



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUL 13 2011

Mr. R. Lee Harvey, Jr.
Burnshire HydroElectric, LLC
480 N Pifer Road
Star Tannery, Virginia 22654

Dear Mr. Harvey:


Thank you for your letter dated June 7, 2011 to the Environmental Protection Agency (EPA) regarding the Burnshire Dam on the North Fork of the Shenandoah River near Woodstock, Virginia. We understand that consultation with relevant federal, state and interstate resource agencies, including EPA is part of the Federal Energy Regulatory Commission (FERC) regulation.

EPA has no specific information to share related to the section of river being used for the hydroelectric power. As stated in the FERC Handbook for Hydroelectric Project Licensing and 5 MW Exemptions From Licensing, we strongly encourage coordination with the U. S. Fish and Wildlife Service, National Marine Fisheries Service and any state agency with responsibility for fish, wildlife and botanical resources, water quality, etc. Any dredging should be done within the historically maintained area, with minimal disturbance to substrate habitat, and disposal should be done appropriately avoiding any fill placement into wetlands or other aquatic resources. Notification of proposed dredging should be made to the U. S. Army Corps of Engineers and Virginia Department of Environmental Quality to assess if any permits will be required. Data that are submitted to FERC will be used by FERC for their compliance with the National Environmental Policy Act (NEPA); it will be FERC's determination if a formal study of impacts (an Environmental Assessment) will be necessary for the proposed project.

Thank you for your interest and attention to the guidelines of FERC regarding operation of the hydroelectric power project.

If you have any questions, please feel free to contact Ms. Barbara Rudnick, NEPA Team Leader at 215-814-3322 or email at rudnick.barbara@epa.gov.

Sincerely,


Shawn M. Garvin
Regional Administrator



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