill dam, there exist opportunities to create public access to the upstream, impounded waters and for safe boat passage through the renovated dam. Additional public access to the river in this section would directly contribute to the stated goals of the James River Heritage Trail, as well as the Region 2000 Greenway/Blueway initiative. Public access needs for these navigable waters are listed below:

- Public Boating Access point(s) to impounded waters. Applicant property on River Rd. in Amherst County adjoining the Project Area could serve as a sufficient location for public boating and recreational river access due to its proximity to both the river and the road. Sufficient space is available for parking and for an improved boat ramp.
- Boat passage. Dam designs provide for safe navigation of small watercraft (e.g. canoe, kayak) to safely descend from the impounded section into the free flowing James. Example: Bartlick Dam on Russell Fork in Southwest Virginia.
- Boat portage. The applicant should consider designing safe and public portage that would serve to connect river users between the impounded section and the downstream, free-flowing river.

### **Public Fishing Access**

In submitting their proposal, we request that the applicant consider public access to fishermen and sportsmen. Some of these needs may be supported by the public river access as previously mentioned, but would effectively serve more people if specific fishing areas were provided for the public that will be fishing from the shore or wading from either side of the river. The immediate Project Area regularly supports sport and subsistence fishermen but is limited to areas located downstream of the dam. Suggestions for improvements to and needs for public fishing access are as follows:

- Public Fishing Areas/Shores. The Applicant owns property on River Rd. that could serve as a location to create several suitable public fishing sites. Similar opportunities should be sought on the Lynchburg side as well.
- Public Fishing Areas/Island within impounded waters. The Applicant owns a sizeable island in the impounded section, locally known as Treasure Island. The Applicant should consider providing designated public fishing areas on this island for boater access.

### **Public Walking / Multi-Use Trails**

When drafting their proposal, the applicant should consider installing Multi-use Pedestrian Trails. There are several local trail networks that are in close proximity to the project area and could easily be adjoined to create a larger public trail network. The island which the applicant currently owns would make a green park space and wildlife habitat to add to the nearby urban public spaces in the City of Lynchburg. The applicant also owns property on the Amherst County side of the project area that can serve as a connection to the existing trail network one half mile east on River road. Specific suggestions are listed below:

- Connector Trail to the Blackwater Creek Trail Network. Providing a connection from the project area to the existing trail would make available a new dimension for trail users and provide them with an opportunity to experience a forested space. This feature would further connect the affected community to the City of Lynchburg via a pedestrian pathway.

- Connector Trail to Riveredge Park / Trail Network. This recently renovated park and newly installed trail lies directly downstream from the Project Area in Amherst County. This County intends for this trail to connect Amherst County (Riveredge Park) with the City of Lynchburg (Blackwater Creek Trail) to provide pedestrian and bicycle cross-river transit between Lynchburg and Amherst County. To serve this community, the applicant should look to connect their project area to these existing trail networks.

### **Public Camping**

When considering recreational use of lands near the Project Area, the Applicant should consider providing designated public spaces for camping and outdoor recreation. Treasure Island would meet this need, and could provide the requisite space to allow several campsites separated from a picnic area. There are no such sites for the public to access in the surrounding area and would benefit recreational needs in this section of river. A pedestrian/bicycle bridge to the island would permit access for those who are unable to access the island by boat.

- Treasure Island. This location would be ideal for several primitive campsites, and still have a significant area for picnic tables without disturbing the natural values of this largely vegetated island and wildlife habitat.
- Daniels Island. Same situation could be applied here if the applicant owns the island. It to lies within the impounded area.

### **Public Parkland**

The applicant should consider dedication of public parkland to both view and recreate in the impounded section. As an example, Amherst County's Monacan Park is located immediately upstream of the adjacent Reusens Dam (FERC Project No. 2376) as part of this dam's licensure. The owners of the dam own the parkland and lease that land to the county to have a public area for the community to enjoy the river. This park contains improved boating access, picnic and pavilion facilities, docks and fishing opportunities for the public to enjoy at their convenience. The aforementioned property on River Road would meet this need. Treasure Island was historically a park that served as a frequented and popular destination for the public. Restoring the island to this use would be a tremendous asset for the surrounding communities.

### **Historical Interpretation**

The proposed area for this hydropower project will likely impact several historical community features. The portion of the dam that is located closest to Lynchburg, which is the proposed site of the generator units, is the oldest dam structure -- known as the Horseshoe Dam. This significant historical construction supported and made possible the existence of the James River and Kanawha Canal. Impacts to any portion of the Horseshoe Dam would alter its original state in a way that would make this piece of Lynchburg history remain incomplete in perpetuity. On

the Amherst County (north) side of the dam are the remains of the historic dam's namesake -- Scotts Mill. These structures too are an important historical site that will be potentially impacted by proposed activities. Furthermore, the impounded waters created by this project were once readily available to bateaux, packet boats and to commercial river traffic, which were paramount to the founding of Lynchburg.

As these historical features will be impacted, we recommend that the Applicant develop -- in collaboration with the Lynchburg Museum System and/or qualified stakeholders -- appropriately designed historical interpretive signage that will preserve these critical properties. Signage could be installed at public river access locations and within the project area to inform the public of the historical, commercial and social significance of this section of the James River. Prospective locations where signage could be placed listed are:

- Riveredge Park (Amherst County)
- 7<sup>th</sup> Street Public Boat Landing (City of Lynchburg)
- River Front Park and Percival's Island (City of Lynchburg)
- Newly dedicated public access areas and parklands

We are optimistic that these comments will prove helpful towards a meaningful and cooperative licensure process. Thank you for providing James River Association with this opportunity to voice our interests through these requests for study consideration. Please feel free to contact me at (434) 964-7635 or PCalvert@JRAva.org if you have any questions or additional requests.

Respectfully submitted,



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