

PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2005-00875-YN
Issue Date: December 28, 2006
Expiration Date: January 29, 2007

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Noble Environmental Power, LLC
7430 State Route 11
Churubusco, NY 12923

ACTIVITY: Discharge fill material into waters of the United States, including wetlands, to construct access roads, electrical transmission lines, turbine staging areas, and one turbine footing and crane pad, to facilitate the development of a wind-powered electric generating facility.

WATERWAY: Wetlands and tributaries within the St. Lawrence River Basin

LOCATION: Town of Clinton, Clinton County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW
PUBLIC NOTICE NO. 2005-00875-YN

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon information supplied by the New York State Office of Parks, Recreation, and Historic Preservation (SHPO), 83 properties exist within the project vicinity that meet the criteria for inclusion in the National Register of Historic Places. In a letter dated September 5, 2006, the SHPO indicated they had no archeological concerns regarding the project area. This office will continue to coordinate with the SHPO and the Advisory Council on Historic Preservation to ensure compliance with Section 106 of the National Historic Preservation Act.

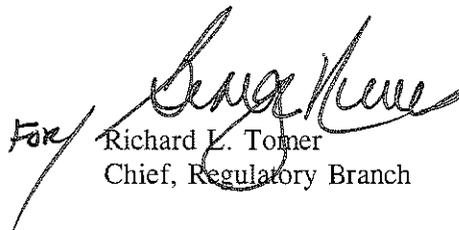
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate the applicant has obtained or requested the following governmental authorization for the activity under consideration:

New York State Department of Environmental Conservation
New York State Public Service Commission

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 273-7420 and ask for Kevin Bruce.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

For 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Noble Environmental Power, LLC, has requested Department of the Army (DA) authorization to discharge fill material into waters of the United States to construct access roads, electrical transmission lines, turbine staging areas, and one turbine footing and crane pad, to facilitate the development of a 100-megawatt (MW) wind-powered electric generating facility in the Town of Clinton, Clinton County, New York.

Proposed activities requiring DA authorization would result in permanent impacts to a total of approximately 0.96 acres of wetlands and 90.81 linear feet of streams. In addition, the project would result in temporary impacts to a total of approximately 3.20 acres of wetlands and 337.87 linear feet of streams. Following is a breakdown of activities involving impacts to Department of the Army jurisdictional areas:

Access Roads: The discharge of fill materials to construct access roads would result in 0.87 acres of permanent wetland impacts and 90.81 linear feet of permanent stream impact, as well as 1.89 acres of temporary wetland impacts and 296.75 linear feet of temporary stream impacts. The work would involve crossing streams and wetlands for the construction of roads used to access the turbine sites. Temporary access roads would be constructed not to exceed 40-feet in width. After the construction of the turbines are complete, the roadways would be partially removed with only a 12-foot wide permanent maintenance roadway remaining.

Electrical Transmission Lines: Most of the electrical transmission lines, which include the electrical interconnects between turbines and a collection system, would be installed underground and within the area constructed for the access roads or parallel to existing roadways, not impacting any additional wetlands or streams. In areas where the electrical transmission lines would not be installed within proposed access roads or existing roads, they would be installed overhead and would result in temporary impacts to 0.24 acre of wetland and 41.12 linear feet of stream due to mechanized landclearing and channel disturbance.

Turbines/Turbine staging areas: Turbines would be located within a 200-foot by 200-foot staging area. The staging area would be cleared of vegetation and graded if necessary to provide an adequate lay-down area for turbine blades prior to construction. A 50-foot diameter cement spread footing and an 18-foot diameter cement pedestal would be constructed to support the turbine towers. In addition, a 40-foot by 120-foot crane pad would be constructed within the turbine staging area to accommodate any future maintenance that may be required. One turbine footing (T50) would be located in wetlands within an active agricultural field, resulting in 0.07 acre permanent impact. One crane pad (T64) would be constructed partially in wetlands, permanently impacting 0.02 acres. Five turbines will require staging areas in wetlands that will result in 1.07 acres of temporary impact. The construction of the remaining turbine footings and turbine staging areas would not involve impacts to waters of the United States, and therefore do not require authorization from the US Army Corps of Engineers.

Wetland areas temporarily impacted for the above activities would be restored to preconstruction contours and revegetated with native plant species after the construction activities are complete.

**CENAN-OP-RW
PUBLIC NOTICE NO. 2005-00875-YN**

To mitigate for the proposed impacts to aquatic resources, the applicant proposes to establish 3 acres of wetlands from uplands, enhance 6.5 acres of existing wetlands, and to preserve these areas to avoid future impacts. The existing wetlands currently have reduced functions due to agricultural activities. The applicant proposes to restore hydrology to the mitigation area by the removal of existing linear ditches and the reestablishment of a central stream channel previously diverted to accommodate agricultural activities. Approximately 5.5 acres of existing degraded wetlands consisting of a wet hayfield would be revegetated to provide an emergent/scrub-shrub community. To offset permanent impacts to forested wetlands, including loss due to conversion, the applicant proposes to enhance one acre of existing wetland by revegetating to provide a forest plant community. The proposed mitigation area is located on the north side of the proposed project area. Details of the mitigation proposal are included on the attached Sheets 21-24.

The purpose of the regulated activities is to construct access roads, electrical transmission lines, turbine staging areas, and one turbine footing and crane pad, to facilitate the development of a wind-powered electrical generating facility consisting of 67 turbines.

