

Before the Federal Regulatory Energy Commission

FINAL

**Application for New License
Major Water Power Project 10 Megawatts or Less**

**Schoolfield Hydroelectric Project
FERC Project No. 2411**



Volume 1 – Public

Eagle Creek Schoolfield, LLC
an affiliate of



&

City of Danville,
Virginia



July 2022

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Schoolfield Hydroelectric Project (FERC No. 2411)
INITIAL STATEMENT

INITIAL STATEMENT PER 18 CFR § 4.61(b)

Application for New License – Major Water Power Project 10 Megawatts or Less

(1) Eagle Creek Schoolfield, LLC (Eagle Creek Schoolfield), an indirect wholly owned subsidiary of Eagle Creek Renewable Energy, LLC (Eagle Creek), and the City of Danville (City), collectively the Applicant, apply to the Federal Energy Regulatory Commission (Commission or FERC) for a new license for the existing Schoolfield Hydroelectric Project (Project), FERC No. 2411, as described in the attached Exhibits hereafter. The current license for the Schoolfield Hydroelectric Project was issued on August 26, 1994 and expires on July 31, 2024.

(2) The location of the Project is:

State or Territory:	Commonwealth of Virginia
County:	Pittsylvania
Township or nearby town:	City of Danville
Stream or other body of water:	Dan River

(3) The exact name, address, and telephone number of the Applicant are:

Eagle Creek Schoolfield, LLC
c/o Eagle Creek Renewable Energy, LLC
7315 Wisconsin Avenue, Suite 1100W
Bethesda, Maryland 20814
Telephone: 240.482.2700

City of Danville
427 Patton Street, Room 421
Danville, VA 24541
Telephone: 434.799.5122

(4) The exact name, address, and telephone number of each person authorized to act as agent for the Applicant in this application are:

Jody Smet
Senior Vice President, Engineering and
Regulatory Affairs
Eagle Creek Schoolfield, LLC
c/o Eagle Creek Renewable Energy, LLC
7315 Wisconsin Avenue, Suite 1100W
Bethesda, Maryland 20814
Jody.Smet@eaglecreekre.com
240.482.2700

Joyce Foster
Director, Licensing and Compliance
Eagle Creek Schoolfield, LLC
c/o Eagle Creek Renewable Energy, LLC
7315 Wisconsin Avenue, Suite 1100W
Bethesda, Maryland 20814
Joyce.Foster@eaglecreekre.com
804.338.5110

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W. Clarke Whitfield, Junior
City Attorney
City of Danville
427 Patton Street, Room 421
Danville, VA 24541
whitfcc@danvilleva.gov
434.799.5122

- (5) The Applicant is a domestic corporation (Eagle Creek Schoolfield, LLC) and municipality (City of Danville). The Applicant is not claiming preference under section 7(a) of the Federal Power Act, 16 USC 800.
- (6) Regulatory requirements:
- (i) The statutory or regulatory requirements of the Commonwealth of Virginia that affect the Project as it exists with respect to bed and banks and the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purpose of the license under the Federal Power Act, are:
- Water Quality Certification from the Virginia Department of Environmental Quality under §401(a)(1) of the Clean Water Act.
 - The City of Danville’s municipal charter because the Applicant (co-Licensee City of Danville) is a municipality. A copy of the City of Danville’s municipal charter is provided after the Verification Statement.
- (ii) The steps which the applicant has taken or plans to take to comply with the regulations cited above are:
- The Applicant will submit a request for Water Quality Certification from the Virginia Department of Environmental Quality at the time when the Commission issues its Ready for Environmental Analysis notice as permitted and pursuant to 18 CFR §4.34(b)(5)(i).
- (7) Brief Project description:
- (i) The existing installed generating capacity of the Project is 4,500 kilowatts (kW).
- (ii) Check appropriate box
- existing dam unconstructed dam
- existing dam, major modified project (see §4.30(b)(14))

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(8) Lands of the United States affected (shown on Exhibit G):

Lands	(Name)	(Acres)
(i) National Forest		0
(ii) Indian Reservation		0
(iii) Public Lands Under Jurisdiction of		0
(iv) Other		0
(v) Total U.S. Lands		0

(vi) Check appropriate box:

Surveyed land

Unsurveyed land

(9) The Project is an existing, operating project. The Project dam and powerhouse was constructed and completed from 1902 into 1904. The original generating equipment was replaced in 1990 and 1991. No major Project modifications are proposed.

ADDITIONAL INFORMATION REQUIRED BY 18 CFR § 4.32

- (1) Identify every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the Project:

Eagle Creek Schoolfield, LLC and the City of Danville currently own and will continue to maintain all proprietary rights necessary to construct, operate, and maintain the Project.

- (2) Identify (providing names and mailing addresses):

- (i) *Every county in which any part of the Project and any Federal facilities that would be used by the Project would be located:*

Pittsylvania County
1 Center Street
P.O. Box 426
Chatham, VA 24531

- (ii) *Every city, town, or similar political subdivision:*

- i. In which any part of the Project, and any Federal facility that would be used by the Project, would be located.

