



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 05, 2006

NOTICE OF ADMINISTRATIVE COMPLETENESS
STANDARD DREDGE AND FILL APPLICATION

Lempster Wind LLC
Jeffrey Keeler
c/o Community Energy Inc.
150 Strafford Ave. Ste. 110
Wayne, PA 19087

RE: Wetlands File Number 2006-00663
Lempster Wind LLC, off Bean Mountain Rd., Lempster
Tax Map/Lot # 6 / 034,044, 132,000, 218,115; 8 / 530,094 & 9 / 175,111

Dear Mr. Keeler:

This letter is to acknowledge that on 03/28/2006 the NH DES Wetlands Bureau received your Standard Dredge and Fill application and materials to request a permit for impacts related to a proposed project on the lot(s) mentioned above. Your name, mailing address, and site location are shown as they have been entered into our database. Please check that this information is correct and notify us of any errors.

The application has been accepted as administratively complete. This means that the application has been found to contain the basic items necessary and has been assigned to Christine Bowman at (603) 271-4055. **Please note, that while the basic items have been received, we may request additional filing fees or information as necessary to meet the requirements of RSA chapter 482-A and the Wetlands Program Code of Administrative Rules, Wt 100 - 800.** Please check your materials to ensure that your submittal accurately and completely reflects your project, and refer to your wetlands file number, 2006-00663, if you need to contact the Bureau or submit additional information. You may use the Internet to check the status of the permit application review by using the "Wetland Permits Query" on the front page of Wetlands Bureau's website: www.des.nh.gov/wetlands.

Your assigned permitting inspector will conduct a detailed technical evaluation of the application, within 75 days of this letter if the project proposes less than 1 acre of jurisdictional impact, or within 105 days if the project proposes 1 acre or more of jurisdictional impact. In the event that more information is needed to complete the application you will receive a written request outlining the specific items required. If these items are not received within 120 days of the request, DES is required by law to deny the application. Therefore it is important that you submit these items as soon as practicable.

Under RSA 482-A, the municipal conservation commission may request that the Bureau hold your application for 40 days from the date of the municipal clerk's signature to allow the conservation commission to review your application. (You may wish to contact your local conservation commission by calling your municipal office). As of this date the conservation commission has not contacted us in writing regarding your project.

We appreciate your commitment to comply with state wetlands rules and law, and the time you have dedicated to this process. Your continued cooperation will assist us in providing timely attention to your application. Thank you.

Sincerely,

DES Wetlands Bureau

cc: Donald Scott, Clough Harbor & Associates
Lempster Conservation Commission
Lempster Municipal Clerk



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

**BASIC INFORMATION FOR DEPARTMENT OF THE ARMY REVIEW
UNDER THE NEW HAMPSHIRE STATE PROGRAMMATIC GENERAL PERMIT #52**

The U. S. Army Corps of Engineers has specific requirements for its record keeping process which require the use of 8.5" x 11" plans for micro fiche reproduction. If the package to the State of New Hampshire does not include this information, please send this information to the Corps New Hampshire SPGP Coordinator at:

U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD, MA 01742-2751

The following is a list of basic information that if included with your "Corps of Engineers" package will expedite our review of your project.

1. For **minor** and **major** impact projects, the plans should be on 8-1/2" x 11" paper with a 3/4" margin at the top and adequately show the proposed work. Samples of the necessary drawings are available upon request. Original drawings must be dark enough to allow clear reproduction. *Large scale plans are useful in the field; however, we are currently unable to store on microfilm for permanent record.*
 2. Include a vicinity map which clearly shows the location of the proposed work. This map should contain sufficient information so that someone unfamiliar with the area will be able to find it. We suggest a photocopy of a U.S.G.S. Quad Sheet with your project site circled and a tax map with site noted.
 3. Provide a one-sheet schematic of the entire project with numbered reference to large scale detail sheets attached. Show limits of wetlands and waterways and indicate direction of stream flow of any waterway or ebb and flow in tidal waters.
 4. Show limits of wetlands and/or waters of the US and limits of fill to be placed. Show limits of temporary and permanent fill to be used in any wetlands and waterways including construction access and work areas, coffer dams, bedding, and backfill.
- NOTE:** Do not use color shading. If necessary to delineate work, use graphic symbols such as a dot shading, hatching, etc. and clearly mark the square footage of impacts adjacent to those areas noted on plans.
5. Show the North arrow.
 6. Show and label the mean high and mean low water lines on all views with appropriate elevation. High tide and low tide lines should be used for coastal waters.
 7. Identify and show dimension of any structure(s) to be constructed on the fill or pier. State the intended use of each structure.
 8. Show the distance of the structure(s) if project is within 200' or less of any Federal Navigation Project. NH State Plane Coordinates need to be depicted on the outer limit(s) of the structure(s) on the plan drawing when near the vicinity of a Federal Project.

9. Provide a copy of the cover letter or a statement indicating that a copy of the application materials has been sent to the New Hampshire State Historic Preservation Officer (SHPO) for review to the address as shown below. This coordination is required in order to comply with Section 106 of the National Historic Preservation Act and will be reviewed for the presence of historic/archaeological resources in the permit area that may be affected by the proposed work. If the permittee, during construction, discovers previously unidentified archaeological or other cultural resources within the area subject to Corps jurisdiction, that might be eligible for listing in the National Register of Historic Places, he must stop work immediately and notify the Corps and SHPO.

New Hampshire Division of Historical Places
State of New Hampshire, Department of Cultural Affairs
19 Pillsbury Street, Box 2043
Concord, NH 03302-2043

Telephone Numbers:
(603)-271-3483
(603)-271-3558
FAX Number:
(603)-271-3443

When drawing your plans, you may use local assessors maps as an economical source for your base information.

This list does not include all the necessary information for all projects and the Department of the Army reserves the right to request any additional information in order to adequately address the scope of work. Any modifications subsequent to previous approvals under this program must be reported to the Corps prior to commencement of work. If you require additional guidance, you may contact this office for a copy of our "GUIDE FOR PERMIT APPLICANTS" by calling: 978-318-8335/8338.

Board of Selectmen
Conservation Commission
Highway Department
Planning Board

Tax Collector
Town Clerk
Treasurer

TOWN OF LEMPSTER
P.O. Box 33
East Lempster, N.H. 03605
(603)863-3213

RECEIVED

APR 14 2006

ENVIRONMENTAL SERVICES
WETLANDS BUREAU

April 19, 2006

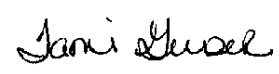
Lempster Conservation Commission
PO Box 33
Lempster, NH 03606

RE: Wetlands File # 2006-00663
Lempster Wind LCC

Dear Wetlands Bureau,

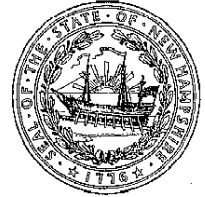
This is in response to the windmill projects Dredge and Fill Application. Lempster Conservation Commission has reviewed the application and has taken into consideration that Lempster Wind LCC is meeting their requirements as needed at this time. We are concerned with the disturbance of wetlands in this area of the project. Based on previous conversations, letters and maps they have said to have worked to design this project to avoid as many wetlands and to keep the impact to minimum level.

Although there is still concern on sensitive species in or around the area. We are awaiting surveys from NH Natural Heritage Bureau, NH Fish and Game, and NH Division of Historical Resources.

Sincerely,

Tami Geuser
Lempster Conservation
Commission



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 25, 2006

Lempster Conservation Commission
Po Box 33
Lempster, NH 03606-0095

RE: File #2006-00663 - Lempster Wind LLC/Tax Map/Lot # 6 / 034,044

Dear Members:

The Department of Environmental Services (DES) Wetlands Bureau hereby acknowledges receipt of the report of the Conservation Commission following the local investigation on the application listed above.

The report will be included in the file of this application and will be considered with all data pertinent to waters and wetlands involved in this project.

If you have any questions, please contact our office at (603) 271-2147. Thank you.

DES Wetlands Bureau

cc(with attachment):

Lempster Wind LLC
Clough Harbour & Assoc



March 24, 2006

New Hampshire Department of Environmental Services
Wetlands Bureau
PO Box 95 – 6 Hazen Drive
Concord, NH 03302-0095

**RE: Dredge & Fill Application for Lempster Wind, LLC
Lempster Wind, LLC is in Lempster, NH
CHA Project No. 13455**

Dear Project Reviewer:

We offer the following supporting information for the attached Dredge & Fill Permit Application.

- 1) *Need:* The project is to layout a plan for approximately five (5) miles of access roads, electric cable conduit and service pads for 12 wind turbines to be constructed on privately owned land on Lempster Mountain in Lempster, NH. The necessary access roads will need to make a total of ten wetland crossings to gain access to the turbine pads and the cable trench. The proposed wetland impacts will result from installation of the culverts under the access road and it's side slopes.
- 2) *Alternatives:* Based on a review of the existing topography and wetland delineation, the alignment of the road bed and side slopes were guided by strict design requirements. The turbine blades are approximately 140' long and will require the road to have a min. radius of 150', max. slope of 10%, and the road width to be a min. 16 ft wide. The access road was located so as to require the least number of crossings and to find the narrowest points along the existing streams and wetlands for each crossing where possible, while maintaining the above road design requirements.

Type of Wetland: The wetlands on this site are headwater (intermittent) streams, cattle watering holes, and bogs. The two bogs are located in the saddles between mountain tops. The watering holes (man made) are on the sides of existing roads and are presently used by cattle. Headwater streams are scattered along the ridge sides. The wetlands to be impacted are six intermittent streams (two of which are associated with bogs) and three watering holes.

Relationship to Nearby Wetlands: There are pockets of wetlands mostly situated in the saddles of this mountain ridge top. Water from the intermittent streams and bogs flow into two brooks in the valley, Beaver Brook, Cold Brook, and Richardson Brook. The impacts are at the head of the streams. The only direct impact will be on Cold Brook, where trenching for underground cable conduit will cause a temporary impact at the location where the stream crosses Bean Mountain Road.

Rarity of Wetlands: Both types (intermittent streams and bogs) are common in this part of the state.

3) *Surface Area of Wetlands to be Impacted:* The total area of proposed wetland impact is approximately 4,375 square feet. The following are the individual wetland impacts:

1. #W1, PSS1C, Sta. 3+00, 832.8 sf., Intermittent Stream
2. #W10, PFO4/1C, Sta. 48+00, 769.2 sf., Intermittent Stream
3. #W12, PFO4/1C, Sta. 69+00, 56.6 sf., Upper reach of Intermittent Stream
4. #W15, PEM2C, Sta. 75+50, 173.9 sf., Intermittent Stream
5. #W18, PEM2C, Sta. 84+00, 116.3 sf., Roadside Ditch (man made)
6. #W19, PEM2C, Sta. 84+00, 315.8 sf., Drainage depression (man made)
7. #W21, PFO4/1E, Sta. 89+50, 544.4 sf., Watering Hole next to bog area.
8. #W22, Poned (man made), Sta. 96+00, 484.1 sf., Cattle Watering Hole
9. #W24, PFO4/1C, Sta. 102+21, 1,093 sf., Upper reach of bog area and headwaters to Cold Brook.
10. #W53, Perennial Stream Crossing, 80 sf., Eastern Tributary to Beaver Brook.

4) *Impact on Plants, Fish and Wildlife:* There were no sensitive vegetation, fish, wildlife, or habitat communities noted by the wetlands scientist. The proposed project is anticipated to have no significant impact on plants, fish or wildlife.

- **Plants:** The NH Natural Heritage Bureau had no record of rare or endangered species communities in this area (letter attached). In meetings with NH NHB, the bureau did recommend that the project perform a sensitive plant species survey by a qualified botanist. The project will conduct this survey in Spring 2006 and forward the results to NH NHB.
- **Wildlife:** The project has collaborated with NH DES, NH Fish & Game, and U.S. Fish & Wildlife Service on issues related to potential wildlife impacts, with birds and bats being a particular focus. An avian Phase 1 site survey and records search with NH Fish & Game and U.S. Fish & Wildlife indicated no known presence of threatened or endangered species (letters attached). Additional survey and analysis performed to date included establishment of bird survey plots throughout the project site, breeding bird and migratory bird surveys, raptor migration surveys, and bat migration survey using "Anabat" acoustical sensors. The project continues to collaborate with the state and federal agencies on wildlife habitat impacts related to the roads and turbine locations to study and analyze impacts on the disturbed ground area, and will continue surveys throughout 2006.

- 5) *Impact on Commerce, Navigation and Recreation:* The proposed project would have no negative impact on public commerce, navigation, or economic development and recreation.
- 6) *Interference with Aesthetic Interests of the Public:* The access road would have little negative impact to the aesthetic interests of the general public. The site is currently used for woodlot management, occasional logging, and hunting. The project area is all on private land and the public would only have access by special invitation of the property owners. In terms of the wind towers, there have been concerns raised about the towers visibility and appearance, as well as noise. The project has prepared photo simulations from various locations in Lempster and presented them at public forums in Lempster, surrounding towns, and at the state level. The project has also performed a noise study based on the wind turbine equipment characteristics, which has also been provided in public meetings as well as to several abutting landowners. Towers are located more than 1,000 feet to dwellings and structures on abutting properties (with one exception within 600 feet), which greatly minimizes any potential noise issues impacts based on analysis of specific wind turbine data and other publicly available research on wind turbine noise and infrasound.
- 7) *Interference with Public Rights of Passage or Access:* The project will not obstruct public rights of passage or access in any way. The property is all private and the access road will likely to be gated to prevent unauthorized entry, especially during construction.
- 8) *Impact on Abutting Owners:* The plan for the towers allows for a 1,000 foot setback to dwellings and structures of all abutters, with the exception of one seasonal dwelling/structure within 600 feet. With the exception of visual appearance, the project will not impact abutting property owners in any way.
- 9) *Benefit of the Project to Health, Safety and Well Being:* The project does not pose any health or safety risks to the general public. The project will benefit the health, safety, and well being of the Lempster community and the general public in several ways.
 - *Environmental and public health benefits:* Wind power, as a “clean” and fuel-free electric generation source does not create any air pollutant or greenhouse gas emissions, and will improve air quality in the state and region as the need for more polluting resources can be decreased when the wind project is generating. Wind power also does not have any water pollutant discharge, does not require the infrastructure for or transportation of fuels, and does not have hazardous wastes – all benefits to the community, State and region. The State of New Hampshire and the DES has supported renewable energy in its energy and environmental policy goals and programs, and this project supports those objectives.
 - *Energy benefits:* Locally-produced electricity and the power line upgrades that come with it will provide the benefit of greater system reliability and less potential power outages in the local and regional area, as well as potential price stability as other generation sources experience volatile fuel price swings. With no need for fuel, wind power lessens reliance on fossil fuels that require extraction and transportation domestically, fossil fuels imported from foreign countries, and nuclear fuels that require hazardous waste storage. The addition of wind power to the New Hampshire and U.S. generation base satisfies a number of State and National policy goals and benefit of the general public.

- *Economic benefits:* The wind project will provide substantial property tax revenues to the Town of Lempster over the expected 20 year+ life of the project that will benefit the well-being of Lempster residents, as well as state Utility Property Tax revenues that will provide benefits to residents of the area and entire State.
- 10) *Impact of Surface and Ground Water:* Surface run-off will be controlled and redirected through grading and swales to disperse the runoff to surrounding forest land. All grading and excavation will maintain a two foot cover over existing groundwater elevations.
 - 11) *Potential to Cause Increased Flooding or Erosion:* Suitable measures to control erosion will be employed during construction such as the use of silt fence at the lower limit of disturbance, use of construction entrances, and stone sediment filters on proposed swales. As work is suspended in any given area, the soil surface will be stabilized.
 - 12) *Cumulative Impact:* The impact related to the proposed project is small and there is little prospect for further impact in the area. Each of the impacts are either small portions of larger wetlands or at narrow channels between the larger wetlands.
 - 13) *Impact on Wetland Functions and Values:* The function and value of the wetlands within the project area are to primarily transport surface water runoff and groundwater discharge off of Lempster Mountain. Impact risks have been previously addressed by extensive land easements, sedimentation / erosion control measures, and proposed grading / drainage swale measures to preserve the water quality and integrity of these wetlands.
 - 14) *Impact to Sites Included on the National Register of Natural Landmarks and Sensitive Habitats and Species:*
 - *Historic and Cultural Resources:* The project has contacted the New Hampshire Division of Historic Resources (DHR) in consultation on historic and cultural resource impacts. The Division of Historic Resources responded in writing (letter attached) and a meeting was held with the project in which DHR requested that the project conduct two areas of survey; 1) Cultural Resources: conduct a certified archaeologist "Phase 1" survey of the site where there will be ground disturbance (road and conduit corridors, turbine locations); 2) conduct a viewshed survey for all listed or potential historic structures in a 3 mile radius of the project. Surveys will be conducted in Spring 2006 in collaboration with DHR, and results will be provided to DHR as soon as the studies are completed.
 - *Sensitive Habitats and Species:* Consultation with New Hampshire agencies and various surveys related to sensitive plant and wildlife habitat and species has occurred as described in #4) above.
 - 15) *Impact on the Value of Areas Named in Acts of Congress or Presidential Proclamations...:* The proposed project is small and will have no negative impact on any national, state or local rivers, wilderness areas, lakeshores and such.
 - 16) *Redirection of Water from One Watershed to Another:* The proposed project does not redirect water from one watershed to another.

20) *Construction sequence*: The following addresses the planned construction sequence.

Construction sequence:

1. Cut and clear trees within area of the road corridor and tower landings.
2. Construct temporary and permanent erosion control facilities prior to any earth moving operation.
3. Rough grade roadway and Tower pads. All slopes shall be stabilized immediately after grading.
4. Construct culverts and swale areas. Place flared end sections, rip-rap and other drainage facilities according to plan.
5. Perform final excavation and fill for the road corridor and tower landings.
6. All slopes, roadside ditches, and swales shall be stabilized immediately after finish grading.
7. Inspect and maintain all erosion and sedimentation control measures periodically and immediately after storm events.
8. Remove temporary erosion control measures, after all areas have established stable vegetation.

Please contact us at 603-357-2445 if you have any questions.