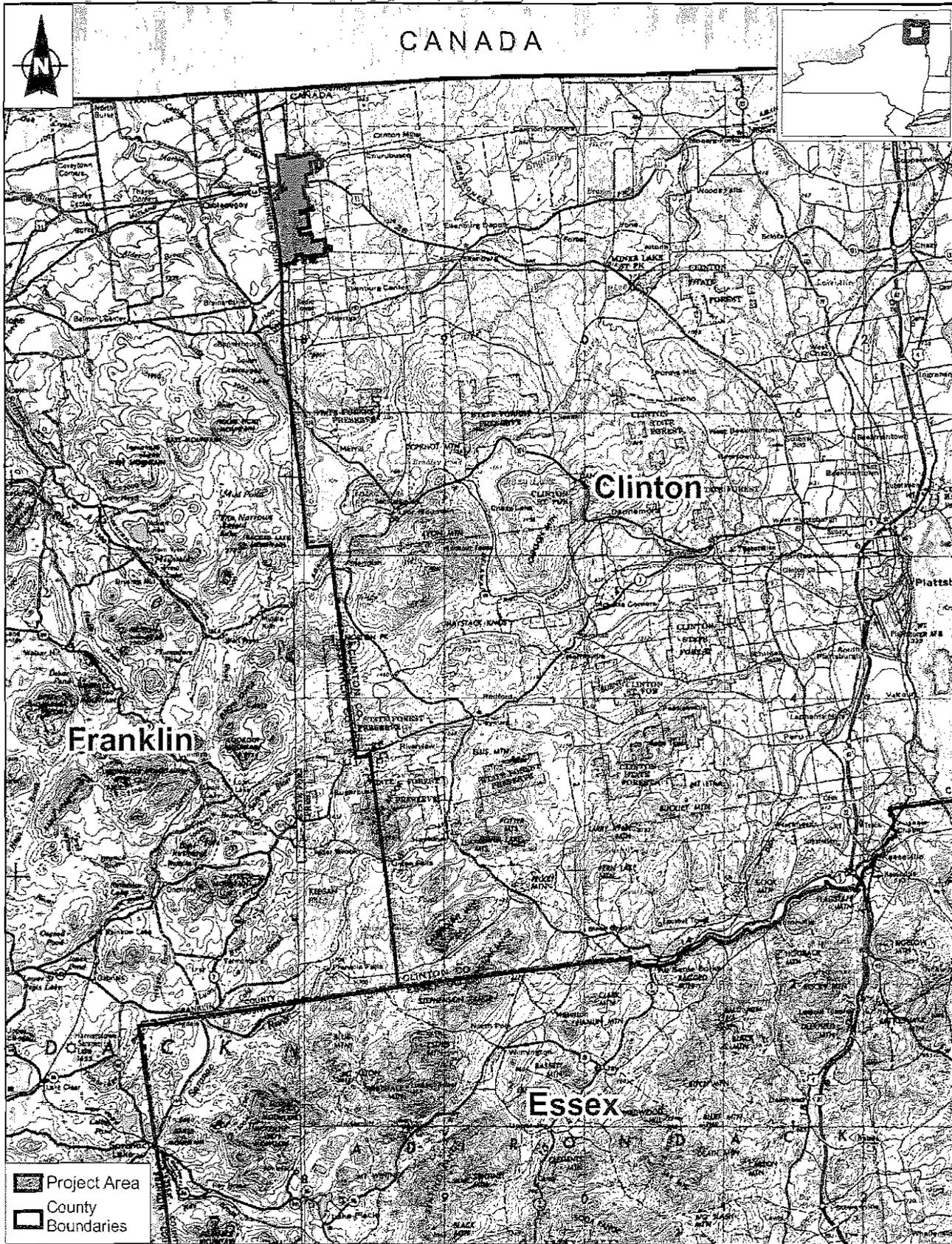
It should be noted that the applicant has applied for DA authorization to discharge fill material into waters of the United States for the proposed development of two additional wind-powered electrical generating facilities in Clinton County, in the Towns of Ellenburg (54 turbines proposed) and Altona (68 turbines). U.S. Army Corps of Engineers application numbers for the projects are 2006-00452-YN and 2006-00451-YN, respectively.

Because of the close proximity of the Clinton and Ellenburg projects, the mitigation proposal described above would include compensation for wetland impacts associated with both wind projects. Locations and details of the work associated with the Clinton project are shown in the attached maps and drawings. A Final Environmental Impact Statement (FEIS) for the Noble Clinton Windpark, prepared in accordance with the State Environmental Quality Review Act, has been completed and accepted by the Town of Clinton Town Board as lead agency for the proposed project. Copies of the FEIS and information submitted to the United States Army Corps of Engineers can be found on the applicant's website, <http://www.noblepower.com>, as well as at the following Town, County, and project offices:

Clinton Town Hall
25 Smith Road
Churubusco, New York 12923
(518) 497-3414

Clinton County Government Center
Attention: John Zurlo - County Clerk
137 Margaret Street
Plattsburgh, New York 12901
(518) 565-4700

Noble Environmental Power
7430 Route 11
Churubusco, New York 12923
(518) 487-3414



Source: USGS Quads - Lake Champlain, Ogdensburg.

