

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON 20426

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*Central Files*

IN REPLY REFER TO:

NOV 30 1981

CEPR-HL  
Project No. 4440-000 - Virginia  
Rockfish Corporation

Carol C. Pollock  
President  
Box 413  
Afton, Virginia 22920

Subject: Rockfish Corporation's application submitted on March 30, 1981, for exemption from licensing for the Harris Bridge Dam Project No. 4440.

Dear Ms. Pollock:

Rockfish Corporation's application, of March 30, 1981, for an exemption from Part I of the Federal Power Act for the Harris Bridge Dam Project was originally found to be patently deficient and rejected on August 31, 1981, requiring resubmittal of the entire application with the deficiencies corrected. On August 11, 1981, supplemental information was filed, hereby satisfying the requirements for an acceptable application but due to an inadvertent clerical error was not received by this office until after the rejection.

In order to save the Applicant excessive duplication and paperwork, it has been decided to withdraw the rejection and not require resubmission of the application.

This letter is to notify you that your exemption application is accepted as of the submittal date. Your application will be automatically granted within 120 days from the date of this letter unless the Commission, or its delegate: (1) affirmatively grants, grants with modification, or denies the exemption; or (2) suspends the 120-day period for action, if necessary for gathering additional information, conducting additional proceedings, or deliberating the issues raised in the application.

Please file an original of each exhibit drawing included as part of the subject application reproduced on silver or gelatin 35 mm microfilm mounted on Type D (3 1/4" x 7 3/8") aperture cards. In addition, file two Diazo-type duplicate aperture cards. Enclosed are the FERC drawing numbers which should be shown in the margin below the title block of microfilmed drawings, and also in the upper right corner of each appropriate aperture card. Please put both the exhibit number and drawing number on each aperture card.

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Federal, State, and local agencies will be informed in the public notice to be issued by the Commission that a copy of the complete application may be obtained from the Applicant.

Applicant should have copies of the application available within 30 days of the date of this letter.

The microfilmed exhibit drawings should be filed within 30 days.

Sincerely,

*Ronald A. Corso*

Ronald A. Corso  
Director, Division of  
Hydropower Licensing

Enclosure:  
Schedule A

1. Terms of Exemption. The order, dated March 15, 1982, issuing the license exemption for the Harris Bridge project, included the standard articles of §4.106 of the Regulations. There are no special articles.

Article 2 requires compliance with any terms and conditions that Federal or State fish and wildlife agencies deem appropriate to prevent loss or damage to fish and wildlife resources. The Virginia Commission of Game and Inland Fisheries recommendations, submitted by letter of March 6, 1981, have been and are continuing to be implemented.

Article 3 requires that construction must commence within 18 months of the issuance date of the exemption and be completed no later than 4 years from the issuance date. Construction began on July 9, 1982, and was completed on October 28, 1982, thereby satisfying the requirements of article 3.

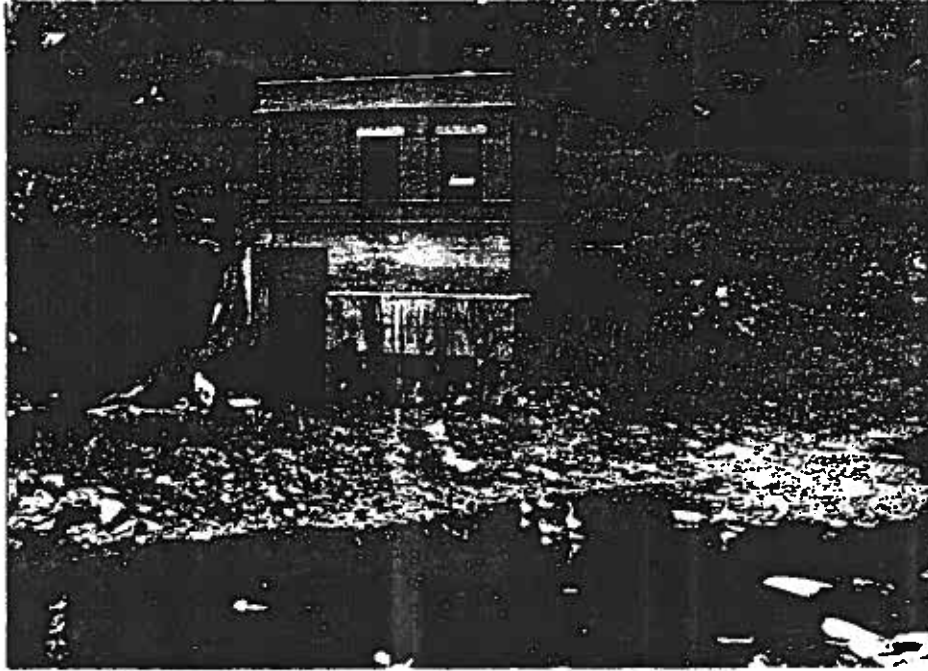
Due to the low structural height, small reservoir, and lack of downstream development, a special article requiring an emergency action plan and an independent consultant's five-year inspection/report was not included.