Sincerely,
Clough, Harbour & Associates LLP



Donald R Scott, RLA

Enclosure

CC



**DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS BUREAU**
6 Hazen Drive PO Box 95
Concord, NH 03302-0095



Phone: (603) 271-2147 Fax: (603) 271-6588
web site: www.des.state.nh.us/wetlands email: wetmail@des.state.nh.us

CHECKLIST FOR PREPARING A STANDARD DREDGE & FILL APPLICATION



ALL INFORMATION MUST BE SUBMITTED FOR THE APPLICATION TO BE PROCESSED

- ___ THE PROJECT IS DESIGNED AS THE LEAST IMPACTING ALTERNATIVE AS REQUIRED BY WT 302.03
- ___ THE PROJECT AND APPLICATION HAVE ADDRESSED (IN PLAN AND NARRATIVE FORM) THE REQUIREMENTS OF RULE WT 302.04
- ___ APPROPRIATE APPLICATION FEE PAYABLE TO THE NHDES WETLANDS BUREAU – MINIMUM FILING FEE OF \$100 (SEE ATTACHED WORKSHEET);
- ___ COPY OF USGS TOPOGRAPHIC MAP ON WHICH THE PROPERTY LINES HAVE BEEN INDICATED;
- ___ A COPY OF THE MUNICIPAL TAX MAP, SHOWING YOUR PROPERTY, LOCATION OF THE PROJECT ON THE PROPERTY, AND ALL ABUTTERS' PROPERTIES LABELED
- ___ LIST OF ALL ABUTTERS, THEIR MAILING ADDRESSES, AND CERTIFIED MAIL RECEIPTS VERIFYING NOTIFICATION BY THE APPLICANT
- ___ ORIGINAL, DATED, PHOTOS MOUNTED ON 8-1/2 x 11-INCH PAPER CLEARLY ILLUSTRATING THE IMPACT AREA (LOCATION OF PHOTO VIEWS SHOULD BE NOTED ON PLANS; FOR REPAIRS, INCLUDE PHOTOS OF EXISTING STRUCTURES)
- ___ DETAILED AND DIMENSIONED PLANS AND CROSS SECTIONS, SIGNED AND DATED BY THEIR AUTHOR, WHICH INDICATE BOUNDARIES OF ALL:
 - WETLANDS, STREAMS, AND SURFACE WATER BODIES,
 - BANKS AND SHORELINES,
 - TIDAL BUFFER ZONE,
 - SAND DUNES,
 - PROPERTY LINES,
 - REFERENCE POINTS,
 - EXISTING AND PROPOSED STRUCTURES;
- ___ SIGNATURE OF APPLICANT AND AUTHORIZED AGENT
- ___ MAKE FOUR (4) COPIES OF THE APPLICATION & ALL ATTACHMENTS TO SUBMIT WITH THE ORIGINAL (TOTAL OF 5 SETS) TO THE TOWN/CITY CLERK
- ___ SIGNATURE OF TOWN/CITY CLERK.

**PLEASE USE CHECKLIST TO VERIFY COMPLETENESS.
AN INCOMPLETE APPLICATION WILL DELAY PROCESSING.**

PLEASE SEE REVERSE FOR DETAILS ON SOURCES OF ADDITIONAL INFORMATION.

KEEP A COPY OF THIS PAGE FOR YOUR RECORDS.

For copies of fact sheets, application forms, or the administrative rules and law, visit our web site at: www.des.state.nh.us/wetlands, or contact the DES Wetlands Bureau at (603) 271-2147, PO Box 95, Concord NH 03302-0095. To obtain a hard copy of the wetlands rules and law, send your request and a check for \$5.00 payable to the *State of NH Treasurer* to NH Department of Environmental Services, Attn: Public Information Center, PO Box 95, Concord NH 03302-0095.

ADDITIONAL INFORMATION ON WETLANDS IN NH MAY BE REQUESTED FROM THE FOLLOWING STATE AND FEDERAL AGENCIES.

NH Department of Resources and Economic Development
Forests and Lands
172 Pembroke Rd, PO Box 1856
Concord, NH 03302
(603) 271-2215
www.dred.state.nh.us/forlands

NH Natural Heritage Bureau
NH Department of Resources and Economic Development
172 Pembroke Rd, PO Box 1856
Concord, NH 03302
(603) 271-3623
www.dred.state.nh.us/forlands/formgt/nhiweb/

NH Fish & Game Department
2 Hazen Dr
Concord, NH 03301-6500
Nongame program: (603) 271-3017
Inland Fisheries: (603) 271-2501 or -2502
Marine fisheries: (603) 868-1095
www.wildlife.state.nh.us
www.wildlife.state.nh.us/Wildlife/nongame_and_endangered_wildlife.htm

National Marine Fisheries Service
Northeast Regional Office
Habitat Conservation Division
One Blackburn Drive
Gloucester, MA 01930
(978) 281-9102
<http://www.nero.noaa.gov/ro/doc/hcd.htm>

US Department of Agriculture
Natural Resources Conservation Service
Federal Building
2 Madbury Rd
Durham, NH 03824-2043
(603) 868-7581
www.nh.nrcs.usda.gov

NH Historic Preservation Officer*
Division of Historical Resources
NH Department of Cultural Resources
19 Pillsbury Street, PO Box 2043
Concord, NH 03301-2043
(603) 271-3483 or (603) 271-3558
<http://webster.state.nh.us/nhdhr/section106.html>

*Applicants with Minor or Major Impact Projects which will undergo the Corps' screening process, shall submit a copy of their application materials to the New Hampshire State Historic Preservation Officer.

US Fish and Wildlife Service
Northeast Field Office
70 Commercial St. Suite 300
Concord, NH 03301
(603) 223-2541
<http://northeast.fws.gov/>

US Army Corps of Engineers**
New England Division
696 Virginia Rd
Concord, MA 01742-2751
(978) 318-8335 / (800) 343-4789
www.nae.usace.army.mil/reg/index.htm

**Most projects that receive NH dredge and fill permits are reviewed and subject to Federal approval under the N.H. Programmatic General Permit (NHPGP). However, questions regarding Federal regulations should be addressed to the U.S. Army Corps of Engineers. A copy of the NH PGP is on the websites of the DES Wetlands Bureau and the U.S. Army Corps of Engineers, New England District.

GENERAL INSTRUCTIONS: Type or print clearly; missing information may delay your application! The applicant shall submit to the Town Clerk: **1.)** The original and four copies of the completed application, plans, and supporting data; **2.)** Postal receipts (or copies) verifying that abutters have been sent notice by certified mail; **3.)** A check made out to the NH DES Wetlands Bureau; and **4.)** Municipal fee and expenses as authorized by RSA 482-A:3,I.

Definitions and Requirements Summarized or Extracted From DES Rules

Definitions:

Wt 101.02 “**Abutter**” means any person who owns property immediately adjacent and contiguous to the property on which the project will take place. This does not include those properties across a public road. An abutter includes an owner of any flowage rights on or immediately adjacent to the property on which the project will take place. If the project is located on waterfront or another area which by its configuration brings non-contiguous properties into close proximity to the project, owners of those properties are considered as abutters. The term does not include the owner of a parcel of land located more than one quarter mile from the limits of the proposed project. Please see rule Wt 501.01 (c) for exceptions.

Wt 101.29 “**Dredge**” means to dig, excavate, or otherwise disturb the contour or integrity of sediments in the bank or bed of a wetland, a surface water body, or other area within the department’s jurisdiction.

Wt 101.36 “**Fill**” as a verb means to place or deposit materials in or on a wetland, surface water body, bank or otherwise in or on an area within the jurisdiction of the department.

Wt 101.44 “**Intermittent stream**” means a stream that flows for sufficient time to develop and maintain a defined channel, but which might not flow during dry portions of the year.

Wt 101.47 “**Maintenance of structures**” means the repair or replacement of existing legal structures.

Wt 101.57 “**Normal high water**” for lakes or ponds means the full lake elevation as determined by the director.

Wt 101.73 “**Seasonal dock or seasonal structure**” means a dock and any associated supports designed to be completely removed from the water during the non-boating season and includes pipe docks or floating docks.

Wt 101.76 “**Shoreline frontage**” means the average or the distances of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the normal high water line.

Wt 101.84 “**Tidal buffer zone**” means the area extending landward 100 feet from the highest observable tide line. This area can contain wetlands, transitional areas, and natural and developed upland areas.

Required Information

Wt 301.01 Delineation of Wetlands Boundaries.

(a) Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, (January 1987).

(b) Delineations based on hydrophytic vegetation or hydric soils alone shall be sufficient for minimum impact projects that meet the criteria of Wt 303.04, provided the vegetation or soil has not been disrupted by artificial planting or past dredging or filling.

(c) The hydric soils component of delineations produced under (a) or (b) above shall be determined in accordance with the manual, *Field Indicators for Identifying Hydric Soils in New England* (July 1998), published by the New England Interstate Water Pollution Control Commission.

(d) Any plan required by RSA 482:A that is submitted in support of applications for dredge and fill of wetlands as defined in Wt 101.88 that are classified as major or minor projects in accordance with Wt 303.02 and Wt 303.03 respectively, shall be:

(1) Stamped by a certified wetlands scientist as certified by the New

Hampshire board of natural scientists, when that individual prepares the plan(s);

(2) Accompanied by a report that includes an existing conditions plan stamped by a certified wetlands scientist as certified by the New Hampshire board of natural scientists, when another individual has prepared the plan(s); or

(3) Signed by a homeowner acting on his or her own behalf, when the homeowner prepares the plan for the development of their primary residence, showing the impacts resulting from such development.

(e) Delineations submitted in accordance with paragraph (d) above, shall comply with the delineation methods prescribed in Part 4 of the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, (January, 1987).

(f) Nothing in this section shall prevent individuals permitted in accordance with RSA 485-A:36, and rules promulgated there under, from conducting wetland delineations in accordance with the exemptions provided under RSA 310-A:79(IV).

Wt 302.03 Avoidance & Minimization. The applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the department’s jurisdiction.

Wt 302.04 Requirements for Application Evaluation.

(a) For all major and minor projects the applicant shall demonstrate by plan and example that the following factors have been considered in their design in assessing the impact of the proposed project to areas and environments under the department’s jurisdiction:

(1) The need for the proposed impact;

Definitions and Requirements Summarized or Extracted From DES Rules (continued)

Wt 302.04 a, (cont.)

- (2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site;
- (3) The type/classification of the wetlands involved;
- (4) The relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters;
- (5) The rarity of the wetland, surface water, sand dunes, or tidal buffer zone area;
- (6) The surface area of the wetlands that will be impacted;
- (7) The impact on plants, fish, and wildlife including:
 - a. Rare, special concern species;
 - b. State and federally listed threatened and endangered species;
 - c. Species at the extremities of their ranges;
 - d. Migratory fish and wildlife; and
 - e. Exemplary natural communities identified by the New Hampshire Natural Heritage Inventory (NHI) - Department of Resources and Economic Development.
- (8) and (9) The impact of the project on commerce, navigation, recreation, and the aesthetic interests of the general public;
- (10) The extent to which a project may interfere with or obstruct public rights of passage or access;
- (11) The impact upon abutting owners pursuant to RSA 482-A:11, II.
- (13) The impact of a proposed project on quantity or quality of surface and ground water including the potential of a proposed project to cause or increase flooding, erosion, or sedimentation or reflect or redirect current or wave energy which might cause damage or hazards;
- (16) The cumulative impact that would result if all abutters were also permitted alterations to the wetland proportional to the extent of their property rights;
- (17) The impact of the proposed project on the values and functions of the total wetland or wetland complex;
- (19) The impact upon sites included in, or eligible for, national rivers, national wilderness areas, national lakeshores, and such areas established under federal, state, or municipal laws for similar and related purposes; and the degree to which a project redirects water from one watershed to another.

(b) For all **minimum** projects, the applicant shall demonstrate by plan and example that the following factors have been considered in the design and in assessing the impact of the proposed project to areas and environments under DES's jurisdiction:

- (1) Type of wetland to be impacted;
- (2) Surface areas of wetlands impacted;
- (3) Relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters;
- (4) The impact upon abutting owners pursuant to RSA 482-A:11, II; and
- (5) Lack of alternatives with lesser wetlands and surface water impacts.

(c) In addition to the requirements of Wt 302.04 (a) and (b), the applicant shall demonstrate by plan and example that the following factors have been considered in the design in assessing the impact of the proposed project to areas **in and adjacent to tidal wetlands, including the tidal buffer zone**:

- (1) The extent to which a project impacts beach or tidal flat sediment replenishment and movement of sediments along a shore;
- (2) The impact on a tidal wetland's ability to dissipate wave energy and storm surge; and
- (3) The impact of project runoff on salinity levels in tidal environments.

Wt 304.04 Setback From Property Lines.

The department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written consent from the affected abutter. The department shall increase the setback if it finds that the proposed location represents a danger to other waterfront activities, a navigation hazard, or interferes with an abutter's access to or use of the property.

RSA 482-A:3, XIII Setback of docking facilities from property lines.

All docking facilities shall be located at least 20 feet from the abutting property line or imaginary extension thereof over surface water unless the Wetlands Bureau receives a signed, notarized consent from the affected abutter. However, any boat secured at such a dock shall not extend beyond the extension of the property line.

Wt 304.09 Subdivisions.

(a) Plans submitted with a wetlands application associated with a proposed subdivision shall indicate the boundaries of all wetlands and surface waters, the footprint of all proposed impacts, existing and proposed topography, and the location of all proposed lot lines. Plans shall be stamped by a licensed land surveyor or a professional engineer pursuant to RSA 310-A, and parties responsible for the wetlands delineation shall be recorded on the plan.

(b) The plans for major project subdivisions shall have wetlands classifications clearly indicated in accordance with Wt 301.02.

(c) There shall be no further wetlands impact for lot development on all subdivision approvals. If the approval is for a single phase of a multiphase subdivision, the applicant shall provide a master plan identifying all wetlands on the property, and conceptual layout for

future phases of development.

(d) Permits for subdivisions of four or more lots shall not be effective until the permittee records the permit with the appropriate registry of deeds and a copy of the registered permit has been received by the department.

CHAPTER Wt 400 Shoreline Structures PART Wt 402 (summarized)

Docks or piers permitted on property with less than 75 feet of water frontage shall be no larger than 4 feet x 24 feet. There shall be a minimum of 75 feet of water frontage on the property for the first two-slip structure, and an additional 75 feet of water frontage on the property for each additional boating slip or securing location on a structure for non-commercial use. All frontage considered in the application shall be contiguous and owned by the same person. Unless a property has a unique physical hardship the standard configuration of piers shall be seasonal, narrow, rectangular, and erected perpendicular to the shoreline. On property with at least 75 feet of shoreline frontage, in lakes and ponds greater than 1,000 acres in size, piers shall be no larger than 6 feet x 40 feet; in lakes and ponds of less than 1,000 acres in size, piers shall be no larger than 6 feet x 30 feet.

Definitions and Requirements Summarized or Extracted From DES Rules (continued)

Structures other than those described shall be allowed only when written evidence, addressing all of the requirements of Part Wt 402, has been provided.

DES shall not approve any change in size, location or configuration of existing nonconforming structures unless the applicant demonstrates, and the department finds, the modification to be less of an environmental impact or provides for less boat slips and less construction surface area over public submerged lands than the current configuration.

PART Wt 404 Criteria for Shoreline Stabilization (Summarized)

Shoreline stabilization shall be by the least intrusive but practical method. Natural vegetation shall be left intact to the maximum extent possible. Applications for stone rip-rap shall be considered only where the applicant demonstrates that vegetative and diversion methods are physically impractical. Applications to install rip-rap or retaining walls adjacent to great ponds, or waterbodies where the state holds fee simple ownership, shall include a stamped surveyed plan showing the location of the normal high water shoreline, and the footprint of the proposed project. Stamped engineering plans shall be provided as part of any application for rip-rap in excess of 100 linear feet along the bank of a stream or river. Applications for rip-rap or retaining walls shall include written evidence addressing all of the requirements of Part Wt 404.

Project Plan Checklist Standard Dredge and Fill Application

Each Wetlands Bureau permit application must include plans of the proposed project. Plans are drawings of the project that contain sufficient detail to accurately and completely describe the proposed work. Project plans must always include a plan view (overhead) drawing of the project that locates the project on the property and detailed drawings of impact areas. In many cases plans must also include detail plan views, cross sections, and/or profile or elevation views to provide sufficient detail.

Please note that this required plan of work is in addition to the required tax map and USGS topographic map. Neither the tax map nor USGS map alone will satisfy the requirement to submit a project plan.

Large format plans (typically 24 inch x 36 inch) are often required to provide clear, detailed, and legible plans for larger projects. However, to meet the US Army Corps of Engineers (Corps) requirements, where the applicant provides large format plans, a duplicate set of small format plans must also be submitted to the Corps. (Include the NHDES file number on all submittals to the Corps.) The small format plans must be on 8-1/2 inch x 11-inch paper with a 3/4-inch margin at the top. A one-page schematic of the entire project may have numbered references to additional detail sheets.

Project plans must be properly formatted and legible, must be dark enough to allow for clear reproduction, must show both existing and proposed conditions and be drawn to scale or with all dimensions clearly labeled, and must provide the following information:

For All Projects:

- An overview of the property and proposed impact areas in relation to property lines.
- The scale, if any, used on the plan. If the drawing is not to scale, the dimensions of all existing and proposed structures and other relevant features necessary to clearly define the project.
- A labeled north-pointing arrow to indicate orientation.
- A legend that clearly indicates all symbols, line types, and shading used on the plan.
- The location of wetlands delineated in accordance with Wt 301.01 (see page 3), shoreline, surface water, areas within 100 feet from the highest observable tideline, sand dunes, and prime wetlands on site, and their relation to the proposed project. Indicate direction of stream flow or ebb and flow in tidal waters./ including the top of any bank
- The name of the person who delineated the wetlands on your plans. Plans with wetland delineations must be stamped by a

certified wetland scientist in accordance with Wt 301.01(d).

- The location of the 100-year floodplain if applicable to the proposed project.
- If topography is to be permanently altered, the existing and proposed topography, including a reference elevation.
Be sure that existing and proposed contours can be clearly distinguished. For simple projects, a cross-section showing existing and proposed ground may suffice. Remember to show the location of cross-sections on the plan view.
- Labeled and lightly shaded or stippled areas indicating limits of all temporary and permanent impacts in jurisdiction, including wetlands, surface waters and their banks, areas within 100 feet from the highest observable tide, and sand dunes. Such impacts include areas where temporary and permanent fill will be placed, construction access and temporary workspace areas, cofferdams, bedding and backfill areas, etc. The location of any wetland delineation observation plots if required by the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, (January 1987)
- Proposed methods of erosion or siltation control indicated graphically and labeled, or annotated as necessary.
- A narrative "construction sequence," which includes the relative timing and progression of all work, pre-construction through post-construction.
- If the project involves the subdivision of land, information required by Wt 304.09. (see page 4)
- If the project involves construction of a rip-rap on the shoreline, retaining wall or other bank stabilization structure, information required by Wt 404. (see page 5)

For Coastal Projects (in addition to the items listed above):

- Show and label the mean high and low tide lines for coastal waters.
- The boundaries of the tidal buffer zone (upland within 100 feet of the highest observable tide), edge of salt marsh vegetation, and sand dunes in the project vicinity.
- If the proposed project is within 200 feet of any Federal Navigation Project, show the distance between any structure(s) associated with the proposed project and the Federal Navigation Project.
- The name of the individual who conducted the delineation on the property.

