

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

_____ )	
RE: Application of Granite Reliable )	
Power, LLC for Certificate of site and )	<b>Docket No. 2008-04</b>
facility to construct up to 99 MW of wind )	
electric generation in Coos County, )	
New Hampshire and operate the same )	
_____ )	

**FISH AND GAME DEPARTMENT’S RESPONSE TO GRP’S RESPONSE TO FISH  
AND GAME’S MOTION FOR REHEARING OR AMENDMENT**

The New Hampshire Fish and Game Department (“Fish and Game”), by and through its attorneys, the Office of the Attorney General, hereby submit the following response to the Response of Granite Reliable Power, LLC (GRP) to Fish and Game’s Motion to Rehear or Amend, and state in support hereof:

1. In its Response to Fish and Game’s Motion to Rehear or Amend, GRP suggests that Fish and Game has violated the Committee’s Order of July 15, 2009. See GRP’s Response at ¶ 2.

2. This position is unsupportable. The Order and Certificate of Site and Facility are binding on the Applicant, GRP. GRP must comply with all conditions in the Certificate. RSA 165-H:5, I.

3. The Order attaches for reference Appendix V, the High Elevation Mitigation Agreement (the “Agreement”), and specifically states that the “conditions contained therein shall be conditions of the Certificate.” These conditions refer to the Mitigation Provisions, numbered

1-11 in part A of the Agreement. See B.3 of the Agreement. These are the provisions that are part of the Order and Certificate and are binding on GRP.

4. Fish and Game has not requested that the Committee reform the terms of the Agreement or alter the terms of the Certificate relating to high elevation habitat. Instead, it has merely asked to be compensated by GRP for the additional work required by the Committee's decision, work that had not been anticipated previously.

Respectfully submitted,

NEW HAMPSHIRE  
FISH AND GAME DEPARTMENT

By its attorneys

MICHAEL A. DELANEY  
ATTORNEY GENERAL

Dated: August 24, 2009

/s/ Evan J. Mulholland  
Evan J. Mulholland  
Assistant Attorney General  
Environmental Protection Bureau  
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#### **Certificate of Service**

I, Evan J. Mulholland, do hereby certify that I caused the foregoing to be served by electronic mail or first class mail postage prepaid upon each of the parties on the Service List in this docket.

Dated: August 24, 2009

/s/ Evan Mulholland

Evan J. Mulholland