



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

Douglas W. Domenech
Secretary of Natural Resources

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David K. Paylor
Director

Amy Thatcher Owens
Regional Director

March 22, 2012

Burnshire Hydroelectric, LLC
c/o Melissa Long
480 N. Pifer Road
Star Tannery, VA 22654

RE: Joint Permit Application Number 12-0260
Burnshire Hydroelectric Maintenance Dredging, Shenandoah County, Virginia
Notification of No Permit Required

Dear Ms. Long:

The Department of Environmental Quality (DEQ) received your application on February 27, 2012 for the maintenance dredging of the forebay, forebay entrance, and tailrace at the Burnshire Hydroelectric plant. The total dredging will be 1851 cubic yards. Based on the information provided in the JPA, it does not appear that a Virginia Water Protection (VWP) permit will be required because the project as presented **appears to qualify** for a U.S. Army Corps of Engineers Regional, General or Nationwide Permit for which DEQ has provided §401 Water Quality Certification.

Provided that the project is authorized by the U.S. Army Corps of Engineers under a Regional Permit or Nationwide Permit and meets all of the §401 Certification Conditions, a VWP general or individual permit will not be required for this project. This letter constitutes the §401 Certification for this project. Please be aware that this project may require review or approval under other federal, State, or local programs. Should the size and scope of the project change, a VWP permit may be required. If you have any questions, please contact Eric Millard at (540) 574-7813 or eric.millard@deq.virginia.gov.

Any unexpected environmental impacts, environmental emergencies or spills must be reported to the Virginia Department of Emergency Management's Emergency Operations Center at 1-800-468-8892 within 24 hours of discovery.

Sincerely,

Brandon D. Kiracofe
Regional Water Permits Manager

cc: Anna Lawston, U.S. Army Corps of Engineers (via email)
Mike Johnson, Virginia Marine Resources Commission (via email)
FileNet