2. Safety of the Project. The various project structures were visually observed during the inspection, and no significant problems were noted that would affect the safety of the project.

a. Field Observations. Observations of the dam, canal, and powerhouse indicated good rehabilitation of those features for power generation.

(1) Dam. The Harris Bridge dam is a gravity structure composed of field cut rock masonry. A full description of the dam is included in the ARO memorandum-report dated August 13, 1982. At the time of the inspection, all flow was being diverted into the canal, permitting good visual observation of the dam. Although the masonry blocks show some weathering and deterioration, the overall condition of the dam appears good.

Concrete repairs on the downstream powerhouse wall showed some calcite deposition, but otherwise, this wall appeared in very good condition (Photograph No. 4).



Photograph No. 4

8/14/85

Downstream view of powerhouse. Note calcite depositions in the repaired areas. Water at left of powerhouse (arrow) is from leaking canal drainage gate.

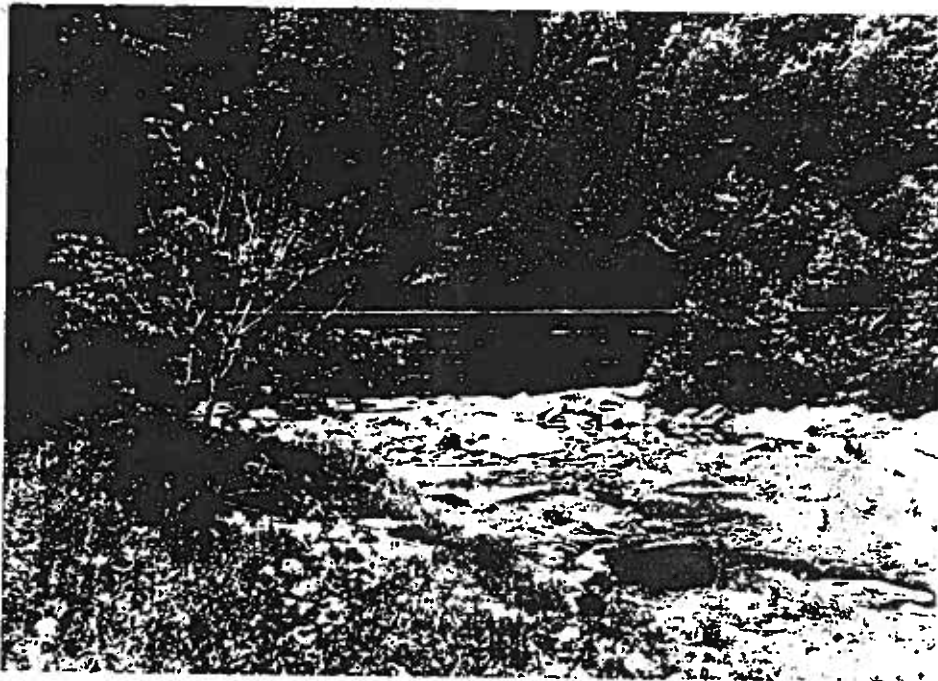
b. Exemptee's Inspection Program. The exemptee has not established a regular periodic inspection program. Although the power plant is on automatic control and is unmanned, the project is monitored daily by the exemptee. Maintenance is performed on an "as needed" basis.

c. Emergency Action Plan. No emergency action plan is required for the Harris Bridge project due to its low height, negligible storage, and lack of downstream development.

d. Downstream Hazard Potential. Due to its low height, small storage, and lack of downstream development, the Harris Bridge dam should be classified as "Low" hazard.