Figure 1-1 Clinton Windpark Project Area

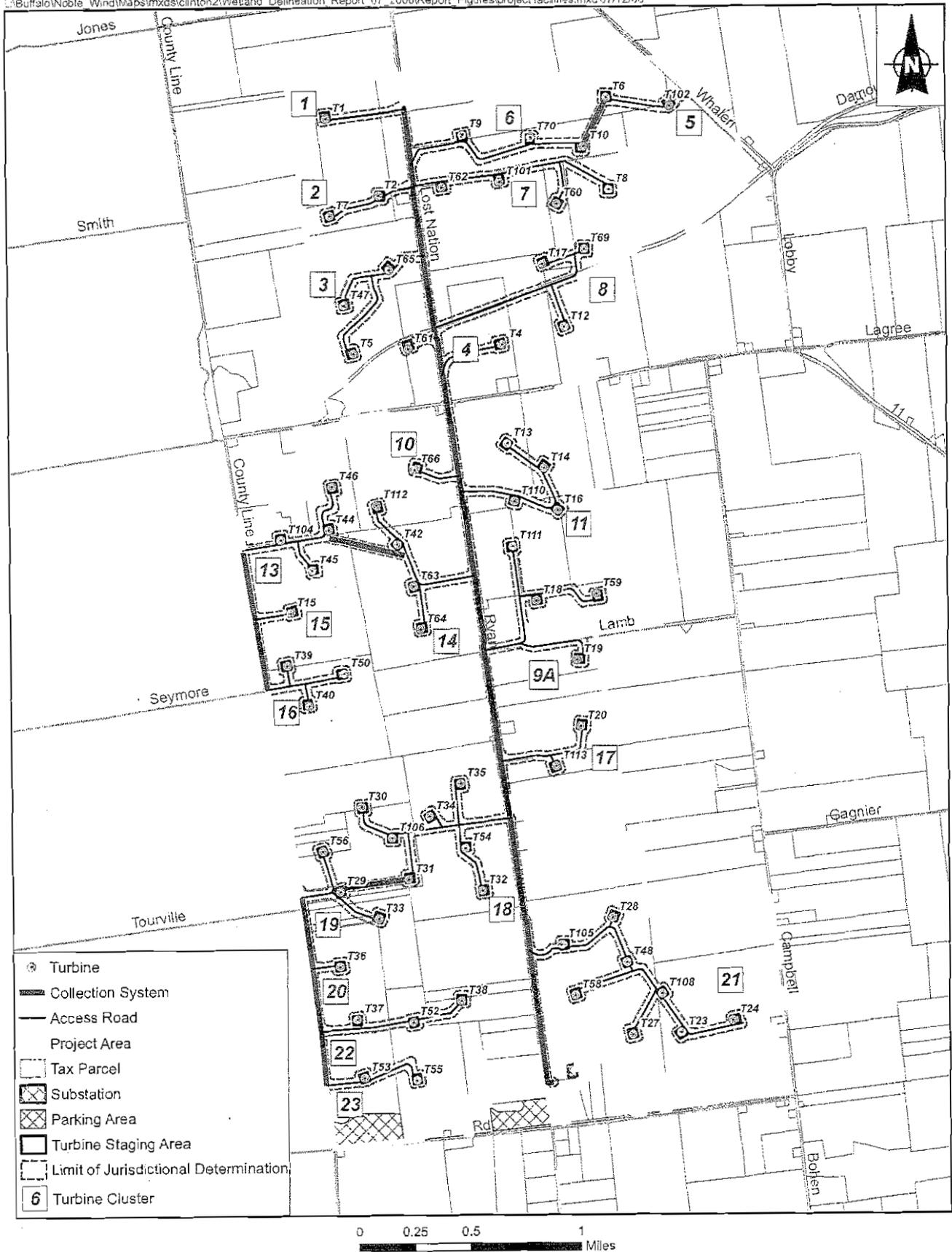


Figure 1-2 Clinton Windpark Project Facilities