For Shoreline Projects (in addition to the items listed above):

- The general shape of the shoreline with the length of frontage and full lake or pond elevation or the highest observable tide line for tidal waters
- The footprint (size, location, and configuration) of all existing and proposed structures on the property.
- State the intended use of each proposed structure.
- The type of construction and the materials to be used.
- The distance from existing and proposed work to abutting property lines. (For waterfront projects, show distance from the imaginary extension of property lines over surface waters.) NOTE: All new pier construction shall be a minimum of 20 feet from any property lines or the imaginary extension over the water unless **written, notarized permission** is obtained from the affected abutter(s).

For Projects Within the Protected Shoreline, as defined by RSA 483-B (the Comprehensive Shoreland Protection Act):

- The reference line, which is defined per RSA 483-B XVII, means:
 - (a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the department of environmental services.
 - (b) For artificially impounded fresh water bodies with established flowage rights, the limit of the flowage rights, and for water bodies without established flowage rights, the waterline at full pond as determined by the elevation of the spillway crest.
 - (c) For coastal waters, the highest observable tide line, which means a line defining the furthest landward limit of tidal flow, not including storm events, which can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks further flow of the tide.
 - (d) For rivers, the ordinary high water mark.
- The location of all existing structures between the primary building line and the reference line.
- The location of all proposed structures
- The total disturbed area within the protected shoreline.

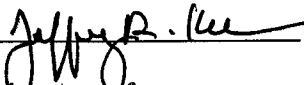

For more information about the Comprehensive Shoreland Protection Act, visit the DES Shoreland Protection website: www.des.state.nh.us/cspa. Additional plan elements may be required, depending on the type of proposed project. Please review the rules applicable to your project and be sure to include all required items on your plans.

8. Area and/or linear impact of proposed work within DES Wetlands Bureau jurisdiction (e.g., lakes, ponds, streams, wetlands, sand dunes, tidal buffer zone, etc.).
- a. Estimated area to be dredged: 0 sq. ft.
 - b. Volume of material to be removed from public waters: 0 cu. yds.
 - c. Is proposed disposal site for dredged material located in wetlands (yes/no)? No
 - d. Estimated area to be filled: 4,375 sq.ft.
 - e. Estimated total area (in DES Wetlands Bureau jurisdiction) of all proposed work: ~~4,375~~ 52 A sq. ft.
 - f. Estimated excavation and/or filling within the upland portion of the Tidal Buffer Zone: 0 sq. ft.
 - g. If a channel is to be constructed, or a culvert or a bridge is to be installed, indicate the length of flow through the project area: n/a ft.
 - h. If the project involves shoreline, indicate the average length of shoreline frontage: 0 ft.
 - i. If dock or similar structure: length: n/a ft.; width: _____ ft.;
total surface area of structures: _____ sq. ft.
 - j. If wall, rip-rap, beach, or similar project, indicate the proposed shoreline impact in:
linear feet n/a, square feet _____.

9. **FILING FEE: A check or money order payable to the DES Wetlands Bureau shall accompany the application.** The minimum fee is \$100. MINOR and MAJOR IMPACT PROJECTS are charged at the rate of: \$0.10 per square foot of requested impact (if less than 1,000 square feet of impact is proposed, the minimum fee of \$100 applies). All applications for SHORELINE STRUCTURES shall include a base fee of \$100. In addition, MINOR and MAJOR IMPACT SHORELINE PROJECTS shall include fees charged at the rate of: \$0.10 per square foot for requested dredge or fill impacts; \$0.50 per square foot for requested seasonal docking structure; and \$1.00 per square foot for requested permanent docking structure. **All fees are based on the originally requested impacts, not the final approved impact.**

APPLICANT SIGNATURE. SIGNATURE BELOW CERTIFIES THAT:

- 1.) All abutters have been identified in accordance with the definition given in the general instructions sheet;
- 2.) The applicant has notified all abutters by CERTIFIED MAIL;
- 3.) The applicant has read, and provided, the REQUIRED INFORMATION outlined in rule Wt 302.04 and listed on the "Checklist for Preparing a Standard Dredge & Fill Application";
- 4.) The applicant has read and understands Rule Wt 302.03 and has chosen the least impacting alternative;
- 5.) The applicant has submitted a copy of the application materials to the NH State Historic Preservation Officer;
- 6.) The applicant authorizes the local Conservation Commission, if any, to inspect the site in order to provide comment to the department, pursuant to RSA 482-A:11.
- 7.) The applicant has reviewed the information to be submitted and that the information is, to his/her knowledge, true and accurate;
- 8.) The applicant understands that the willful submission of falsified or misrepresentative information to the New Hampshire Department of Environmental Services is a criminal act punishable by law.

	Jeffrey R. Keeler, Lempster Wind, LLC	<u>3/24/06</u>
signature of owner	print owner name	date
	Roger T. Monrell, Partner Clough, Harbour & Associates LLP	<u>3/24/06</u>
signature of authorized agent (if applicable)	print agent name	date

TOWN CLERK SIGNATURE. I hereby certify that the applicant has filed five applications, five sets of supporting materials with the town/city of: _____ as required by Chapter 482-A:3, and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

signature of town/city clerk _____
date

**Calculating the Appropriate Application Fee to be Submitted with a
Standard Dredge and Fill Application**
(effective July 1, 2003)

Worksheet A

Do NOT use this worksheet if your project includes construction or modification of docking facilities (use Worksheet B on the reverse side):

For Minor and Major Impact Projects:		Fee calculation rate and square feet of impact	Fee (subtotals and total)
1	Minimum application fee		\$100
2a	Total area of impacts to wetland and other jurisdictional areas as measured in square feet	4,375	
2b	Multiply line 2a by the fee per square foot of impact to wetlands, bank or jurisdictional area	x \$0.10	
2c	Fee for impacts to wetlands, bank or other jurisdictional area		\$ 437.50
3	Required Fee: Enter larger amount of 1 or 2c.		\$ 437.50

**Calculating the Appropriate Application Fee to be Submitted with a
Standard Dredge and Fill Application**
(effective July 1, 2003)

Worksheet B

Use this worksheet if your project includes any of the following:

- Construction or modifications of seasonal or permanent docking facilities.
- Dredge or fill within lake bed
- Excavation, fill or construction within the banks of surface water body.

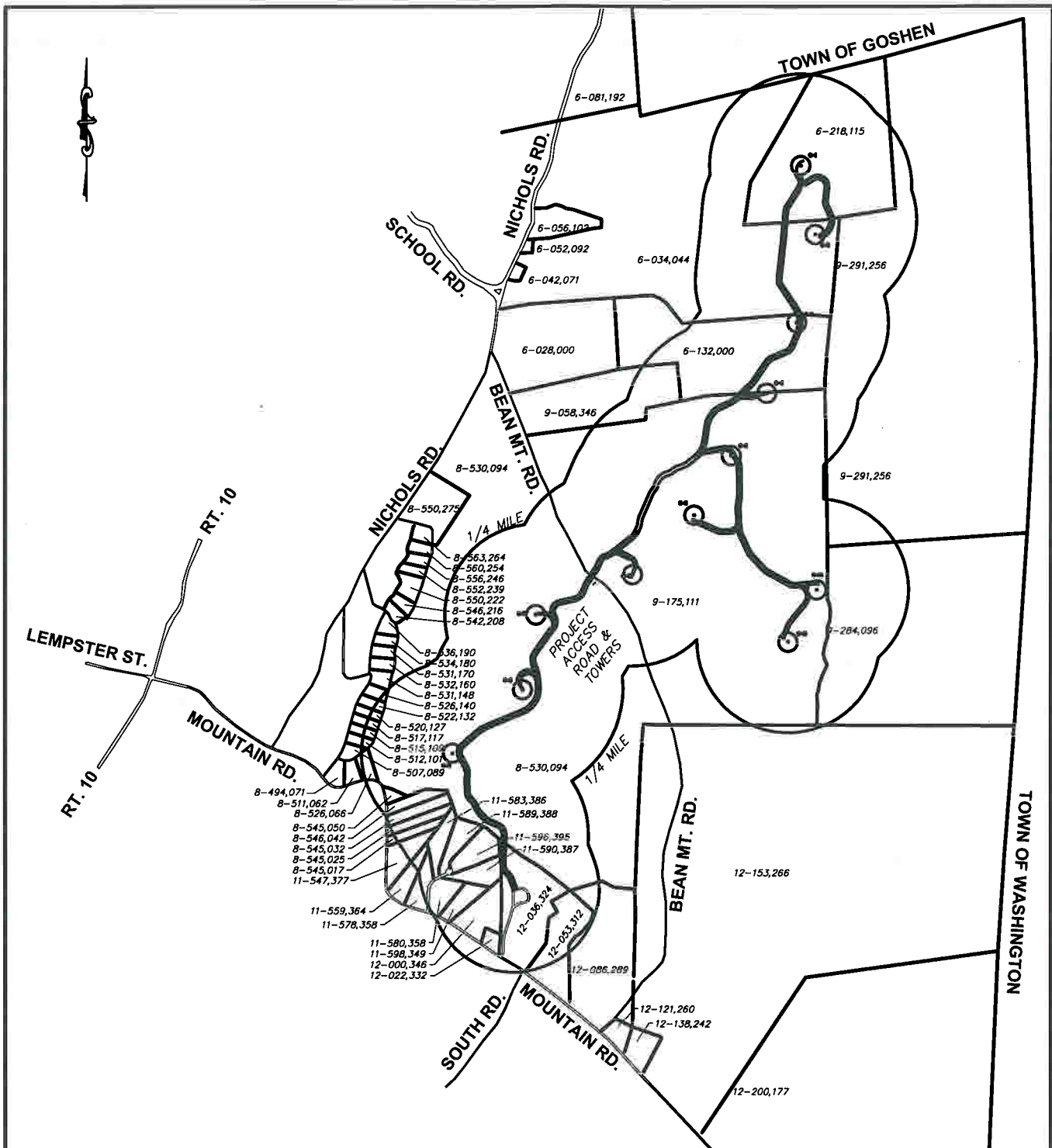
For Minor and Major Impact Projects:		Fee calculation rate and square feet of impact	Fee (subtotals and total)
1	Base application fee		\$100
2a	Total square feet of impacts to wetland, bank, and other jurisdictional areas	0	
2b	Multiply line 2a by the fee per square foot	x \$0.10	
2c	ADDITIONAL fee for wetlands, bank or other jurisdictional area		\$ 0
3a	Total square feet of dredge and fill of surface waters		
3b	Multiply line 3a by the fee per square	x \$0.10	
3c	ADDITIONAL fee for surface water dredge and fill		\$
4a	Total square feet of proposed seasonal docking structure		
4b	Multiply line 4a by the fee per square foot	x \$0.50	
4c	ADDITIONAL fee for seasonal structure(s):		\$
5a	Total square feet of proposed permanent docking structure		
5b	Multiply line 5a by the fee per square foot	x \$1.00	
5c	ADDITIONAL Fee for permanent structure(s):		\$
6	Required Fee: Add lines 1, 2c, 3c, 4c, and 5c		\$

Exhibit A: Location of Proposed Construction

Parcel Descriptions Correspond with Exhibit B "Project Tax Parcels" Map

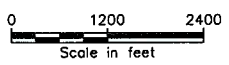
Lempster Tax Map/ Parcel	Acres	Notes
6 - 132,000	200	2 turbines plus access roads
9 - 175,111	395	5 turbines plus access roads
8 - 530,094	551	3 turbines plus access roads
6 - 218,115	120	1 turbine plus access roads
6 - 034,044	302	1 turbines plus access roads

All locations are in the Town of Lempster, NH



APPLICANT: LEMPSTER WIND, LLC
 150 STRAFFORD AVE, SUITE 110
 WAYNE, PA 19087
 CENAE-R-NAE#2006-xxxx
 PREPARED BY: **CHA**
CLOUGH HARBOUR & ASSOCIATES LLP
 11 King Court, Keene NH 03431-4648
 Main: (603) 357-2445 • www.cloughharbour.com

LEMPSTER WIND, LLC
 PROJECT TAX PARCELS
 TOWN: LEMPSTER STATE: NH
 COUNTY: SULLIVAN
 DATE: MARCH 24, 2006
 REVISED:
 EXHIBIT B



James Sagalyn
17 Woodlawn Avenue
Northampton, MA 01060

9-291,256

Elizabeth O'Grady Trust
P.O. Box 239
Lempster, NH 03605

12-086,289

Bruce & Deidre Mehlman
27 Winter Street
Hillsboro, NH 03244

11-596,395

David R. Wiggins
7 Alex Circle
Nashua, NH 03060

8-545,025

John & Nancy Topolewski
141 Carol Avenue
Vestal, NY 13850

8-507,089

Jeffrey & Kelley Flanders
P.O. Box 364
Lempster, NH 03605

8-517,117

John Rutt
P.O. Box 1011
Hillsboro, NH 03244

8-526,140

Daniel & Pamela Thompson
13 Westray Drive
Nashua, NH 03062

9-284,096

Milton and Carol Marsh
P.O. Box 53
Lempster, NH 03605

12-053,312

Albert & Josephine Irwin
485 Beechwood Street
Cohasset, MA 02025

11-589,388

Lee & Shelly Chamberlain
360 East River Road
Guilford, CT 06437

8-545,032

Gary & Norma Lafountain
P.O. Box 1020
Goshen, NH 03752

8-512,101

Oakleaf Trust
2005 Mass. Avenue
Lunenburg, MA 01462

8-520,127

Kevin Onnela, Jr.
1182 Route 10
Lempster, NH 03605

8-550,275

John P. Wright Trust
P.O. Box 566
Keene, NH 03431

12-153,226

William M. Tenney
c/o Nash, 313 Lempster Mtn. Rd.
Lempster, NH 03605

12-036,324

Mary Underwood & Dawn Smith
P.O. Box 374
Lempster, NH 03605

11-583,386

John W. & Karen Chamberlain
46 Meeting House Hill Road
North Franklin, CT 06254

8-546,042

Elroy M. Truell, Jr.
20 Brook Road
Goshen, NH 03752

8-515,109

Prunella & Peter Anastos
106 Twin Lake Circle
Umatilla, FL 32784

8-522,132

Howard J. Neitland
P.O. Box 120151
East Haven, CT 06512

6-028,000

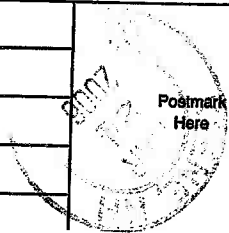
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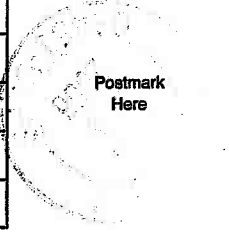
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 6-028,000

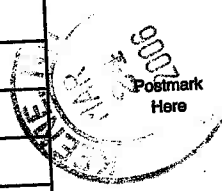
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 26 401-17 & 18 Goshen

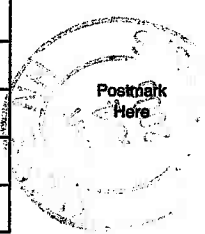
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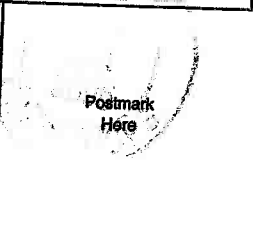
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 1182 Route 10
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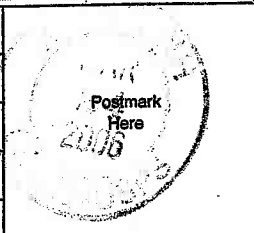
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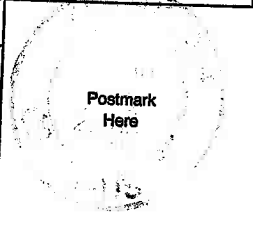
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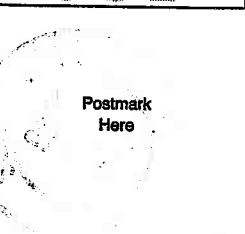
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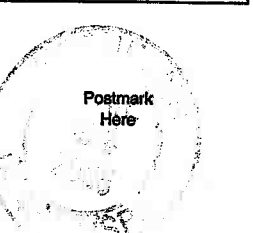
John Rutt
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Hillsboro, NH 03244
8-526,140
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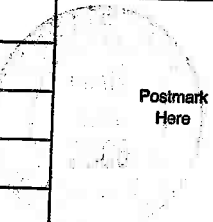
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Lunenburg, MA 01462
8-520,127
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Elizabeth O'Grady Trust
P.O. Box 239
Lempster, NH 03605

12-086,289


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Daniel & Pamela Thompson
13 Westray Drive
Nashua, NH 03062

9-284,096

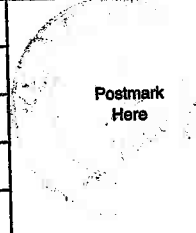
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Lee & Shelly Chamberlain
360 East River Road
Guilford, CT 06437

8-545,032

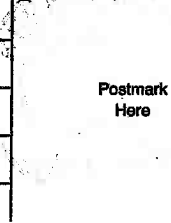
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Total Postage & Fees	\$	

James Sagalyn
17 Woodlawn Avenue
Northampton, MA 01060

9-291,256

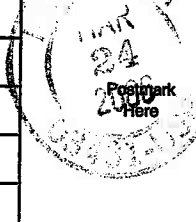
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Total Postage & Fees	\$	

Gary & Norma Lafountain
P.O. Box 1020
Goshen, NH 03752

8-512,101

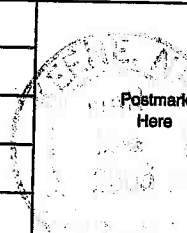
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Restricted Delivery Fee (Endorsement Required)		
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John W. & Karen Chamberlain
46 Meeting House Hill Road
North Franklin, CT 06254

8-546,042

for Instructions

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Bruce & Deidre Mehlman
27 Winter Street
Hillsboro, NH 03244

11-596,395

for Instructions

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William M. Tenney
c/o Nash, 313 Lempster Mtn. Rd.
Lempster, NH 03605

12-036,324

for Instructions

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P.O. Box 374
Lempster, NH 03605

11-583,386

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Albert & Josephine Irwin
485 Beechwood Street
Cohasset, MA 02025

11-589,388

for Instructions

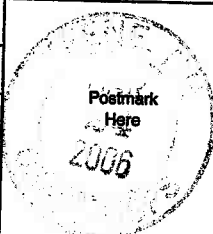
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Milton and Carol Marsh
P.O. Box 53
Lempster, NH 03605

12-053,312

for Instructions

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

David R. Wiggins
7 Alex Circle
Nashua, NH 03060

8-545,025

for Instructions

NATIONAL FLOOD INSURANCE PROGRAM

FHBM
FLOOD HAZARD
BOUNDARY MAP

TOWN OF
LEMPSTER,
NEW HAMPSHIRE
SULLIVAN COUNTY

PAGE 4 OF 4

(SEE MAP INDEX FOR PAGES NOT PRINTED)

