

**ATTACHMENT 2  
EMAIL FROM EPA**

## Valleau, Dana

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**Subject:** FW: Antrim Wind - Checking In

-----Original Message-----

From: Kern, Mark [mailto:kern.mark@epa.gov]  
Sent: Monday, May 09, 2016 10:32 AM  
To: Valleau, Dana <DValleau@trcsolutions.com>  
Cc: Keddell, David M NAE <David.M.Keddell@usace.army.mil>; Jack Kenworthy <jack.kenworthy@waldengreenenergy.com>; Sommer, Lori <Lori.Sommer@des.nh.gov>; Rennie, Craig <Craig.Rennie@des.nh.gov>  
Subject: RE: Antrim Wind - Checking In

Hi Dana,

I wrote my comments before I knew that you were protecting 900 acres via the Harris Center and others.

OK PGP.

The main reason we gather information on secondary impacts for projects like this is to help us sort out the mitigation plan. For secondary impacts we usually look at cutting wetland vegetation and tree removal along buffers to streams and vernal pools. Also forest fragmentation may come up in larger projects.

But even if that total (direct + secondary) pushes you over the mitigation threshold, what you are protecting will be larger than what we would require. So, I see no reason to try and sort this out. And I do not care if it is officially in the wetland permit or not. As long as you have an experienced group holding the land, things should work out well. So, we are good on my end.

Good luck, Mark

-----Original Message-----

From: Valleau, Dana [mailto:DValleau@trcsolutions.com]  
Sent: Monday, May 09, 2016 9:04 AM  
To: Kern, Mark <kern.mark@epa.gov>  
Cc: Keddell, David M NAE <David.M.Keddell@usace.army.mil>; Jack Kenworthy <jack.kenworthy@waldengreenenergy.com>  
Subject: FW: Antrim Wind - Checking In

Hi Mark,

I am forwarding you the below e-mail thread that addresses wetland impacts for the Antrim Wind Energy Project proposed for Antrim, NH. Also, we conducted a site visit with you and Dave Keddell in 2011 on the Project site and we confirmed at that time that mitigation for wetland impacts was not necessary. The Project layout footprint has been reduced in size since that site visit and wetland impacts remain similar and are all direct impacts totaling less than 10,000 square feet.

The NHDES sent us comments on April 26, 2016, which included the following comment:

"The Environmental Protection Agency's (EPA) preliminary review of the application indicated that the project is ineligible for the NH Programmatic General Permit (POP) as additional information is needed regarding secondary impacts to wetlands. Please coordinate with the EPA and the Army Corps of Engineers regarding secondary impact assessments and provide an update to DES."

I called Dave Keddell about this issue since he and I had already established that the Project does not have any secondary impacts (see below thread) and he recommended that I reach out to you for your concurrence. Please provide a response to this e-mail that confirms your concurrence that there are no secondary impacts to wetlands from this Project.

Let me know if you would like to discuss further.

Dana

Dana Valteau  
Environmental Specialist  
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-----Original Message-----

From: Valteau, Dana  
Sent: Tuesday, April 26, 2016 11:01 AM  
To: 'Keddell, David M NAE' <David.M.Keddell@usace.army.mil>; Jack Kenworthy <jack.kenworthy@waldengreenenergy.com>  
Subject: RE: Antrim Wind - Checking In

Dave,

I have a question about the phrase from below "...as long as the application that comes into the Corps...". You should already have the application for Antrim. If you need additional information, please let me know.

We also received the DES draft data requests and conditions letter today and it does say that this project does not meet the requirements to qualify for the PGP due to comments from the EPA that secondary impacts require mitigation (see page 7, Wetlands Bureau April 26, 2016, Additional Data Required #4). I am planning on addressing this with a statement that we do not have secondary impacts, with backup being consultation with the Army Corps.

Dana

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-----Original Message-----

From: Keddell, David M NAE [mailto:David.M.Keddell@usace.army.mil]  
Sent: Monday, April 11, 2016 10:18 AM  
To: Valleau, Dana <DValleau@trcsolutions.com>; Jack Kenworthy <jack.kenworthy@waldengreenenergy.com>  
Cc: Lori Sommer <Lori.Sommer@des.nh.gov>  
Subject: RE: Antrim Wind - Checking In

Hi Dana:

Thank you. I had called Lori after our phone call to let her know you confirmed there were no secondary impacts that may require mitigation. This is the only application I have had which did not have any secondary impacts to be addressed so it is an automatic reaction for me to ask about them.