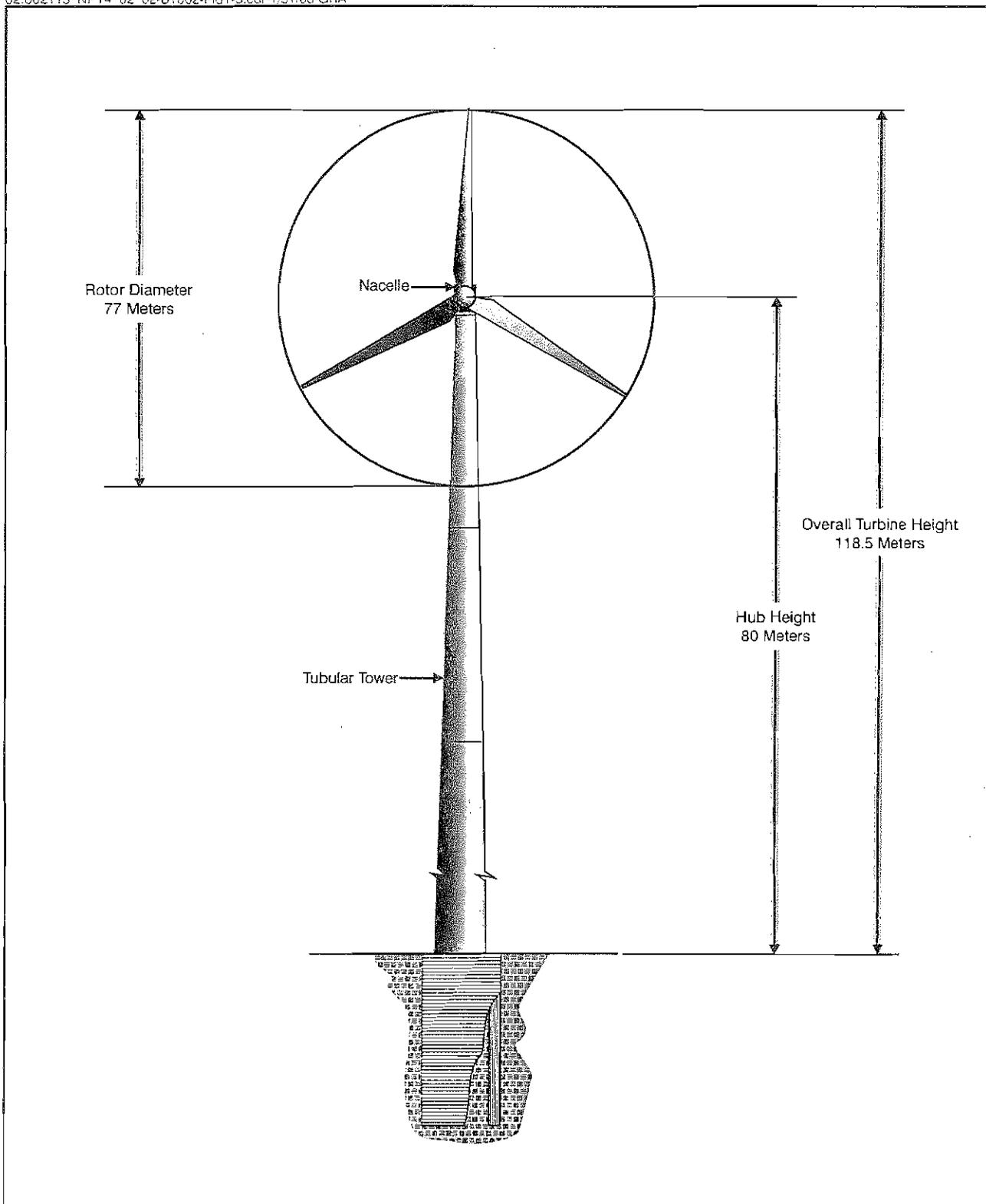
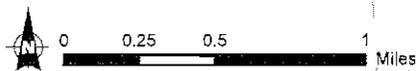
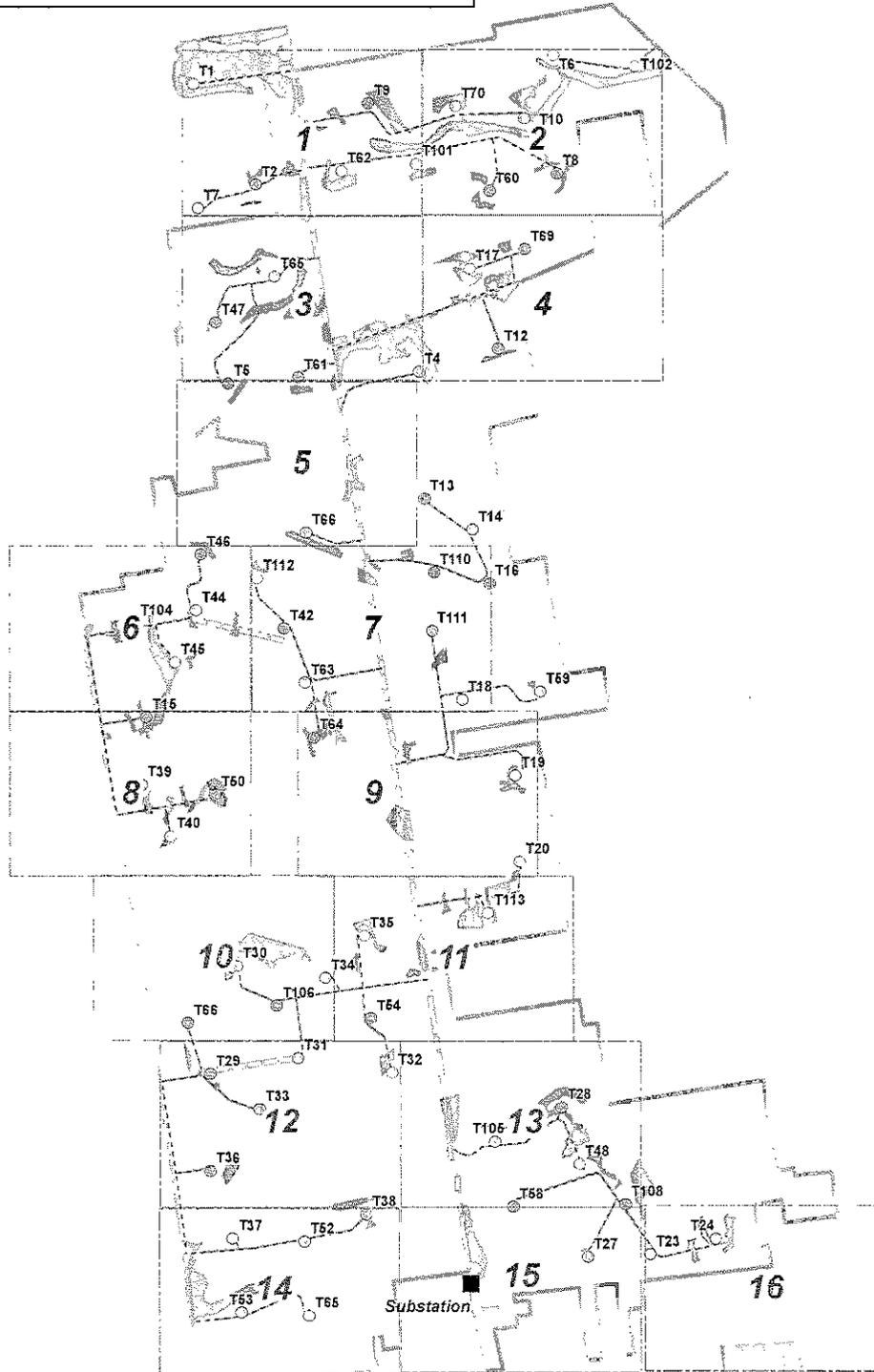