COMMUNITY-PANEL NUMBER:
330160 0004 A

MAP REVISED:
MAY 18, 1979



U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

This is an official copy of a portion of the above referenced flood map. It is not to be used for any purpose other than that for which it was prepared or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

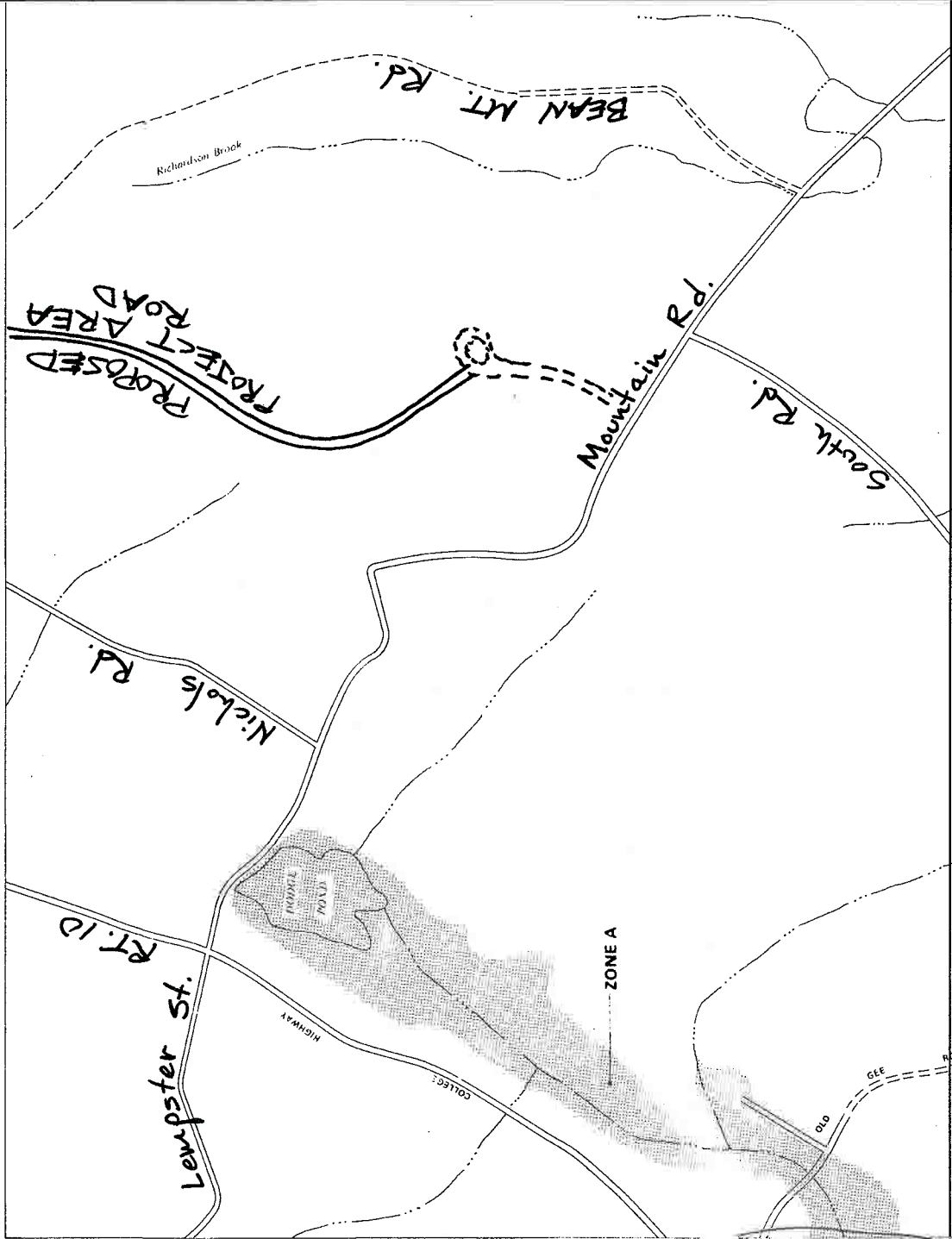


EXHIBIT D

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 318 km NE of New York, New York, United States 01 Jul 1984

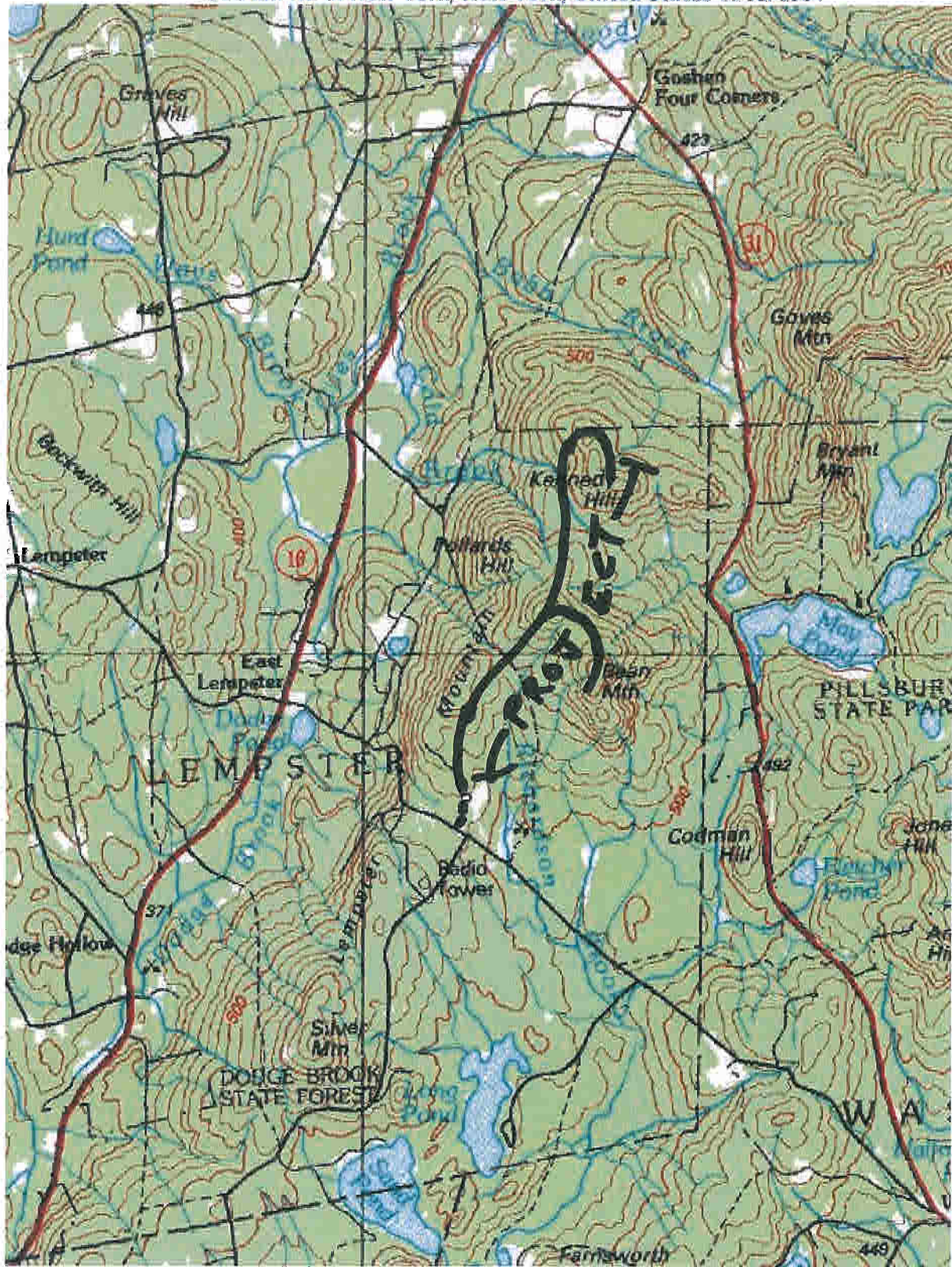
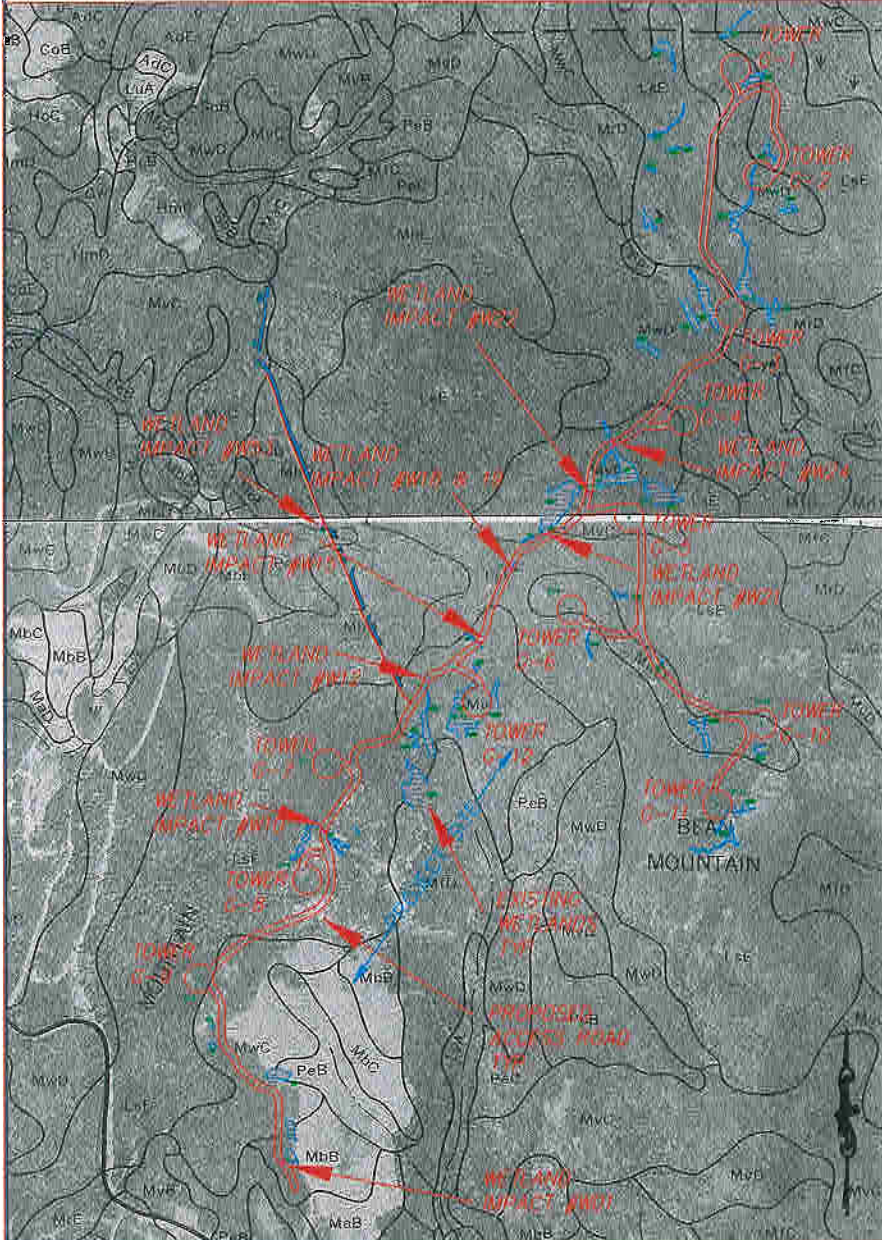


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EXHIBIT E

PROJECT SOIL TYPES LEMPSTER WIND, LLC LEMPSTER - SULLIVAN - NEW HAMPSHIRE



SOILS LEGEND

SOILS LEGEND	HYDROLOGIC GROUP
A3E Adams Loamy Sand	25-35% A
CoB Colton Sandy Loam	3-8% A
HcB Haven Outcrop Complex	3-8% C
HcC Haven Outcrop Complex	8-15% C
HmB Herman Stony Fine Sandy Loam	3-8% A
HmC Herman Stony Fine Sandy Loam	8-15% A
HmD Herman Stony Fine Sandy Loam	15-25% A
LaE Lyman-Monadnock Rock Outcrop Complex	25-35% C/D
LyA Lyne-Moosilauke Stony Loam	0-3% C
MaB Marlow Loam	3-8% C
MbC Marlow Stony Loam	8-15% C
MbD Marlow Stony Loam	15-25% C
MfD Monadnock Stony Fine Sandy Loam	15-25% B
MfD Monadnock-Herman Association	15-25% B
MvB Monadnock-Lyman Stony Fine Sandy Loam	8-15% B
MvC Monadnock-Lyman Stony Fine Sandy Loam	15-25% B
MwC Monadnock-Lyman Rock-Outcrop Complex	8-15% B
MwD Monadnock-Lyman Rock-Outcrop Complex	15-25% B
PcB Peru Loam	3-8% C
PcD Peru Loam	15-25% C

PROJECT LOCATION MAP



APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-XXXX

PREPARED BY: **CHIA**
CLOUGH HARBOUR & ASSOCIATES LLP

11 King Court, Keene NH 03431-4648

11 Wilens Circle, PO Box 5266, Albany, NY 12206
Main: (518) 453-4000 • www.cloughharbour.com

Main: (603) 357-2445 • www.cloughharbour.com

LEMPSTER WIND, LLC
PROJECT SOILS

TOWN: LEMPSTER

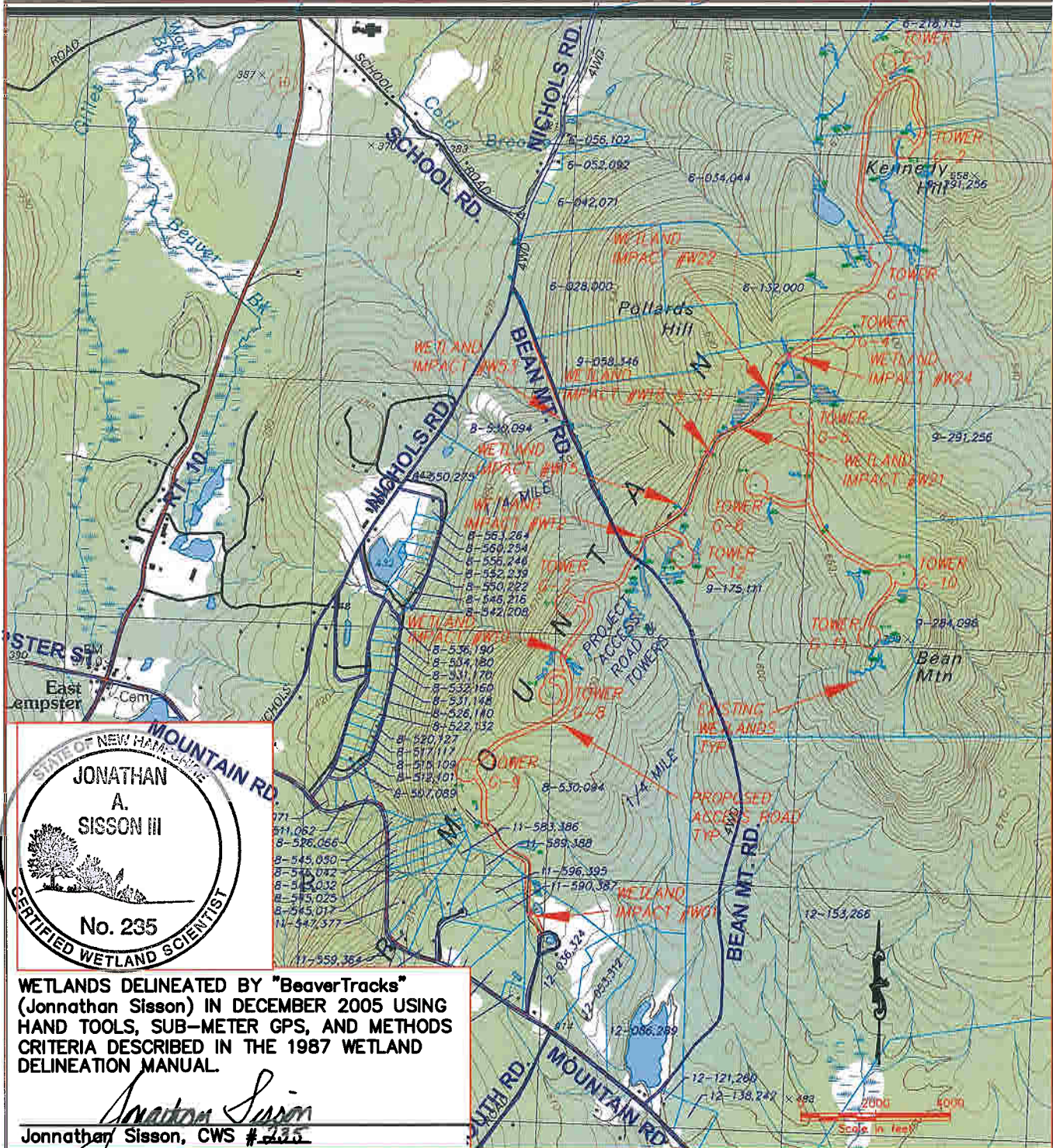
STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

SHEET
1 OF 11



WETLANDS DELINEATED BY "BeaverTracks" (Jonathan Sisson) IN DECEMBER 2005 USING HAND TOOLS, SUB-METER GPS, AND METHODS CRITERIA DESCRIBED IN THE 1987 WETLAND DELINEATION MANUAL.