The DES wrote their letter after that call. As long as the application that comes into the Corps specifically states that there are no secondary impacts, you would not need to contact Mark about mitigation. I have plans that were used for the permit area determination but not the overall work description for clearing for the road etc.

As far as the bat concern. I have a call in to Maria to see where that stands.

Thanks

-----Original Message-----

From: Valleau, Dana [mailto:DValleau@trcsolutions.com]  
Sent: Monday, April 11, 2016 9:51 AM  
To: Jack Kenworthy <jack.kenworthy@waldengreenenergy.com>; Keddell, David M NAE <David.M.Keddell@usace.army.mil>  
Cc: Lori Sommer <Lori.Sommer@des.nh.gov>  
Subject: [EXTERNAL] RE: Antrim Wind - Checking In

Hi Dave,

Please see the completeness letter we received from DES in November 2015, in case you have not seen it, where the DES concluded that state wetland mitigation was not required by the state.

In summary, total stream and wetland impacts from the project total 156 linear feet of intermittent stream impact from a culverted road crossing and 9,121 square feet of permanent wetland fill. Total stream and wetland primary impacts equal 9,277 square feet. This level of wetland and stream impact does not require mitigation.

There are no secondary impacts from the project, which you defined as conversion of forested to scrub-shrub or emergent cover type or scrub-shrub to emergent cover type. Design of the project focused on reducing wetland impacts to the extent possible including impacts from both fill and clearing. This has resulted in proposed clearing window that are narrow. Fill extends to the limits of clearing, avoiding secondary impacts and maintaining undisturbed soils and vegetation beyond project disturbance to the extent possible. The project also does not have a need for electric transmission corridor establishment or expansion since it will connect to an existing transmission line that is found on the site. The on-site existing transmission line also enables the project design to avoid any secondary impacts to wetlands.

You expressed concern about USEPA potentially requesting mitigation, should we reach out to them to discuss and clarify?

We are also wondering if you have completed the consultation with USFWS. In our discussions with Maria Tur last year she said that they needed the request for the letter to come through the Army Corps and the USFWS concurrence letter would be addressed to the Army Corps.

Thank you for your attention to these matters.

Dana

Dana Valleau  
Environmental Specialist  
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-----Original Message-----

From: Jack Kenworthy [mailto:[jack.kenworthy@waldengreenenergy.com](mailto:jack.kenworthy@waldengreenenergy.com)]  
Sent: Tuesday, April 05, 2016 1:23 PM  
To: Keddell, David M NAE <[David.M.Keddell@usace.army.mil](mailto:David.M.Keddell@usace.army.mil)>  
Cc: Valleau, Dana <[DValleau@trcsolutions.com](mailto:DValleau@trcsolutions.com)>; Lori Sommer <[Lori.Sommer@des.nh.gov](mailto:Lori.Sommer@des.nh.gov)>  
Subject: Re: Antrim Wind - Checking In

Hi Dave,

I have asked Dana to reach out to discuss this question with you. We have many conservation easements totaling over 900 acres plus \$100K in offsite conservation land funding that has been presented to the SEC, but this has not been intended as mitigation for wetlands impacts. Based on the recommended approval of the wetlands permit in the 2012 docket, we did not expect to need any wetlands mitigation.

Dana should be in touch further to discuss - thanks for reaching out on this.

Best,

Jack  
--  
Jack Kenworthy  
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Portsmouth, NH 03801  
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c: 484.467.5315  
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On 4/5/16, 12:50 PM, "Keddell, David M NAE"

<David.M.Keddell@usace.army.mil> wrote:

>Hi Jack:

>

> Hope all is well.

>

> I was at the DES today and was discussing the mitigation package you  
>folks have proposed for the project. I hadn't seen any easement  
>information for my end of things so I wanted to let you know that you  
>would more than likely need a mitigation for wetlands based on the  
>total primary and secondary wetland impacts for the project. The 900  
>acres of easements should be an adequate mitigation but there would  
>need to be the usual package of information so that we could use it as  
>federal wetland mitigation as well... resource report, survey, easement  
>language brought up to date with the current easement language and a  
>timeframe for having the easements in place prior to turning on the  
>first turbine. I haven't reviewed what you sent to the SEC but that  
>proposal should have much of the same basic information that could be  
>used to put together a wetland mitigation package as well.

>

> Have you put together a wetland mitigation package in anticipation of  
>the 404? We can look at what you have for the SEC and see what it may  
>be lacking for the federal review. The main point of concern I heard  
>today was about when the package should be complete....

>

>Thanks

>