Figure 1-3 Generalized Wind Turbine Layout

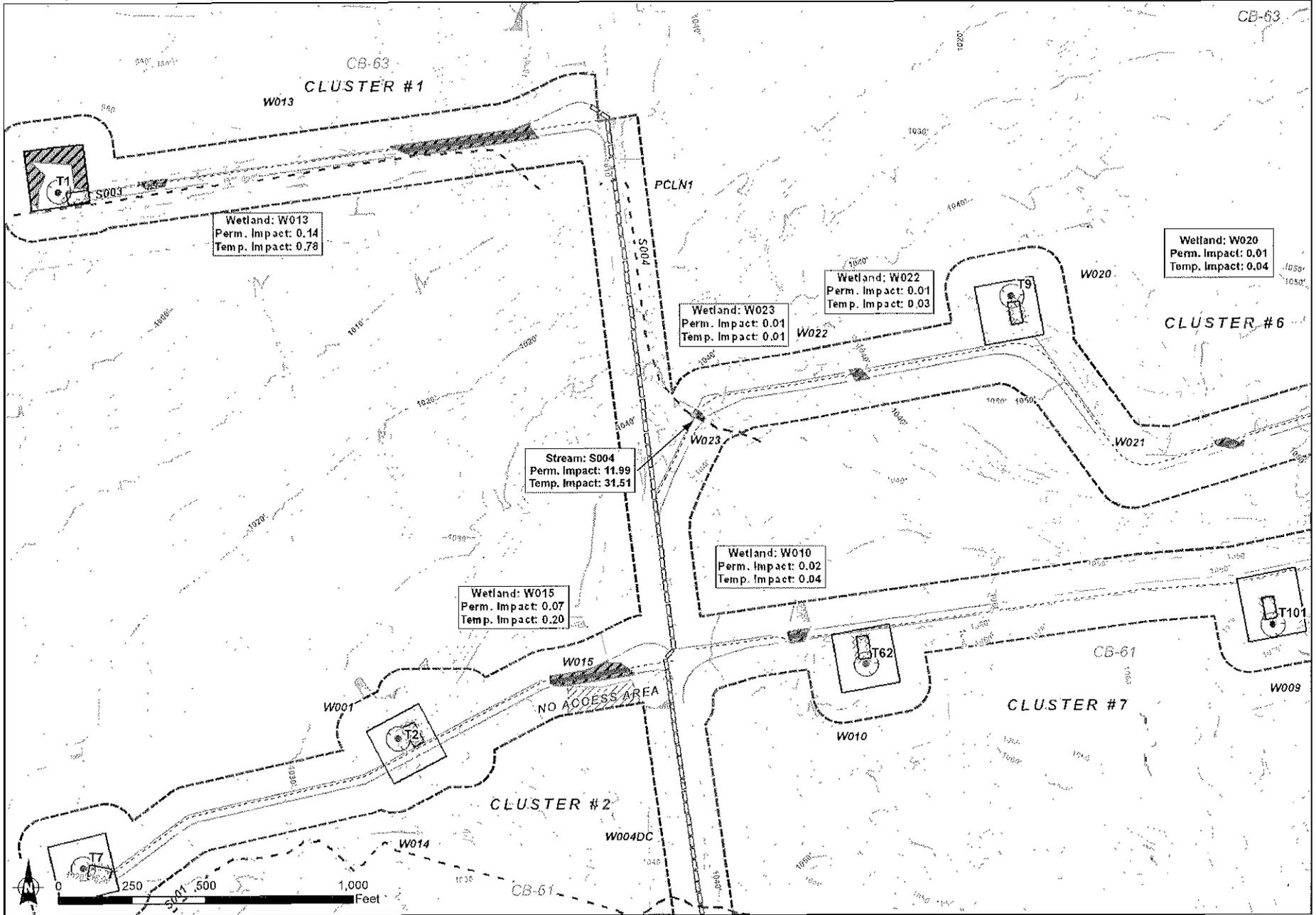
Note: Impact definition - wetland impacts are presented as temporary and permanent. Any areas that will be restored to preconstruction conditions are not included in the calculation of permanent impacts.



- ⊙ Turbine
- Access Road Centerline
- - - - - Underground Electrical Connection
- ==== Aboveground Electrical Connection
- ▨ Field Delineated Wetland
- Clinton Project Area
- ... Ellenburg Project Area
- Map Series Index