Jonathan Sisson

Jonathan Sisson, CWS #235

APPLICANT: LEMPSTER WIND, LLC
 150 STRAFFORD AVE, SUITE 110
 WAYNE, PA 19087

CENAE-R-NAE#2006-XXXX

PREPARED BY: **CIA**
Clough Harbour & Associates LLP
 11 Winans Circle, PO Box 5298, Albany, NY 12208
 Main: (518) 463-4392 • www.cloughharbour.com

11 King Court, Keene NH 03431-4648
 Main: (603) 357-2445 • www.cloughharbour.com

**LEMPSTER WIND, LLC
 PROJECT WETLANDS**

TOWN: LEMPSTER **STATE:** NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

SHEET:
 2 of 11

WETLAND DATA FOR COMMUNITY ENERGY PROJECT IN LEMPSTER, NH

Wetland	Flag #'s	Wetland Class ¹	Hydric soil ²
1	W1-1 to W1-16	PSSIC	XB
2	W2-1 to W2-16	PSSIC	XB
3	W3-1 to W3-15	PFO1C	IXA1
4	W4-1 to W4-6	PEM2C	IV
5	W5-1 to W5-8	PFO1C	XB
6	W6-1 to W6-8	PSSIC, PEM2I	XB
7	W7-1 to W7-10	PSSIC, PEM2I	XB
8	W8-1 to 27, W8-101 to 112	PFO1C & PSSIC	XB & IXA1
9	W9-1 to W9-6	PFO4/1C	VII
10	W10-1 to W10-59	PFO4/1C	VII
11	W11-1 to W11-12	PFO4/1E	III
12	W12-1 to W12-49	R4UB4C, PFO4/1C	XB
13	W13-1 to W13-24	PEM2C	VII
14	W14-1 to W14-19	PFO1C	VII
15	W15-1 to W15-9	PEM2C	VII
16	W16-1 to W16-6	PEM2C	VII
17	W17-1 to W17-30	PEM2C, PSS1C	VII
18	W18-1 to W18-7	PEM2C (man-made)	None
19	W19-1 to W19-8	PEM2C (man-made)	None
20	W20-1 to W20-10	PEM2C	VI
21	W21-1 to W21-38, W21-101 to W21-110	PFO4/1E	III
22	W22-1 to W22-4	dug water hole for cattle	None
23	W23-1 to W23-4	dug water hole for cattle	None
24	W24-1 to W24-71	PFO4/1C in natural drain, PEM2H in bog	XB, III
25	W25-1 to W25-4	dug water hole for cattle	None
26	W26-1 to W26-18, W26-101 to W26-115	PFO4/1C	XB
28	W28-1 to W28-17	PFO4/1D	VII
29	W29-1 to W29-32	PSS4/1D	XB
30	W30-1 to W30-15	PFO4/1C	Organic layer on bed rock
31	W31-1 to W31-80	R4UB4D, PFO1/4D	VI
32	W32-1 to W32-14	R4UB4G	Gravel & bed rock
33	W33-1 to W33-5	PFO4/1C	Man-made
34	W34-1 to W34-24	R4UB4D	Gravel & bed rock
35	W35-1 to W35-17	PFO4/1C	IXA1
36	W36-1 to W36-13, W36-20 to W36-27	PFO1C	Organic layer on bed rock
37	W37-1 to W37-14	PFO4/1C	VII
38	W38-1 to W38-12	PFO4/1C	VII
39	W39-1 to W39-17	PSS4C1	XB
40	W40-1 to W40-4	PFO1C	XB
41	W41-1 to W41-10	R4RB2 (water flows on bedrock, stream ends when soil deepens), PFO1/4C	XB
42	W42-1 to W42-22	PFO1/4C	XB
43	W43-1 to W43-11	PFO1/4C	XB
44	W44-1 to W44-15	PFO1/4C	XB
45	W45-1 to W45-13	PFO1/4C	IXA1
46	W46-1 to W46-6	PFO4C	VII
47	W47-1 to W47-22	PFO4/1C	IXC3
48	W48-1 to W48-8	PFO4/1C	IXC3
49	W49-1 to W49-7	PFO4D	III
49a	W49a-1 to W49a-47	PFO4C	IXC1
50	W50-1 to W50-26	PFO4C	IXC1

¹ The plants were classified using the 1988 USFWS National List of Plant Species that Occur in Wetlands (Region 1).

² The soils were evaluated in accordance with the publication "Field Indicators for Identifying Hydric Soils in New England, Version 3", April 2004.

³ The wetlands were classified in accordance with the procedures outlined in the USFWS "Methodology for the Classification of Wetlands and Deepwater Habitats", 1987.

Wetland	Hydrology
1	Ponded water and saturated soil
2	Ponded water and saturated soil
3	Natural drain, signs of water flowing, hear water flowing subsurface
4	Ponded water and saturated soil
5	Ponded water and saturated soil
6	Soil Saturated
7	Soil Saturated
8	Surface water, running water, ponded water up to 6" deep
9	Water seeping from ground
10	Natural drain, water flowing, soil saturated on banks
11	Ponded water and saturated soil
12	Water flowing in stream, banks saturated
13	Surface water present, Soil saturated
14	Natural drain, water flowing, soil saturated on banks
15	Water flowing in ditch
16	Ponded water and saturated soil
17	Natural drain, water flowing, soil saturated on banks
18	Ponded water and saturated soil
19	Surface water through culvert from Wetland 18
20	Ponded water and saturated soil
21	Soil Saturated
22	Ponded water
23	Ponded water
24	Natural drain, water flowing, soil saturated on banks: soil saturated in bog
25	Ponded water
26	Surface water present, Soil saturated
28	Natural drain, signs of water flowing, hear water flowing subsurface
29	Natural drain, water flowing, soil saturated on banks
30	Natural drain, water flowing, soil saturated on banks
31	Natural drain, water flowing, soil saturated on banks
32	Natural drain, water flowing, soil saturated on banks
33	Surface water present, Soil saturated
34	Surface water present, Soil saturated
35	Surface water present, Soil saturated
36	Surface water present, Soil saturated
37	Surface water present, Soil saturated
38	Surface water present, Soil saturated
39	Natural drain, water flowing, soil saturated on banks
40	Natural drain, water flowing, soil saturated on banks
41	Natural drain, water flowing, soil saturated on banks
42	Natural drain, water flowing, soil saturated on banks
43	Natural drain, water flowing, soil saturated on banks
44	Surface water present, Soil saturated
45	Natural drain, water flowing, soil saturated on banks
46	Ponded water and saturated soil
47	Ponded water and saturated soil
48	Ponded water and saturated soil
49	Surface water present, Soil saturated
49a	Natural drain, water flowing, soil saturated on banks
50	Natural drain with saturated soil

¹ The plants w

² The soils we

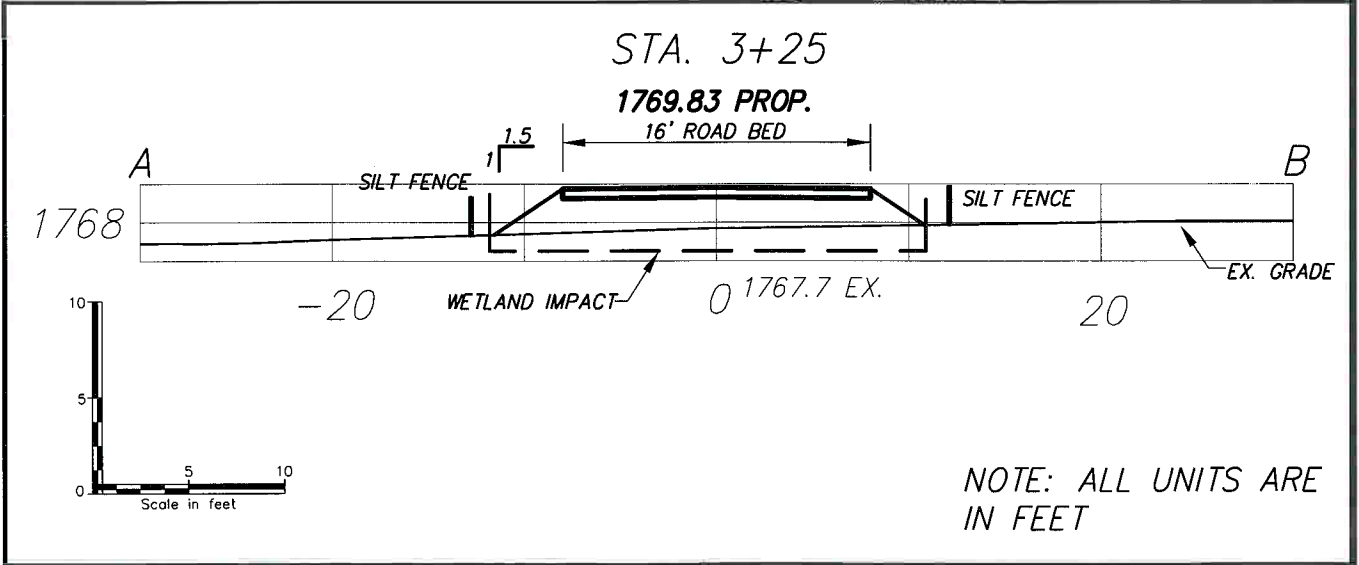
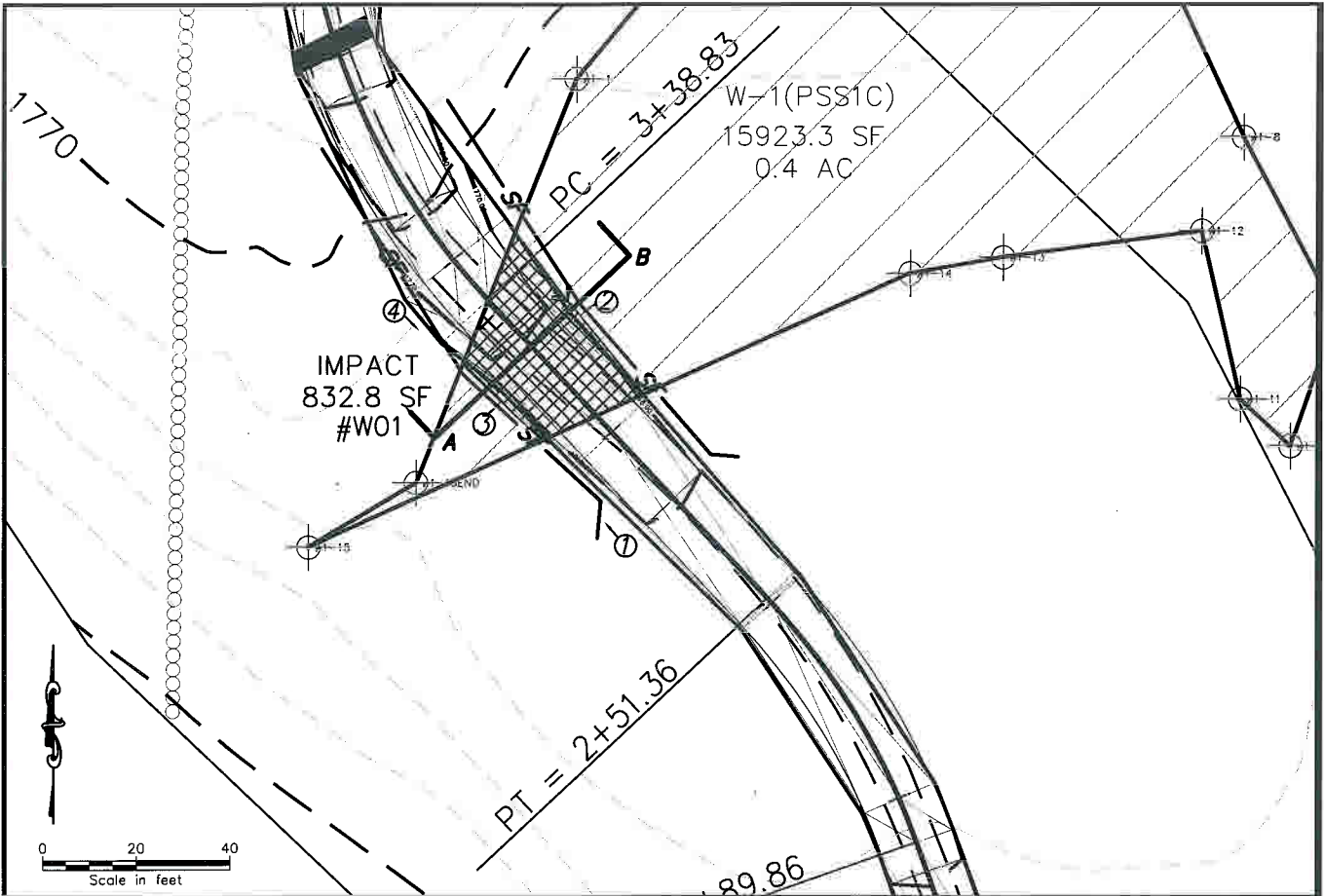
³ The wetland:

Wetland	Vegetation ³
1	Pussy willow, Red Osier Dogwood, meadowsweet, deertongue, small white aster, sensitive fern, gold thread
2	Spicard Alder, Red maple, highbush blueberry, hard hack, gray birch, sensitive fern, gold thread
3	red maple, gray birch, highbush blueberry, winter berry, gold thread, spag moss, cinnamon fern, NY fern
4	soft rush, lurid sedge, woolgrass, meadowsweet
5	red maple, gray birch, yellow birch, sphag moss, blue flag, cinnamon fern, meadowsweet
6	hard hack, highbush blueberry, red spruce, NY fern, meadowsweet, gold thread, swamp dewberry, soft stem rush
7	hard hack, highbush blueberry, red spruce, NY fern, meadowsweet, gold thread, swamp dewberry, soft stem rush
8	red maple, red raspberry, black berry, gray birch, yellow birch, gold thread, swamp dewberry, cinnamon fern, sensitive fern
9	red maple, red maple, meadowsweet, sphag moss, cinnamon fern, gold thread, swamp dewberry, highbush blueberry, raspberry
10	red spruce, red maple, yellow birch, sphag moss, cinnamon fern, NY fern, gold thread, swap dewberry, highbush blueberry
11	red spruce, yellow birch, sphag moss, cinnamon fern, grasses and sedges
12	red spruce, red maple, gray birch, yellow birch, cinnamon fern, gold thread, meadowsweet, swamp dewberry
13	Lurid sedge, soft stem rush, hard hack, small white aster, meadowsweet, grasses.
14	Yellow birch, red maple, high bush blueberry, hard hack, meadowsweet, swamp dewberry, cinnamon fern, NY fern
15	soft stem rush, lurid sedge, grasses
16	soft stem rush, lurid sedge, hard hack, grasses
17	soft stem rush, lurid sedge, swamp dewberry, hard hack, meadow sweet, grasses
18	soft stem rush, small white aster, gold thread, hard hack, sensitive fern, lurid sedge
19	soft stem rush, small white aster, hard hack, meadow sweet, lurid sedge
20	Lurid sedge, cinnamon fern, soft stem rush, sensitive fern, hard hack, sphagnum moss, common winterberry
21	balsam fir, red maple, yellow birch, gray birch, hobble bush, common winterberry, sphagnum moss, gold thread, cinnamon fern
22	No dominant hydrophitic vegetation
23	No dominant hydrophitic vegetation
24	balsam fir, red spruce, red maple, yellow birch, cinnamon fern, NY fern, sensitive fern, swamp dewberry, sphagnum moss, gold thread in drain, grasses, cinnamon fern, common winterberry, hard hack
25	No dominant hydrophitic vegetation
26	red maple, yellow birch, red spruce, balsam fir, NY fern, cinnamon fern, hard hack, swamp dewberry, gold thread
28	red spruce, red maple, bass wood, cinnamon fern, NY fern, gold thread, sphagnum moss
29	Red spruce, red maple, hard hack, black berry, raspberry, sphagnum moss, gold thread, swamp dewberry, small white aster, meadow sweet
30	red spruce, red maple, yellow birch, hard hack, black berry, raspberry
31	red spruce, red maple, yellow birch, cinnamon fern, sensitive fern, gold thread, raspberry, black berry
32	red spruce, red maple, gray birch, yellow birch, cinnamon fern on banks
33	red spruce, red maple, small white aster, black berry, grasses, goldenrod
34	red maple, gray birch, bass wood, blackberry, raspberry, beech on bank
35	red spruce, yellow birch red maple, cinnamon fern, NY fern
36	yellow birch, red maple, bass wood, red spruce, white ash, blackberry raspberry, cinnamon fern
37	red spruce, yellow birch, red maple, gray birch, cinnamon fern, NY fern
38	red spruce, yellow birch, red maple, cinnamon fern, lurid sedge, fringe sedge, NY fern
39	red spruce saplings, yellow birch saplings, swamp dewberry, highbush blueberry, hard hack, soft stem rush, raspberry
40	yellow birch, bass wood, NY fern, cinnamon fern
41	red maple, yellow birch, hobble bush, black berry
42	red maple, yellow birch, red spruce, hobble bush, NY fern, cinnamon fern, bracken fern
43	red maple, red spruce, cinnamon fern, gold thread, NY fern
44	yellow birch, red spruce, cinnamon fern, fringe sedge, sphagnum moss, soft stem rush
45	gray birch, yellow birch, red spruce, paper white birch, NY fern, cinnamon fern
46	red spruce, cinnamon fern
47	red spruce, gray birch, red maple, highbush blueberry, swamp dewberry, cinnamon fern, NY fern
48	red spruce, gray birch, red maple, swamp dewberry, cinnamon fern, hard hack, sphagnum moss
49	red spruce, cinnamon fern, common winterberry
49a	Red spruce, cinnamon fern, sphagnum moss
50	red spruce, cinnamon fern, NY fern, sphagnum moss

¹ The plants w

² The soils we

³ The wetland:



APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-xxxx

PREPARED BY: **CHA**
CLOUGH HARBOUR & ASSOCIATES LLP
11 King Court, Keene NH 03431-4648
Main: (603) 357-2445 • www.cloughharbour.com