3. Matters of Commission Interest. Nothing to report.

JCL/sh/tg



Photograph No. 1

8/14/85

Downstream face of the block masonry dam.

(2) Canal and Canal Intake. The canal intake was refurbished during construction and appeared to be operating well. The log boom placed in front of the intake for surface debris control appeared to be working adequately.

As noted in the previous report, several areas of the left canal bank were repaired during construction. Although a complete evaluation of these repairs was not possible due to the canal flowing full, visual observations indicate these repairs are adequate.

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

18 FERC 162,449

Rockfish Corporation )

Project No. 4440-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A  
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

( Issued March 15, 1982 )

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U. S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2 included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

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- 1/ Rockfish Corporation, Project No. 4440, filed on March 30, 1981.
  - 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
  - 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation under §375.308 of the Commission's regulations 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. RM 81-5, issued November 21, 1980, (45 Fed. Reg. 79024) DOCKETED

MAR 15 1982

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DC-A-21

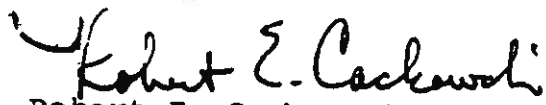
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Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

It is ordered that:

(A) Harris Bridge Dam Project No. 4440 as described and designated in Rockfish Corporation's application filed on March 30, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1981), as amended, 44 Fed. Reg. 46449 (1981). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

  
Robert E. Cackowski  
Deputy Director, Office of  
Electric Power Regulation

SSS

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Project No. 4440-000  
APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC  
POWER PROJECT UNDER 5 MW CAPACITY  
(December 9, 1981)

That on March 30, 1981, Rockfish Corporation  
filed an application under Section 408 of the  
Federal Energy Act of 1980 (Act) (16 U.S.C. §§2705 and 2708  
for exemption of a proposed hydroelectric project  
under part I of the Federal Power Act. The  
project is located on the Rockfish River, near Schuyler, in  
Rockfish County, Virginia. Correspondence with the Applicant  
should be directed to: Carol C. Pollock, President, Box 113,  
Arlington, Virginia 22920.

Project Description - The proposed project would consist of:  
(1) an existing downstream step dam, of rock masonry construction,  
approximately 250 feet long and 18 feet high; (2) a canal at an  
elevation 93.32 feet long and 18 feet high; (3) a canal at an  
elevation 93.32 feet long and 18 feet high; (4) a canal at an  
elevation of 400 MW; (4) existing transmission lines; and (5)  
hydroelectric facilities. The project is not located on Federal  
lands. The proposed project would be operated on a run-of-river  
basis.

Purpose of Project - All energy generated would be used by the  
Applicant for sale to the Appalachian Power Company. The average  
annual energy generation is estimated to be 1.75 GWh.

Agency Comments - The U.S. Fish and Wildlife Service, The  
National Marine Fisheries Service, and the State of Virginia  
Commission of Game & Inland Fisheries, P.O. Box 11104, 4010  
W. Broad Street, Richmond, Virginia 23210 are requested, for  
the purposes set forth in Section 408 of the Act, to submit  
within 60 days from the date of issuance of this notice appropriate  
terms and conditions to protect any fish and  
wildlife resources or to otherwise carry out the provisions  
of the Fish and Wildlife Coordination Act. General comments  
concerning the project and its resources are requested;  
however, specific terms and conditions to be included in a  
license application must be clearly identified in the  
agency letter. If an agency does not file terms and conditions  
within this time period, that agency will be presumed to  
approve this notice through direct mailing from the Commission  
and requested to provide any comments they may have in accordance

with their duties and responsibilities. No other formal  
requests for comments will be made. Comments should be  
confined to substantive issues relevant to the granting of  
an exemption. If an agency does not file comments within 60  
days from the date of issuance of this notice, it will be  
presumed to have no comments. One copy of an agency's comments  
must also be sent to the Applicant's representative.

Competing Applications - Any qualified license applicant desiring  
to file a competing application must submit to the Commission,  
on or before May 25, 1982, either the competing  
license application that proposes to develop at least 7.5  
megawatts in that project, or a notice of intent to file such  
a license application. Submission of a timely notice of intent  
allows an interested person to file the competing license  
application no later than 120 days from the date that comments,  
protests, etc. are due. Applications for preliminary permit  
will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R.  
§4.33(b) and (c) (1980). A competing license application must  
conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone may  
submit comments, a protest, or a petition to intervene in  
accordance with the requirements of its Rules of Practice  
and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining  
the appropriate action to take, the Commission will consider  
all protests or other comments filed, but only those who  
file a petition to intervene in accordance with those who  
Rules may become a party to the proceeding. Any comments,  
protests, or petitions to intervene must be received on or  
before May 5, 1982.