Noble Clinton Windpark
Wetland Impacts
Map Series Index
December 8, 2006

Sheet 4 of 24

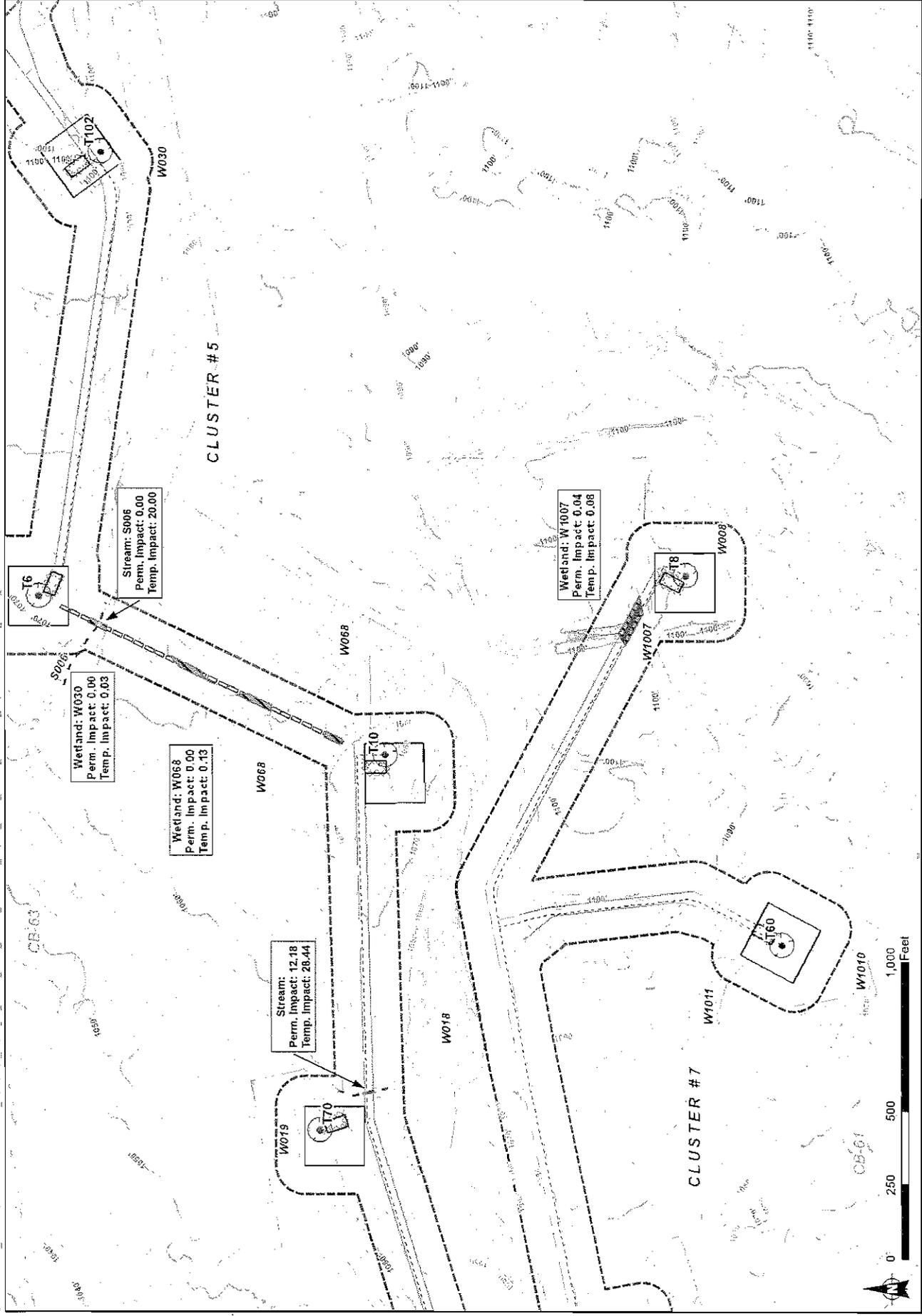


Sheet 5 of 24

- Access Road Edge
- Aboveground Electrical Connection
- Underground Electrical Connection
- Temporary Wetland Impact
- Permanent Wetland Impact
- Turbine
- Turbine Slaging Area
- Turbine Crane Pad
- Turbine Spread Footing
- Substation
- Parking Area
- Field Delineated Stream
- Permanent Stream Impact
- Temporary Stream Impact
- Field Delineated Wetland
- NYSDEC Freshwater Wetland
- Limit of Jurisdictional Determination
- Field Delineated Isolated Wetland
- 10-FI Contour (LIDAR)

Map # 1 of 16
Clinton Windpark
Field Delineated Wetlands
 Note: Stream impact units in linear feet;
 Wetland impact units in acres.

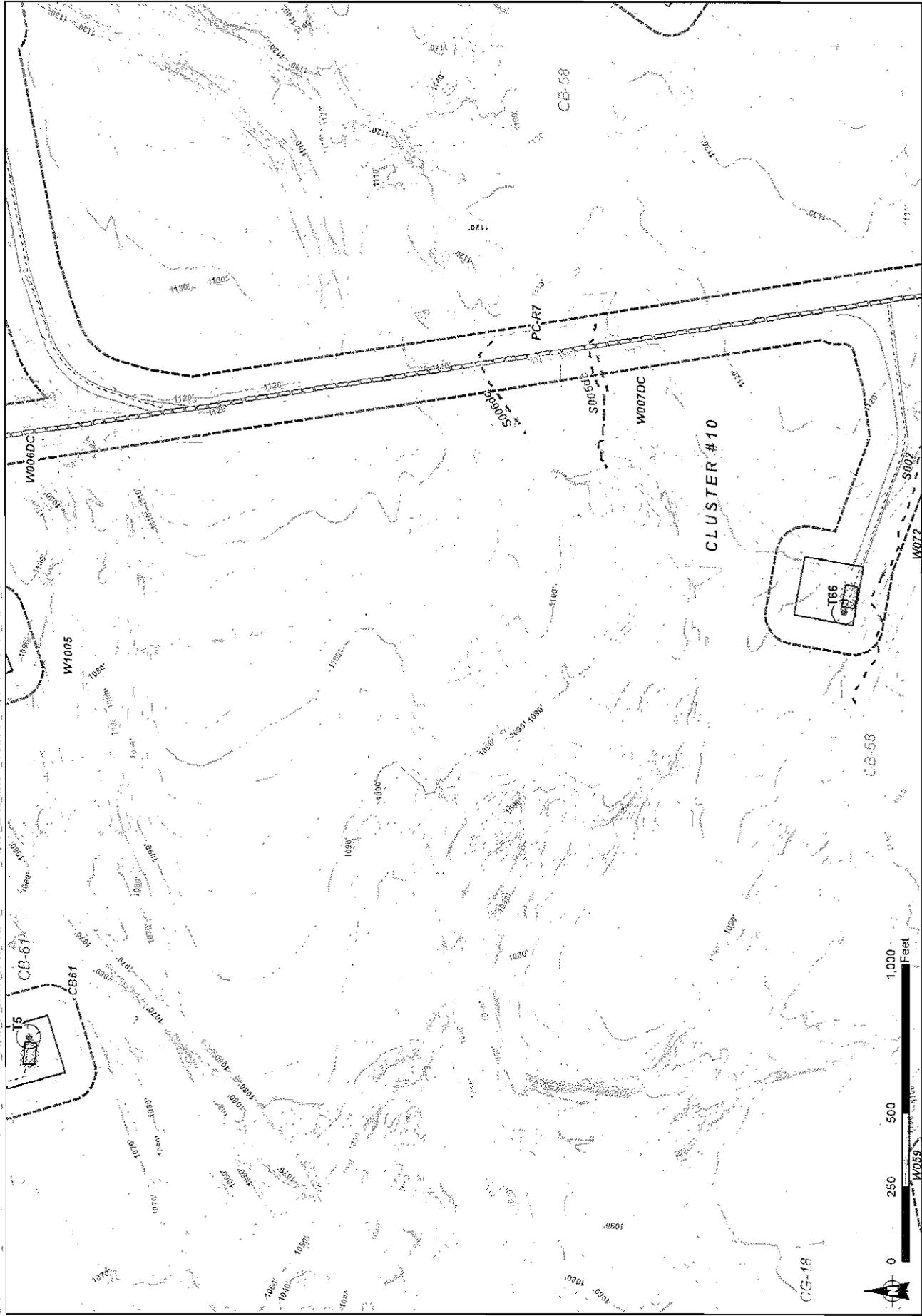
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Project: 14-02-02
Date: 12/08/06
Author: mms
14-02-02.dwg