LEMPSTER WIND, LLC
PROJECT WETLAND IMPACT W01

TOWN: LEMPSTER STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

SHEET:
3 of 11



② WEST



④ SOUTH

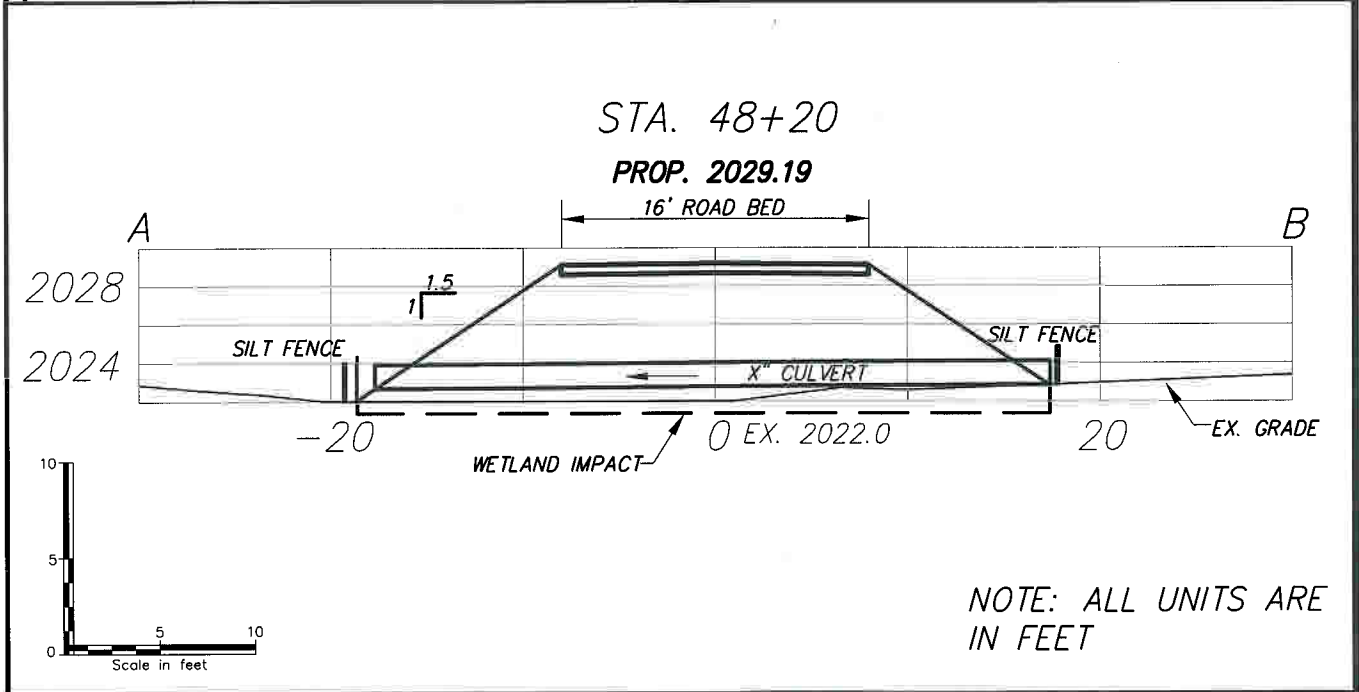
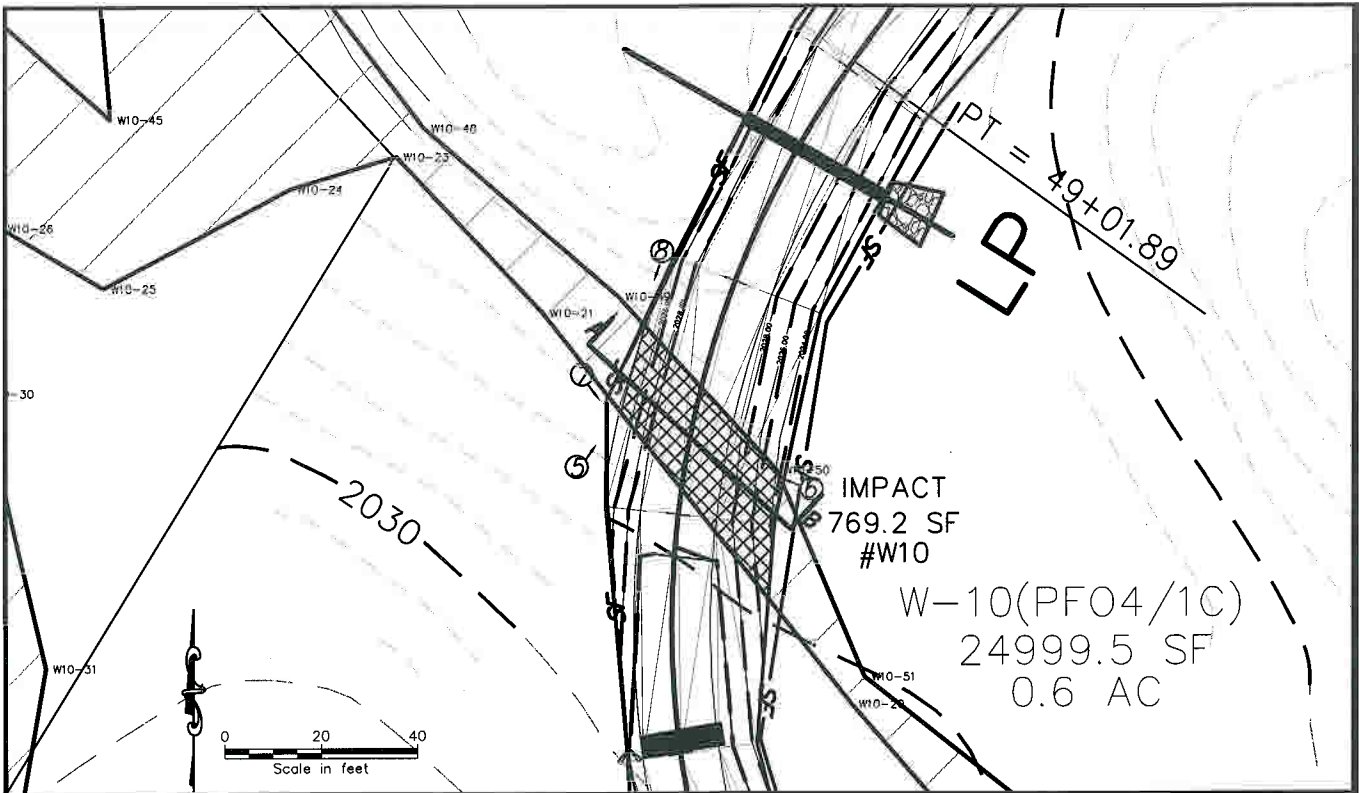


① North



③ EAST

WETLAND IMPACT-W01



APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-xxxx

PREPARED BY: **CHA**
CLOUGH HARBOUR & ASSOCIATES LLP
11 King Court, Keene NH 03431-4648
Main: (603) 357-2445 · www.cloughharbour.com

LEMPSTER WIND, LLC
PROJECT WETLAND IMPACT W10

TOWN: LEMPSTER STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

SHEET:
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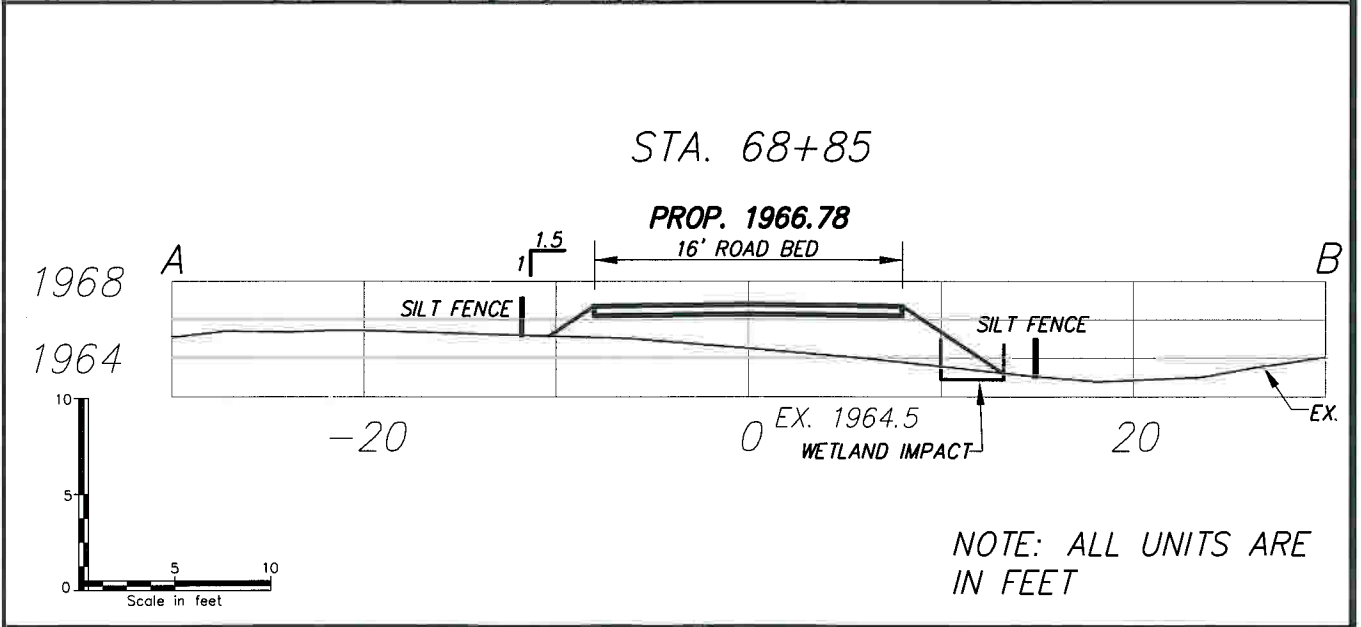
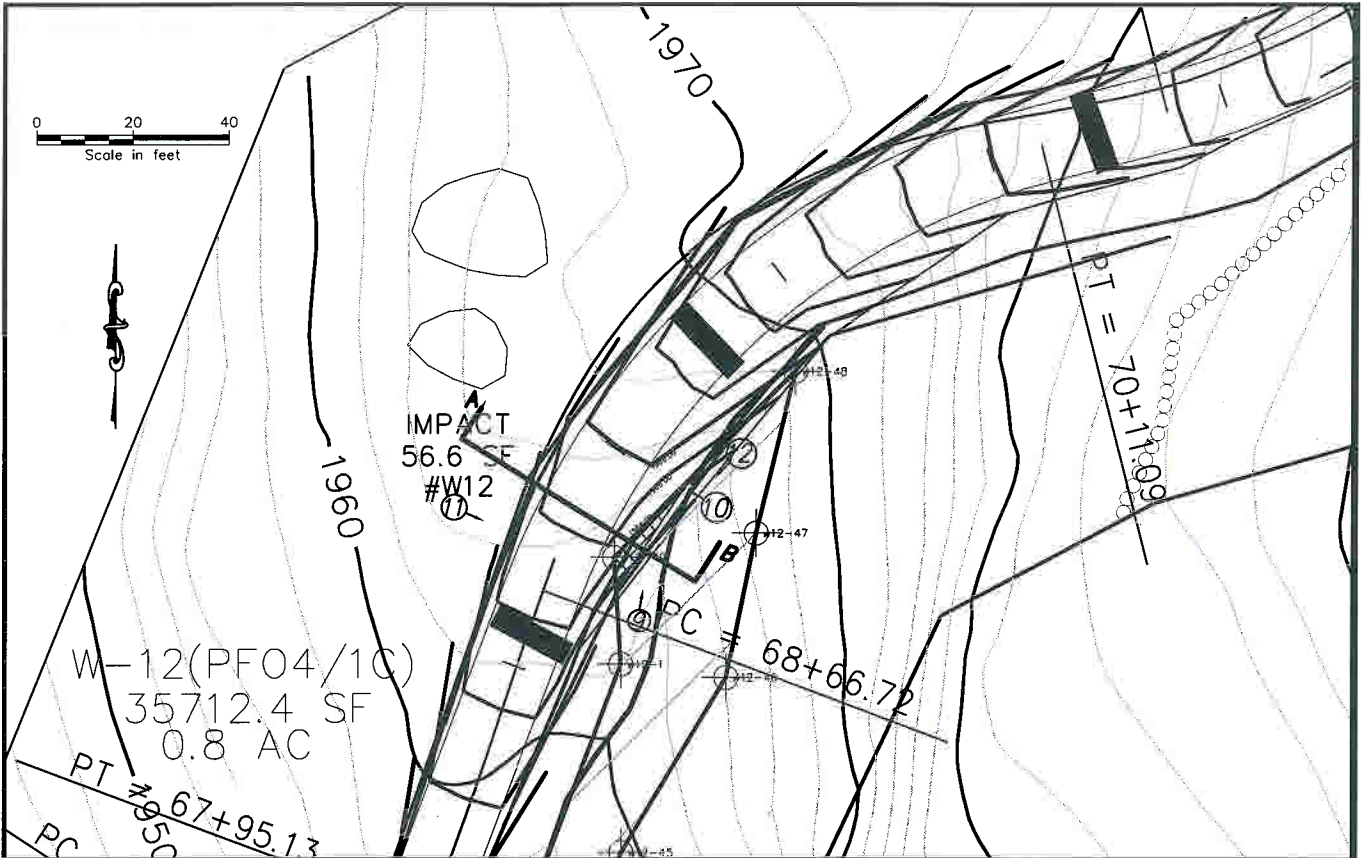


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WETLAND IMPACT - W/0



APPLICANT: LEMPSTER WIND, LLC
 150 STRAFFORD AVE, SUITE 110
 WAYNE, PA 19087
CENAE-R-NAE#2006-xxxx
PREPARED BY: **CHA**

 CLOUGH HARBOUR & ASSOCIATES LLP
 11 King Court, Keene NH 03431-4648
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LEMPSTER WIND, LLC
PROJECT WETLAND IMPACT W12

TOWN: LEMPSTER **STATE:** NH
COUNTY: SULLIVAN
DATE: MARCH 24, 2006
REVISED:

SHEET:
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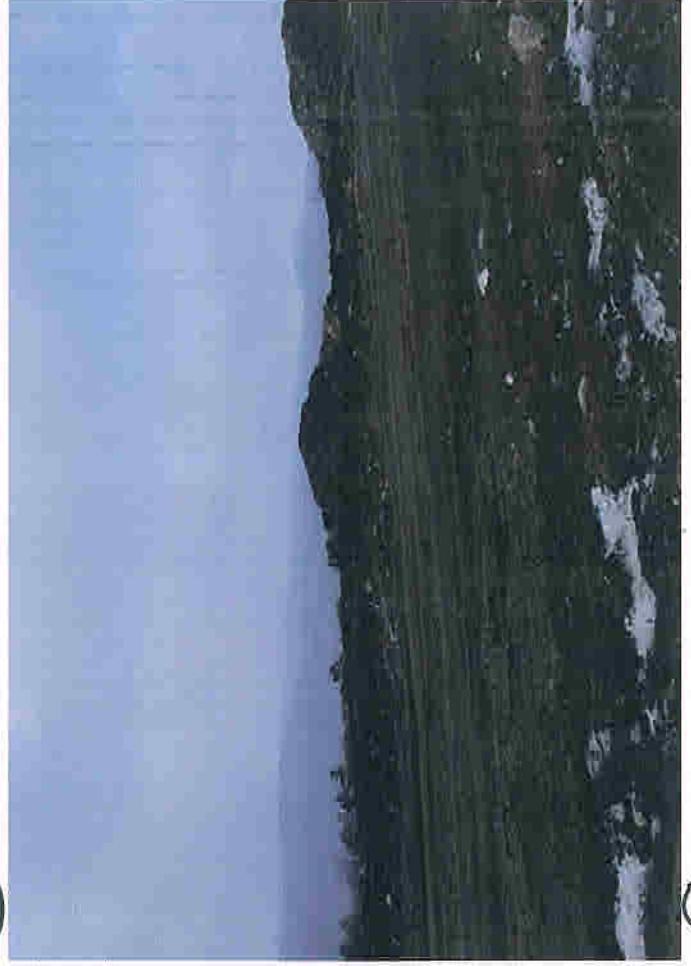
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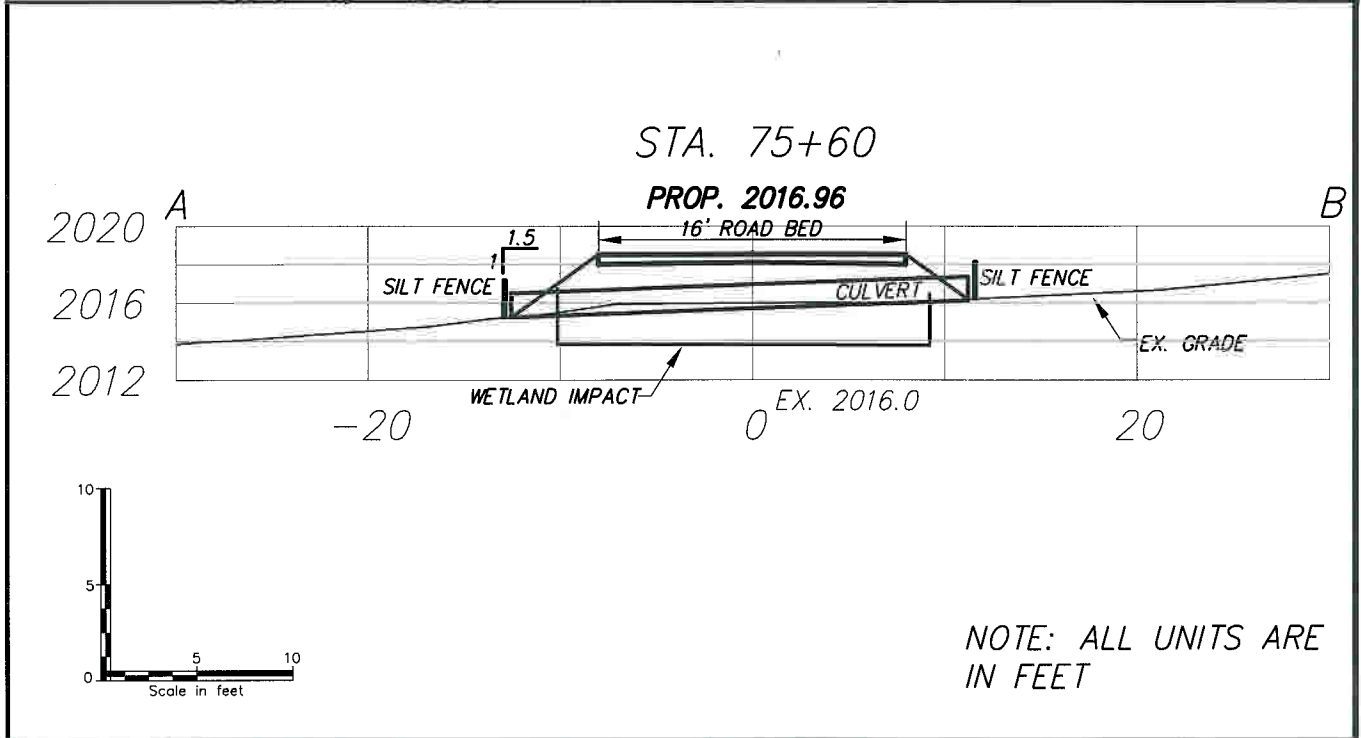
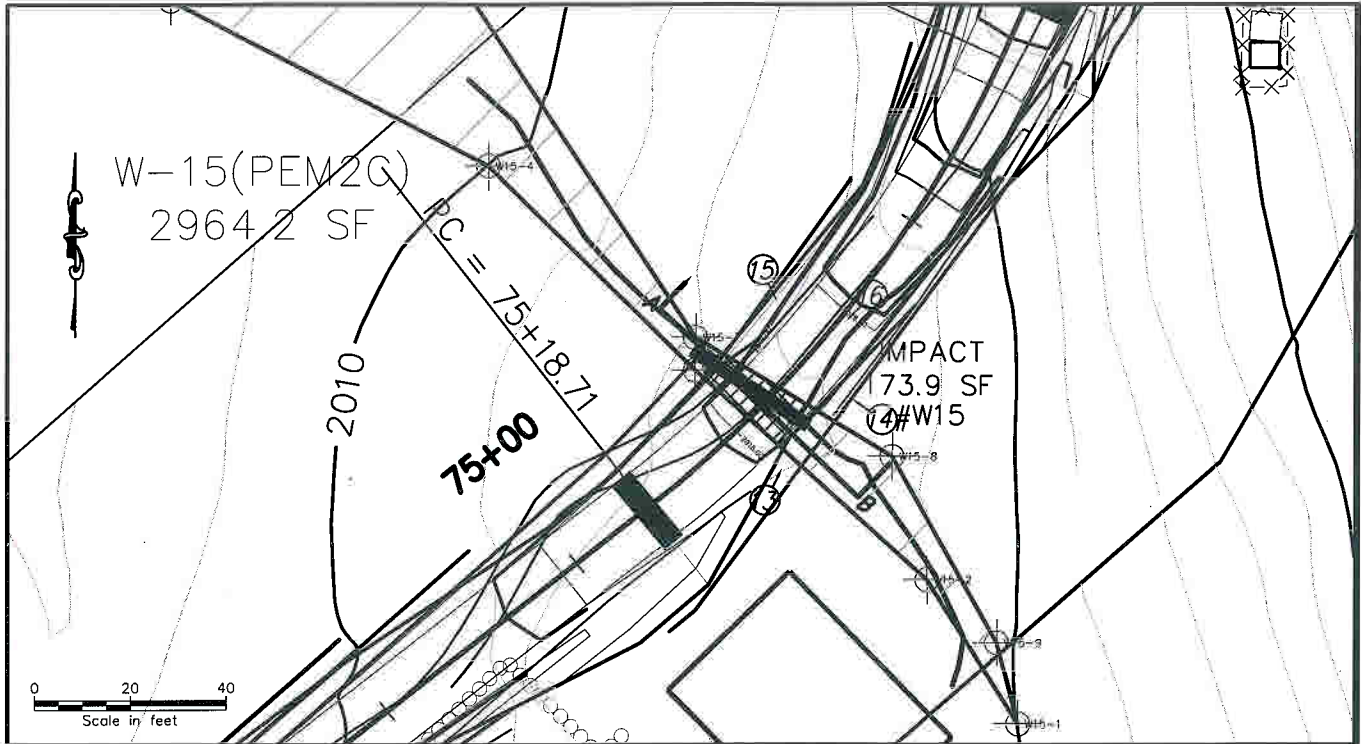
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APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-xxxx