The Schoolfield Hydroelectric Project is located in the City of Danville, Virginia, and is not adjacent to the boundary of any other city, town, or similar political subdivision, and does not use any Federal facilities and occupies no Federal lands.

- ii. That has a population of 5,000 or more people and is located within 15 miles of the Project dam.

City of Danville
427 Patton Street
Danville, VA 24541
(Population: 44,044 est. 2019)

- (iii) *Every irrigation district, drainage district, or similar special purpose political subdivision (A) in which any part of the Project is located, and any Federal facility that is or is proposed to be used by the Project is located, or (B) that owns, operates, maintains, or uses any Project facility or any Federal facility that is or is proposed to be used by the Project:*

Water of the Project reservoir serves as the City of Danville's municipal water supply. The water supply intake is located approximately 440 feet upstream of the

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Project powerhouse. Currently, the City of Danville typically withdraws, on average, 8.0 million gallons per day (mgd) from the Project reservoir and is authorized to withdraw up to 18 mgd. There are no other irrigation districts, drainage districts, or similar special purpose political subdivisions in which any part of the Project is located or that owns, operates, maintains, or uses any Project facility. The Project uses no Federal facilities and occupies no Federal lands.

- (iv) *Every other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, the application.*

Eagle Creek Schoolfield, LLC and the City of Danville are not aware of other political subdivisions in the general area of the Project.

- (v) *All Indian tribes that may be affected by the Project:*

Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

Chickahominy Indian Tribe
8200 Lott Cary Road
Providence Forge, VA 23140

Chickahominy Indian Tribe-Eastern
Division
2895 Mount Pleasant Road
Providence Forge, VA 23140

Upper Mattaponi Tribe
P.O. Box 184
King William, VA 23086

Rappahannock Tribe
5036 Indian Neck Road
Indian Neck, VA 23148

Monacan Indian Nation
111 Highview Drive
Madison Heights, VA 24572

Nansemond Indian Tribe
1001 Pembroke Lane
Suffolk, VA 23434

Mattaponi Indian Tribe
1314 Mattaponi Reservation Circle
West Point, VA 23181

Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465

Eastern Band of Cherokee Indians
88 Council House Loop Road
Cherokee, NC 28719

United Keetoowah Band of Cherokee
Indians in Oklahoma
18263 W. Keetoowah Circle
Tahlequah, OK, 74464

Delaware Nation
P.O. Box 825
Anadarko, OK, 73005

Delaware Tribe of Indians
5100 Tuxedo Blvd.
Bartlesville, OK 74006-2838

Catawba Indian Nation
996 Avenue of the Nations
Rock Hill, SC 29730

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(3) Notification:

(i) *The Applicant has made a good faith effort to give notification by certified mail of the filing of the application to:*

(A) *Every property owner of record of any interest in the property within the bounds of the Project, or in the case of the Project without a specific boundary, each such owner of property which would underlie or be adjacent to any Project works, including any impoundments; and*

(B) *The entities identified in paragraph (2) above, as well as any other Federal, state, municipal, or other local government agencies that there is reason to believe would likely be interested in or affected by the application.*

Since this is an application for a new license for an existing Project under Section 15 of the FPA, the requirement to provide notification by certified mail of the filing of the application does not apply.

(4) PURPA Benefits:

The Applicant intends to exercise its rights under Section 210(e) of the Public Utility Regulatory Policies Act of 1978 (PURPA). The Project is not located at a new dam or diversion. The applicant reserves the right to exercise any additional rights available to it under PURPA in the future.

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SUBSCRIPTION AND VERIFICATION

This Application for New License – Major Water Power Project 10 Megawatts or Less for the Schoolfield Hydroelectric Project, FERC No. 2411, is executed in the State of North Carolina, County of Dare, by:

Jody J. Smet
Senior Vice President, Engineering and Regulatory Affairs
Eagle Creek Schoolfield, LLC
c/o Eagle Creek Renewable Energy, LLC
7315 Wisconsin Avenue, Suite 1100W
Bethesda, MD 20814

who, being duly sworn, deposes and says that the contents of this Application are true to the best of her knowledge or belief and that she is authorized to execute this Application on behalf of Eagle Creek Schoolfield, LLC.

The undersigned has signed this Application this 22nd day of July 2022.

EAGLE CREEK SCHOOLFIELD, LLC

by: Jody J Smet
Jody J. Smet
Senior Vice President, Engineering and
Regulatory Affairs

Subscribed and sworn to before me, a Notary Public of the State of North Carolina, this 22 day of July 2022.

Jennifer D Housand
Notary Public

JENNIFER D HOUSAND
NOTARY PUBLIC
Dare County
North Carolina
My Commission Expires Sep. 27, 2023

My Commission Expires 9/27/2023