Map # 2 of 16
Clinton Windpark
Field Delineated Wetlands
 Note: Stream impact units in linear feet,
 Wetland impact units in acres.

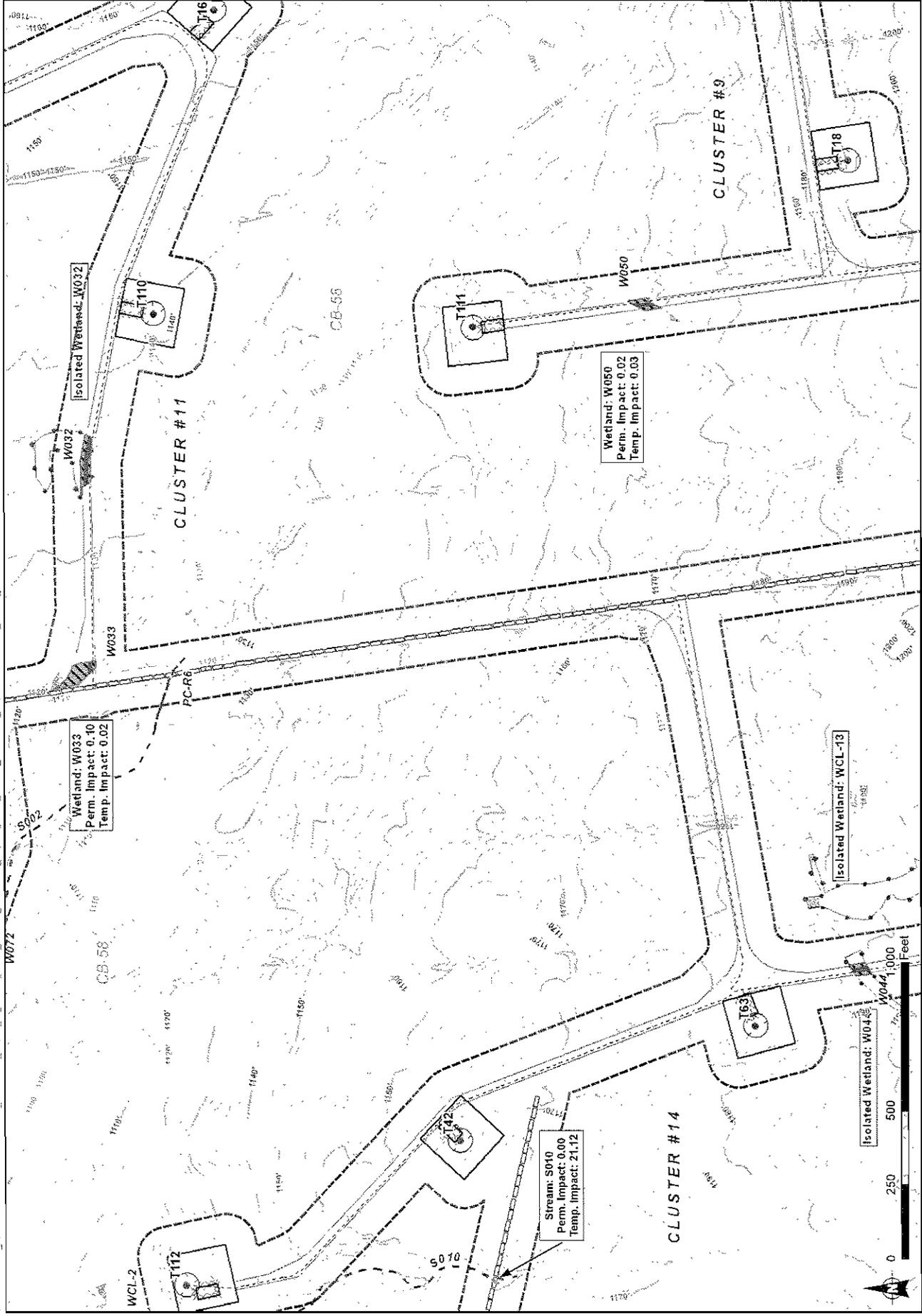
- Access Road Edge
- Aboveground Electrical Connection
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- Temporary Wetland Impact
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Map # 5 of 16
Clinton Windpark
Field Delineated Wetlands
 Note: Stream impact units in linear feet;
 Wetland impact units in acres.