PREPARED BY:

CHA

CLOUGH HARBOUR & ASSOCIATES LLP
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11 King Court, Keene NH 03431-4648
Main: (603) 357-2445 · www.cloughharbour.com

LEMPSTER WIND, LLC
PROJECT WETLAND IMPACT W15

TOWN: LEMPSTER

STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

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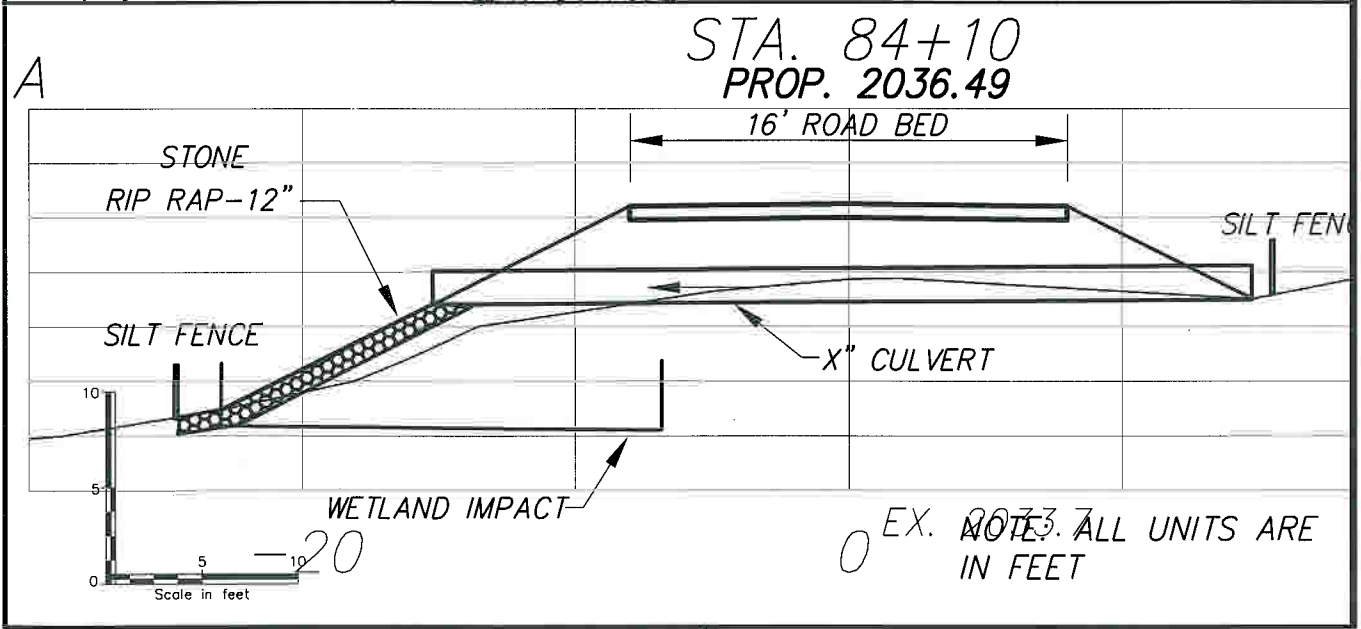
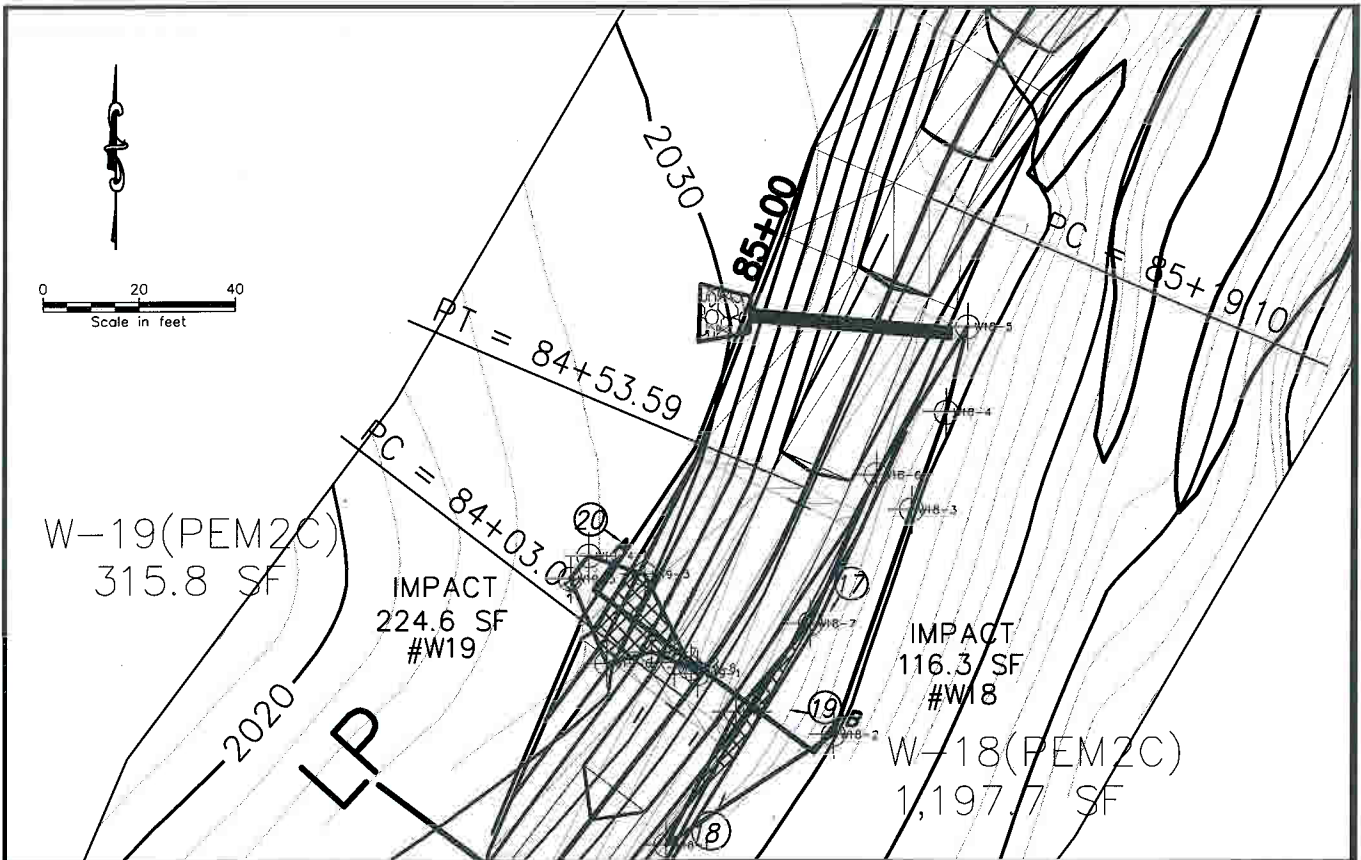


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WETLAND IMPACT - WIS



APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-xxxx

PREPARED BY: **CHA**
CLOUGH HARBOUR & ASSOCIATES LLP
11 King Court, Keene NH 03431-4648
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LEMPSTER WIND, LLC
PROJECT WETLAND IMPACTS W18-19

TOWN: LEMPSTER STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

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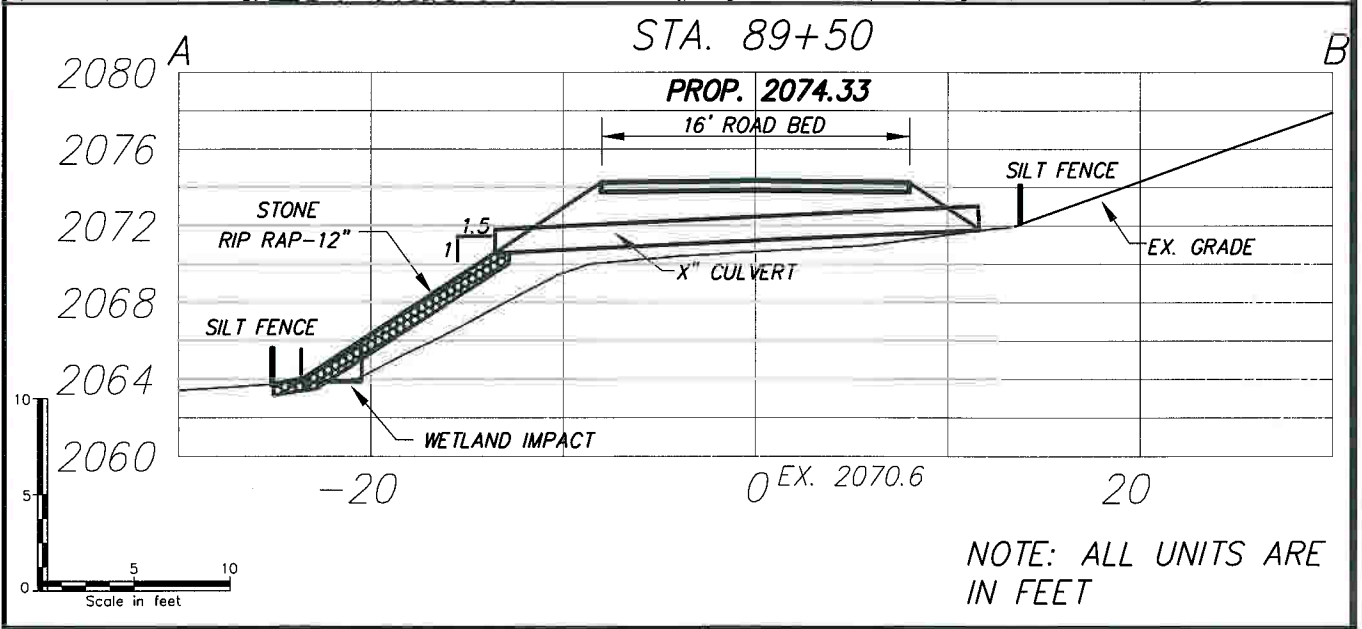
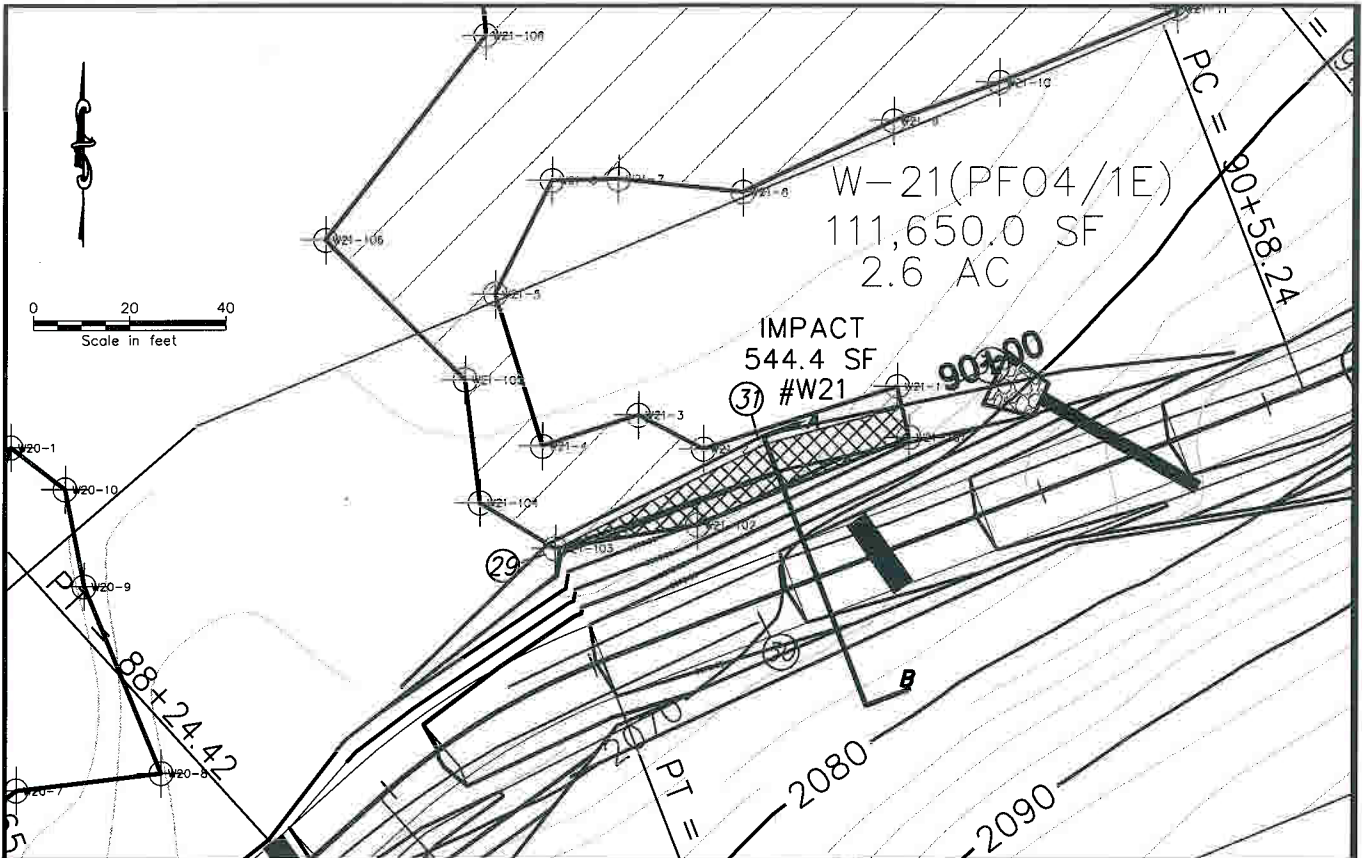


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WETLAND IMPACT - W18 - W19



APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-xxxx

PREPARED BY: **CHA**
CLOUGH HARBOUR & ASSOCIATES LLP
11 King Court, Keene NH 03431-4648
Main: (603) 357-2445 - www.cloughharbour.com