Filing and Service of Responsive Documents - Any filings,  
must bear in all capital letters the title "COMMENTS",  
"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING  
APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as  
applicable, and the Project Number of this notice. Any of  
the above named documents must be filed by providing the  
original and those copies required by the Commission's regulations  
to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory  
Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.  
An additional copy must be sent to: Fred E. Springer, Chief,  
Applications Branch, Division of Hydro-power Licensing, Federal Energy  
Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E.,  
Washington, D.C. 20426. A copy of any notice of intent,  
competing application, or petition to intervene must also be  
served upon each representative of the Applicant specified  
in the first paragraph of this notice.

Kenneth F. Plumb  
Secretary

§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.



# United States Department of the Interior

OFFICE OF THE SECRETARY

~~WASHINGTON, D.C. 20240X~~

Office of Environmental Project Review  
15 State Street  
Boston, Massachusetts 02109

February 8, 1982

In Reply Refer To  
FWS/ES  
ER 81/2664

Mr. Kenneth F. Plumb, Secretary  
Federal Energy Regulatory Commission  
825 North Capitol Street, NE  
Washington, D.C. 20426

Dear Mr. Plumb:

This is in response to your notice of application dated December 9, 1981, for a license exemption by the Rockfish Corporation. The applicant plans to operate the existing facilities known as the Harris-Bridge Dam Project (FERC #4440) on the Rockfish River, in Nelson County, Virginia.

We have reviewed the notice and offer the following comments and recommendations:

### Endangered Species

Except for occasional transient individuals, no Federally listed or proposed threatened or endangered species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further consultation pursuant to Section 7 of the Endangered Species Act of 1973 is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

### Fish and Wildlife Resources

Historically, the James River and its tributaries was an important spawning river for several species of anadromous fish. Striped bass (Morone saxatilis), American shad (Alosa sapidissima), alewife (Alosa pseudoharengus), blueback herring (Alosa aestivalis), and hickory shad (Alosa mediocris) all may have made spawning runs in the James River up to and above Lynchburg, Virginia.

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At least one species, the American shad, made spawning runs up to the confluence of the Jackson and Cowpasture Rivers near Clifton Forge, Virginia. A series of dams, starting in Richmond, Virginia have blocked the spawning migration of these species. The next potential blockage to fish migration on the Rockfish River, a tributary to the James River, is the Walker Mill Dam, downstream from the project. The populations of the anadromous species in question are in serious states of decline with one reason being a shortage of suitable spawning habitat.

There are current plans to restore anadromous runs of striped bass, American shad and other herrings in the James River Basin. The Virginia legislature passed a House Joint Resolution supporting the effort to determine the need for fish passage facilities on the James River system. The Virginia Institute of Marine Sciences is conducting this study for the Virginia Commission of Game and Inland Fisheries.

We realize there are at least six dams downstream from the project that are currently blocking anadromous fish passage. However, since this is a license exemption, it is imperative that conceptual plans for fish passage facilities be designed now and the license be conditioned to implement these plans if and when anadromous runs are restored to the base of the Harris-Bridge Dam.

Pursuant to Section 30(c) of the Federal Power Act and Section 408 of the Energy Security Act, the Department of the Interior requests inclusion of the following terms and conditions in the exemption:

1. The exemptee shall provide upstream and downstream fish passage facilities at the project at his own expense when notified of a need to do so by the Virginia Commission of Game and Inland Fisheries and/or the Secretary of the Interior.
2. The proposed design, construction, and operation of the project shall not preclude the installation of fish passage facilities at a future date.
3. The exemptee shall provide an instantaneous outflow at the project equivalent to the instantaneous inflow, thereby operating the project in a pure run-of-the-river mode.
4. The exemptee shall provide adequate flows over the dam to protect fishery resources in that portion of the river downstream from the dam that is by-passed by the head-race canal.

