



## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 906-044]

#### Cushaw Hydro, LLC; Notice of Application for Non-Capacity License Amendment

Accepted for Filing, Soliciting Comments, Motions to Intervene, Protests,

Recommendations, Terms and Conditions, and Fishway Prescriptions

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

- a. Application Type: Non-Capacity Amendment of License
- b. Project No: 906-044
- c. Date Filed: September 30, 2025, as supplemented on November 12, 2025
- d. Applicant: Cushaw Hydro, LLC (licensee)
- e. Name of Project: Cushaw Hydroelectric Project
- f. Location: The project is located on the James River, in Bedford and Amherst counties, Virginia. The project occupies federal lands administered by the U.S. Forest Service.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a – 825r
- h. Applicant Contact: Mark Fendig, Managing Partner, Cushaw Hydro, LLC, P.O. Box 113, Coleman Falls, VA 24536, (540) 320-6762, [mfendig@aisva.net](mailto:mfendig@aisva.net).
- i. FERC Contact: Chris Chaney, (202) 502-6778, [christopher.chaney@ferc.gov](mailto:christopher.chaney@ferc.gov)
- j. Cooperating agencies: With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to

environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. **Water Quality Certification:** A water quality certificate under section 401 of the Clean Water Act is required for this proposal from the Virginia Department of Environmental Quality (Virginia DEQ). The applicant must file no later than 60 days following the date of issuance of this notice either: (1) a copy of the request for water quality certification submitted to the Virginia DEQ; or (2) a copy of the water quality certification or evidence of waiver of water quality certification.

l. **Deadline for filing comments, motions to intervene, and protests: **June 23, 2026 5:00pm Eastern Time; reply comments are due August 7, 2026 5:00pm Eastern Time.****

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@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. The first page of any filing should include the docket number P-906-044. Comments emailed to Commission staff are not considered part of the Commission record.

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 whose name appears 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. Description of Request: The licensee proposes to: (1) install a siphon over the western end of the dam to pass the minimum flow to the bypassed reach; (2) reduce the normal impoundment elevation to prevent flows over the spillway during normal operations; (3) change from a run-of-river mode of operation to unit cycling during normal operations utilizing a 6-inch impoundment elevation range (i.e., between 656 and 655.5 feet mean sea level (msl)) and; and (4) implement peaking operations utilizing an 18-inch impoundment elevation range (i.e., between 656 and 654.5 feet msl) for up to 2 hours on up to 10 days per year.

n. Locations of the Application: This filing may be viewed on the Commission's website at <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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

o. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

p. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", "MOTION TO INTERVENE", "TERMS AND CONDITIONS", or "FISHWAY PRESCRIPTIONS", as applicable; (2) set forth in the

heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

r. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

(Authority: 18 CFR 2.1)

Dated: April 24, 2026.

**Debbie-Anne A. Reese,**

*Secretary.*

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