LEMPSTER WIND, LLC
PROJECT WETLAND IMPACT W21

TOWN: LEMPSTER STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

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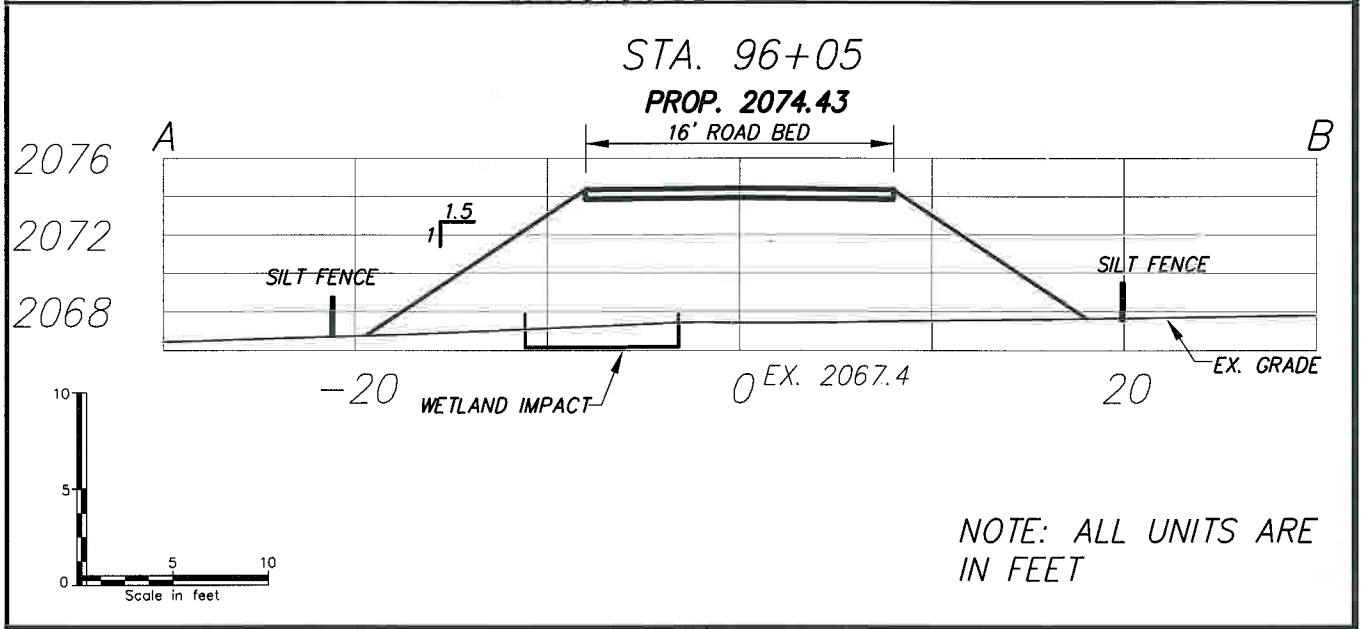
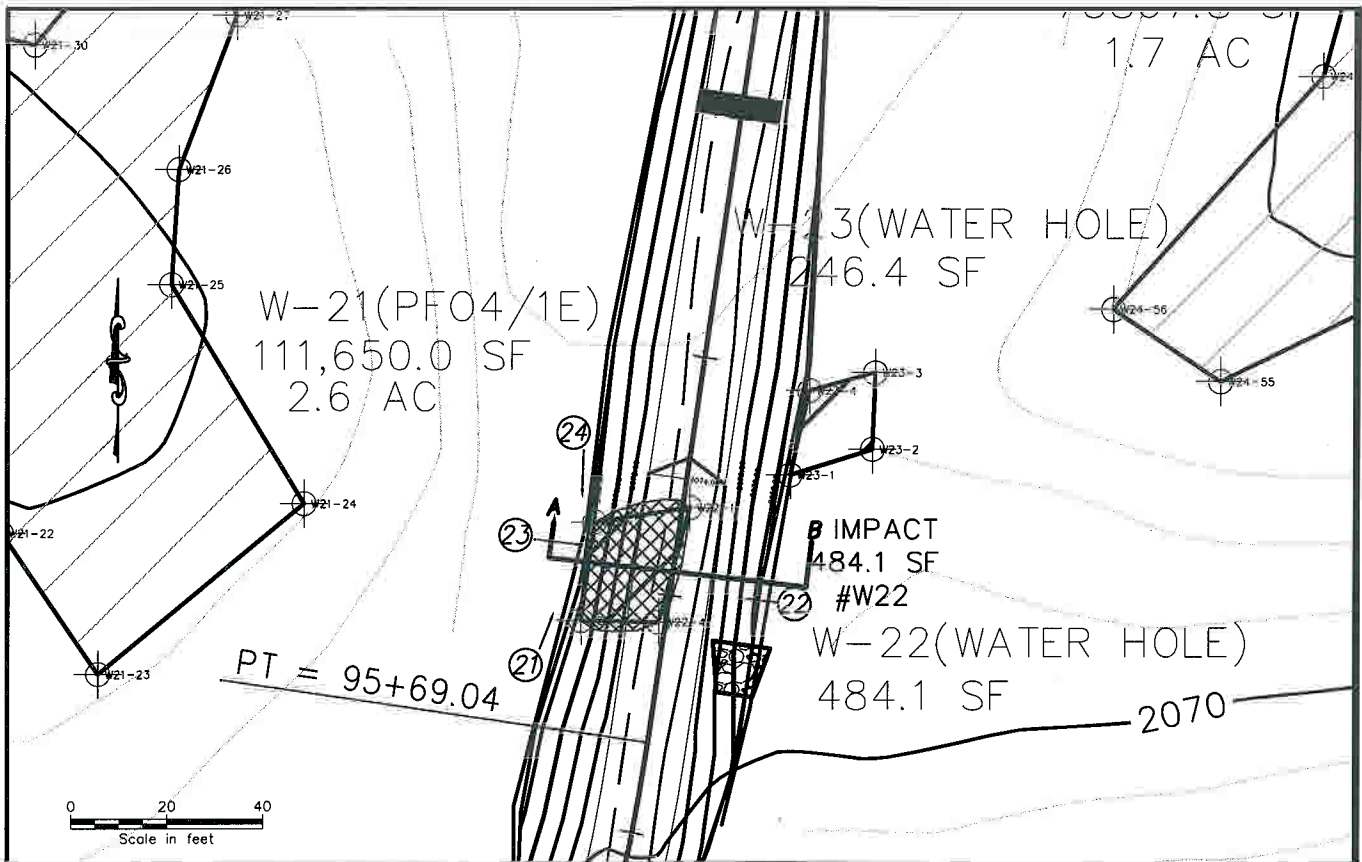


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WETLAND IMPACT - W21



APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-xxxx

PREPARED BY: **CHA**
CLOUGH HARBOUR & ASSOCIATES LLP
11 King Court, Keene NH 03431-4648
Main: (603) 357-2445 · www.cloughharbour.com

LEMPSTER WIND, LLC
PROJECT WETLAND IMPACT W22

TOWN: LEMPSTER STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISD:

SHEET:
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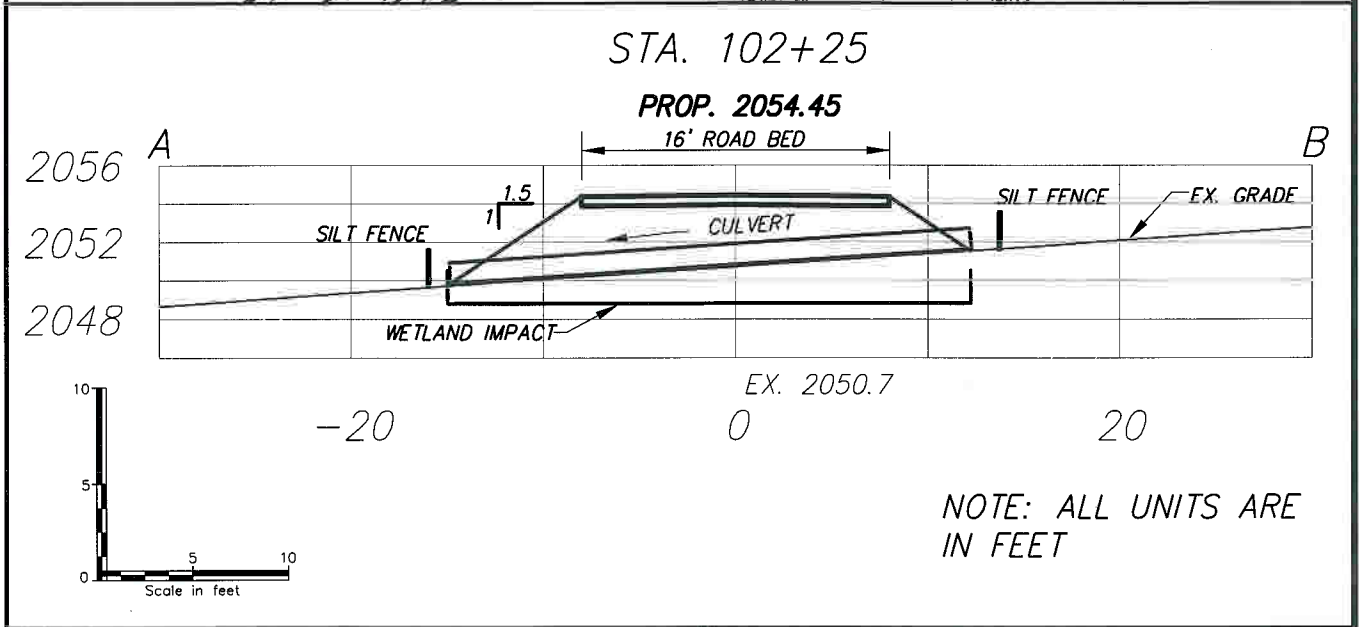
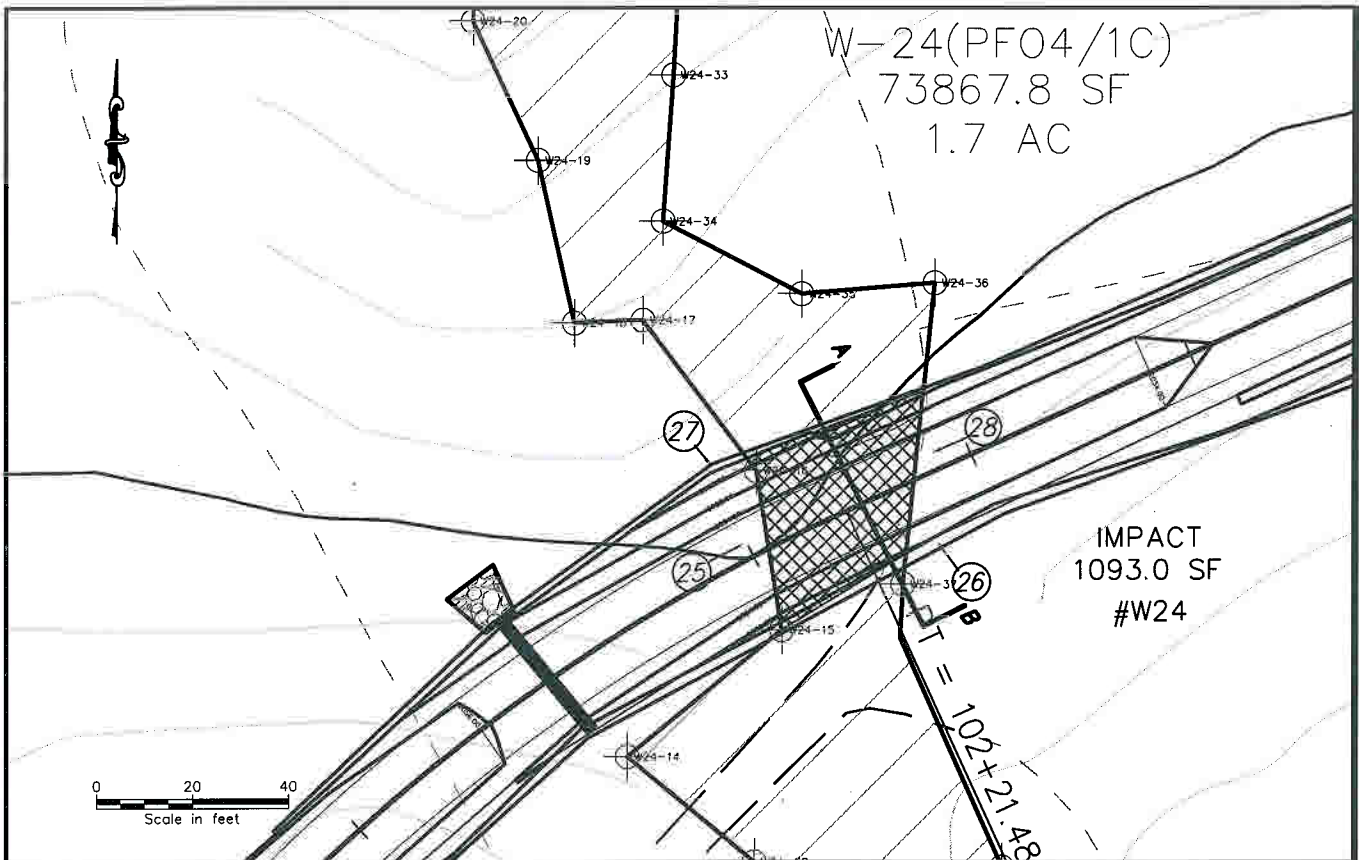


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WETLAND IMPACT - W22



APPLICANT: LEMPSTER WIND, LLC
150 STRAFFORD AVE, SUITE 110
WAYNE, PA 19087

CENAE-R-NAE#2006-xxxx

PREPARED BY: **CHA**
CLOUGH HARBOUR & ASSOCIATES LLP
11 King Court, Keene NH 03431-4648
Main: (603) 357-2446 · www.cloughharbour.com

LEMPSTER WIND, LLC
PROJECT WETLAND IMPACT W24

TOWN: LEMPSTER STATE: NH

COUNTY: SULLIVAN

DATE: MARCH 24, 2006

REVISED:

SHEET:
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WETLAND IMPACT- W24



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WETLAND IMPACT- W53



NEW HAMPSHIRE NATURAL HERITAGE BUREAU

To: Joseph Lerner, Community Energy Inc
299 Broadway Suite 808
New York NY 10007

From: Sara Cairns, NH Natural Heritage Bureau

Date: 8/4/2004

Re: Review by NH Natural Heritage Bureau of request dated 8/2/2004

NHB File ID: NHB-3891 **Town:** Lempster
Project type: Windpower installation **Location:** Wind power installation,
Lemster Mountain

I have searched our database for records of rare species and exemplary natural communities near the area identified in your request. The species considered include all those officially listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. For some purposes, including legal requirements for state wetland permits, the fact that no species of concern are known to be present is sufficient. However, an on-site survey would provide better information on what species and communities are indeed present.



Lee E. Perry
Executive Director

New Hampshire Fish and Game Department

11 Hazen Drive, Concord, NH 03301-5509
Phone/Fax: (603) 271-3421
Web site: www.wildlife.state.nh.us

TDD Access: Relay NH 1-800-735-2004
Fax: (603) 271-4338
E-mail: info@wildlife.state.nh.us

October 18, 2004

Michael Curry
Curry & Kerlinger, L.L.C.
PO Box 453
Cape May Point NJ 08212

RE: NHFG file 2004-0684, Lempster Mountain Wind Project

Dear Mr. Curry:

The NH Fish and Game Nongame and Endangered Wildlife program has reviewed your request for information regarding state-listed species near the proposed Lempster Mountain wind project. We have no known locations of state listed species found within the boundary of the project. However, there is high potential for impacts to a variety of wildlife species under the proposed project. Although we have not documented the presence of endangered species at the proposed impact location, this area has not been sampled for rare species to our knowledge.

Of major concern are the potential effects on migratory birds and bats. U.S. Fish and Wildlife Service has authority over impacts to migratory birds through the Migratory Bird Treaty Act of 1918 and the NHFG has authority under the Endangered Species Conservation Act (RSA 212A). Several bats of conservation concern could be potentially found in areas surrounding the proposed impact including Eastern red bat, Hoary bat, Silver-haired bat, Eastern pipistrelle and the state endangered small-footed bat. Other species that may occur in the general area include bobcat, state-threatened pine marten and possibly three-toed woodpeckers.

In addition to direct impacts to migratory birds and bats, we have concerns over the habitat loss and fragmentation that would occur as a result of clearing and construction of access roads. Wide ranging mammals may be particularly vulnerable to these fragmentation features, including marten, bobcat, bear, and moose.

We look forward to meeting with you and the U.S. Fish and Wildlife Service regarding this issue. Please contact me at 603-271-3016 for further details.

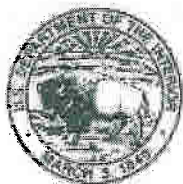
Conserving New Hampshire's wildlife and their habitats since 1865.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Marchand".

Michael Marchand
Nongame & Endangered Wildlife Program

Cc: Michael Bartlett, U.S. Fish and Wildlife Service
Bill Ingham, NH Fish and Game Ecologist



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087

RE: Lempster Mountain Wind Farm
Sullivan County, NH

October 29, 2004

Michael Curry
Curry & Kerlinger, L.L.C.
P.O. Box 453
Cape May Point, New Jersey 08212

Dear Mr. Curry:

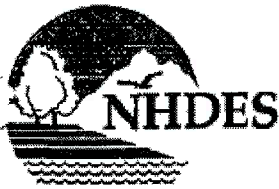
I have reviewed your request for information on endangered and threatened species and their habitats for the above-referenced project. My comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area. However, some threatened and endangered species, such as the bald eagle and the Indiana bat, are migratory and their seasonal movements are not well known. At this time, we are unaware of any recent, documented records of endangered Indiana bats east of the Green Mountains in Vermont. While there is a potential for bald eagles to occur in the project area, the nature of their presence is probably irregular and transitory. Without site-specific information on bald eagle migration for the project area, we cannot provide more specific information at this time.

Thank you for your cooperation, and please contact me at 603-223-2541, extension 23, if we can be of further assistance.

Sincerely yours,

Michael J. Amaral
Endangered Species Specialist
New England Field Office



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
 Commissioner

Pre-Planning Meeting

Community Energy -
Lempster Wind Power Project

Convened at
 The Offices of the
 New Hampshire Department of Environmental Services
 Conference Room 113
 P. O. Box 95
 29 Hazen Drive
 Concord, NH 03302-0095

April 8, 2005
 10:00 to 11:30 AM

ATTENDANCE

Name	Affiliation	Telephone Number	Email
Collis Adams	NHDES	271-4054	cadams@des.state.nh.us
Imad Drew	NHDES	271-3316	idrew@des.state.nh.us
BILL INGHAM	NHFGD	271-6652	mingham@wildlife.state.nh.us
Vernon Long	FWS	223-2541	vernon.long@fws.gov
CRAIG RENNIE	NHDES	271-0676	crennie@des.state.nh.us
Mike Marzhand	NAFG	271-3516	michaelmarzhand@wildli
Susi von Oettingen	USFWS	223-2541 ext 22	susi.vonOettingen@fws.state.nh.us
PAUL KERLINGER	C+K LLC	609-884-2842	pkeringer@snip.net
JEFF KEELER	COMMUNITY ENERGY INC.	203-245-0757	jeff.keeler@newwindenergy.com
Lionel Chute	DREO - Natural Heritage	271-3623	lchute@des.state.nh.us
RENE PELLETIER	NHDES	271-2951	rPelletier@des.state.nh.us



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Cultural Resources
19 Pillsbury Street, Concord, NH 03301-3570
TDD Access: Relay NH 1-800-735-2964
www.nh.gov/nhdhr

603-271-3483
603-271-3558
FAX 603-271-3433
preservation@nhdhr.state.nh.us

December 23, 2005

Amy Dixon
The Louis Berger Group, Inc.
75 Second Avenue, Suite 700
Needham, MA 02494

Re: Request for Review-FAA and EPA-NPDES permit requirements
Proposed Lempster Mountain Wind Power Project, Lempster, NH, NH

Dear Ms. Dixon:

This letter is in response and follow-up to our previous correspondence with you. First, thank you for providing the Division of Historical Resources (DHR) an opportunity to comment on your project. Before the DHR can make an informed comment on your proposed project our office needs additional information on the presence or absence of historic and or archaeological resources that may be located within the project's area of impact.

Due to the scope of this project, the DHR is requesting that project proponents and consultants contact the DHR to schedule a meeting to discuss project survey needs. The installation of these wind-turbine generators will require many ground disturbances, not only for the placement of the turbines, but also for access, construction needs, connection to the power grids, etc. Because there have been no archaeological surveys conducted in these areas, and archaeologist will be required to conduct a sensitivity assessment. Discussion of the eligible properties should also occur.

With this letter the DHR is informing you and your clients that surveys are required and they are not considered an option. In order to meet the requirements of Section 106 of the National Historic Preservation Act of 1966, (16 U.S.C. 470f), a federal requirement that states if projects are federally funded, permitted, or licensed, then Section 106 shall be complied with. Section 106 directs a project sponsor to comply with the identification and evaluation of cultural resources that are eligible for the National Register of Historic Places. If the property has not been previously surveyed and the State Historic Preservation Office considers the area potentially sensitive for cultural resources, it is then the responsibility of the project proponent to continue the identification process.

In order to meet the requirements of Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), a federal requirement, the Division directs you to our list of qualified archaeological consultants (<http://www.state.nh.us/nhdhr/106prof.html>) to conduct the appropriate surveys.

Thank you. If you have any questions, please call me at 271-2813.

Sincerely,

Edna Feighner, NHDHR
Review and Compliance Coordinator



Cc: FAA
EPA
DES
Lempster Planning Board