#### Recreational Resources

An assessment of the recreation potential of the project should be undertaken in consultation with the State Liaison Officer (SLO), county officials, and local community groups and agencies concerned with providing opportunities

for public recreation. The assessment should include consideration of recreation needs and priorities identified in the Statewide Comprehensive Outdoor Recreation Plan as well as the enhancement and upgrading of any existing facilities that may have been developed in conjunction with the project. The SLO for Virginia is Mr. Rob R. Blackmore, Director, Commission of Outdoor Recreation, 8th and Franklin Streets, Richmond, Virginia 23219.

Cultural Resources

The State Historic Preservation Officer (SHPO) should be consulted concerning the project to insure compliance by the applicant and the Federal Energy Regulatory Commission (FERC) with all preservation legislation. Consideration of project effects on any existing or potential cultural resources should take place as part of the environmental evaluation. The SHPO for Virginia is Mr. Tucker Hill, Director, Virginia Historic Landmark Commission, 221 Governor Street, Richmond, Virginia 23219.

We hope these comments and recommendations will be of assistance.

Sincerely yours,

*William P. Patterson*

William P. Patterson  
Regional Environmental Officer

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FEDERAL ENERGY REGULATORY COMMISSION



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE

Services Division  
 Habitat Protection Branch  
 7 Pleasant Street  
 Gloucester, Massachusetts

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FEDERAL ENERGY  
 REGULATORY COMMISSION

**FEB 4 1982**

Mr. Kenneth F. Plumb  
 Secretary  
 Federal Energy Regulatory Commission  
 825 North Capitol Street, N.E.  
 Washington, D.C. 20426

Dear Mr. Plumb:

TO	INIT.	DATE
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<b>CENTRAL FILES</b>		

This letter is in regard to the Notices of Application for Exemption for Small Hydroelectric Power Projects under 5 MW Capacity filed by the Rockfish Corporation (Project No. 4440-000) and Hydro-Nelson Ltd. (Project No. 3401-002). Both projects are located on the Rockfish River near Schuyler, Nelson County, Virginia.

In previous correspondence relative to applications for construction, modification or continued operation of various hydroelectric facilities located on the James River and its tributaries, the National Marine Fisheries Service (NMFS) has indicated its desire to have provisions placed in any license issued to guarantee the installation of fish passage facilities when required. The insertion of these conditions is necessary to insure the success of future efforts to restore anadromous fish to their historic spawning areas on the Upper James River. Therefore, in order to insure that adequate spawning and nursery zones remain available, both in the main stem of the James and its major tributaries, to support a restored anadromous fishery resource, the NMFS requests that pursuant to Section 30(c) of the Federal Power Act and Section 408 of the Energy Security Act, the following condition be included in the exemption: That the applicants be required to install, at their expense, operable fish passage facilities when required.

Sincerely,

*Ruth O. Rehfus*

Ruth O. Rehfus  
 Branch Chief

FEDERAL ENERGY REGULATORY COMMISSION  
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FEB 8 1982



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# ROCKFISH CORP.

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15 February 1982

FEDERAL ENERGY  
REGULATORY COMMISSION

Mr. Ronald L. Corso  
Director  
Division of Hydropower Licensing  
Federal Energy Regulatory Commission  
825 N. Capital Street NE  
Room 203 RB  
Washington, D.C. 20426

RE: Project No. 4440-000 Virginia

Dear Mr. Corso:

Enclosed are 35mm microfilms and copies of exhibit drawings for license exemption application for the Harris Bridge Project.

If further information is required, please feel free to contact me directly.

Very truly yours,

Carol C. Pollock  
President

CCP/cp

Enclosures

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Attachment sent to  
Hydro



DOCKET SECTION  
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United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

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FEDERAL ENERGY REGULATORY COMMISSION

ER 81/2664

Honorable Kenneth F. Plumb, Secretary  
Federal Energy Regulatory Commission  
825 North Capitol Street, N.E.  
Washington, D. C. 20426

Dear Mr. Plumb:

The Department of the Interior has just received your transmittal of the Notice of Application for Exemption for Small Hydro Project, FERC #4440, Nelson County, Virginia.

The Department will have comments on this application, however, we will be unable to conduct an adequate Departmental review within the allotted time. Please consider this letter as a request for time extension. Our comments should be available by early February 1982.

Sincerely,

Bruce Blanchard, Director  
Environmental Project Review

FEDERAL ENERGY REGULATORY COMMISSION  
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