



## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Project No. 9028-012]**

**Banister Hydro, Inc.**

### **Notice Of Scoping Period Requesting Comments on Environmental Issues for the Proposed Halifax Hydroelectric Project**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. Type of Application: New Major License
- b. Project No.: 9028-012
- c. Date filed: July 26, 2024
- d. Applicant: Banister Hydro, Inc. (Banister Hydro)
- e. Name of Project: Halifax Hydroelectric Project (Halifax Project or project)
- f. Location: On the Banister River, near the Town of Halifax in Halifax County, Virginia.

- g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r)
- h. Applicant Contact: Sherri Loon, Coordinator of Operations - USA, Banister Hydro, Inc. c/o KEI (USA) Power Management Inc., 423 Brunswick Ave., Gardiner, ME 04345; (207) 203-3026; sherri.loon@kruger.com or Lewis Loon, General Manager, Operations and Maintenance - USA, Banister Hydro, Inc. c/o KEI (USA) Power Management Inc., 423 Brunswick Ave., Gardiner, ME 04345; (207) 203-3027; lewis.loon@kruger.com.
- i. FERC Contact: Chris Millard, Project Coordinator, Mid-Atlantic Branch, Division of Hydropower Licensing; telephone at (202) 502-8256, email at christopher.millard@ferc.gov.
- j. The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental effects of relicensing the Halifax Project. The Commission will use this environmental document in its decision-making process to determine whether to issue a new license for the project.
- k. This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. This notice is intended to advise all participants as to the potential scope of the National Environmental Policy Act (NEPA) document and to seek additional information pertinent to this analysis. Commission staff does not intend to issue a separate scoping document.

As part of the NEPA review process, the Commission takes into account concerns the public may have about proposals and the environmental effects that could result from its action whenever it considers the issuance of a hydropower license. This gathering of public input is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues.

1. Scoping Comments: By this notice, the Commission requests written public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on December 1, 2025.

Comments should focus on the potential environmental effects and reasonable alternatives. Your input will help Commission staff determine what issues to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission’s eFiling system at <https://ferconline.ferc.gov/FERCOOnline.aspx>. Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name at the end of your comments. For assistance, please contact FERC Online Support at [FERCOOnlineSupport@ferc.gov](mailto:FERCOOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may

submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: **Halifax Hydroelectric Project (P-9028-012)**.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

m. The application is not ready for environmental analysis at this time.

n. Project Description: The Halifax Project consists of a 682-foot-long, 36-foot-high dam, with a 301-foot-long concrete spillway. The dam creates an impoundment (Banister Lake) that has a surface area of 374-acres at a normal surface elevation of 351.3 feet National Geodetic Vertical Datum of 1929 (NGVD29). Water flows from Banister Lake to the project powerhouse, integral with the project dam, through trash racks with 2.0-inch clear bar spacing leading to three intake gates. From the intake gates, water flows through three vertical Francis-type turbines with two 455-kilowatt (kW) generating units

and one 875-kW generating unit. Water is released from the powerhouse through draft tubes into the Banister River. Interconnection to the regional electric grid is accomplished through a 4.16/13.2-kilovolt transformer connected to a 512-foot-long transmission line.

Banister Hydro proposes to: (1) continue operating the project in a run-of-river mode and maintaining the surface elevation of the Banister Lake at 351.3 feet NGVD29; (2) continue to provide a year-round continuous minimum flow of 5 cubic feet per second for the protection of downstream fish and wildlife resources.<sup>1</sup>

A copy of the application, with details of the proposed project, can be viewed on the Commission's website at <http://www.ferc.gov>, using the “eLibrary” link. Enter the project’s docket number, excluding the last three digits in the docket number field, to access the document (P-9028). For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call toll-free, (866) 208-3676 or (202) 502-8659 (TTY).

o. NEPA Process and the Environmental Document: Any environmental document issued by the Commission will discuss effects that could occur as a result of the project’s relicensing under the relevant general resource areas, such as:

- geology and soils;
- aquatic resources;

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<sup>1</sup> When inflow to the project is less than 135 cfs, all flows are released over the project spillway except during short-term operational emergencies or for short periods upon mutual agreement between Banister Hydro and the Virginia Department of Wildlife Resources and the State Water Control Board.

- terrestrial resources;
- threatened and endangered species;
- recreation, land use, and aesthetic resources;
- cultural resources; and
- developmental resources.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid effects on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Intent to Prepare an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission will consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an Environmental Impact Statement* will be issued. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary. If eSubscribed, you

will receive instant email notification when the environmental document is issued (see paragraph (q) of this notice for instructions on using eSubscription).

p. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

q. This notice is being distributed to the Commission's official mailing list for the project and any additional entities on the applicant's distribution list. You can access the Commission's official mailing list for this project at <https://ferconline.ferc.gov/MailListLOR.aspx?Type=MailList&ListVar=P-9028>. If you want to receive future mailings for the project and are not included on the Commission's official mailing list, or if you wish to be removed from the Commission's official mailing list, please send your request by email to [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All written or emailed requests must specify your wish to be added to or removed from the mailing list, and

must clearly identify the following on the first page: **Halifax Hydroelectric Project No. 9028-012.**

Additionally, the Commission offers a free service called eSubscription, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files, which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

In addition to publishing the full text of this notice in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) via the Internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document (P-9028). For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

**Dated:** October 31, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*