



**DEPARTMENT OF THE ARMY**  
NORFOLK DISTRICT, CORPS OF ENGINEERS  
FORT NORFOLK, 803 FRONT STREET  
NORFOLK, VIRGINIA 23510-1096

April 5, 2012

Southern Virginia Regulatory Section  
NAO 2012- 00720-ar1 (Shenandoah River)

Burnshire Hydroelectric, LLC  
Attn: Lee Harvey  
480 N Pifer Raod  
Star Tannery, Va 22654

Dear Mr. Harvey:

This is in reference to your request for a Department of Army permit to perform work in waters and wetlands of the United States. The project consists of performing maintenance dredging on an existing forebays adjacent to the Shenandoah River. The project site is located in Shenandoah County, Virginia.

Your proposed project as described above and depicted on drawings entitled "Burnshire Hydroelectric, LLC Dredging Permit" submitted by Burnshire Hydroelectric satisfies the terms and conditions of Norfolk District's Regional Permit 40 (08-RP-40). Provided you follow the general and special conditions of the 08-RP-40 no further authorization will be required from the Corps.

Please take note of the special and general conditions incorporated in the 08-RP-40. In addition, authorization of this permit is contingent on the following special conditions:

- 1. Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the regional permit terms and conditions.**

Activities authorized under 08-RP-40 must be completed by August 14, 2013. If this RP is reissued at that time, and if this work has not been started or completed, but the project continues to meet the terms and conditions of the revalidated RP, then the project will continue to be authorized. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon this RP that do not meet the terms and conditions of the revalidated RP will remain authorized provided the activity is completed within twelve months of the date of this RP's expiration (i.e. August 14, 2014), unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7. If work cannot be completed by August 14, 2014, you must reapply for separate permit authorization in order to meet current permit criteria. The Norfolk District will issue a special public notice announcing any changes to the Regional Permits when they occur; however, it is incumbent upon you to remain informed of changes to the RPs.

The State Water Control Board issued §401 Water Quality Certification for the 08-RP-40 for those proposed activities that do not entail dredging or excavation of more than 5,000 cubic yards of material for a given project. Activities that qualify for this RP meet the requirements of Department of Environmental Quality's (DEQ) Virginia Water Protection Permit Regulation, provided that the permittee abides by the conditions of 08-RP-40. Please note that you should obtain all required State and local authorizations before you proceed with the project. Furthermore, this authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

If you have any questions, please contact Ms. Anna Lawston in the Warrenton Field Office at PO Box 578, Amissville, Virginia 20106, and (540) 937-4197. For and on behalf of, Nicholas L. Konchuba, Chief, Northern Virginia Regulatory Section;

Sincerely,



Anna R. Lawston  
Project Manager  
Northern Virginia Regulatory Section

Enclosures

Department of Environmental Quality, Eric Millard (via email)