- Access Road Edge
- Aboveground Electrical Connection
- Underground Electrical Connection
- Temporary Wetland Impact
- Permanent Wetland Impact
- Turbine
- Turbine Staging Area
- Turbine Crane Pad
- Turbine Spread Footing
- Substation
- Parking Area
- Field Delineated Stream
- Permanent Stream Impact
- Temporary Stream Impact
- Field Delineated Wetland
- NYSDEC Freshwater Wetland
- Limit of Jurisdictional Determination
- Field Delineated Isolated Wetland
- 10-Ft Contour (LIDAR)

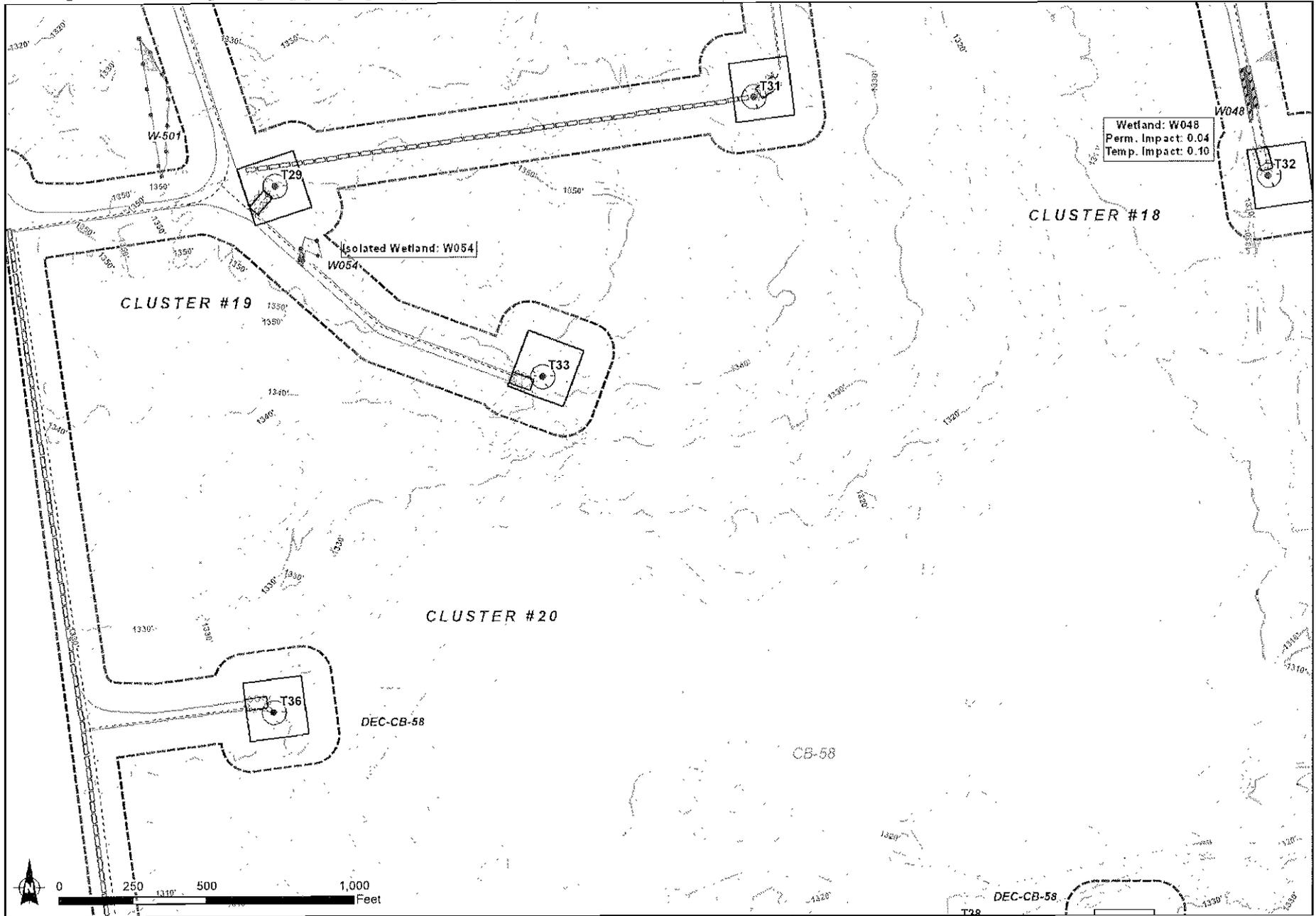


Map # 7 of 16
 Clinton Windpark
 Field Delineated Wetlands

Note: Stream impact units in linear feet;
 Wetland impact units in acres.

- Access Road Edge
- Aboveground Electrical Connection
- Underground Electrical Connection
- Turbine Spread Footing
- Substation
- Parking Area
- Turbine
- Turbine Staging Area
- Turbine Crane Pad
- Turbine Spread Footing
- Substation
- Parking Area
- Field Delineated Stream
- Permanent Stream Impact
- Temporary Stream Impact
- Field Delineated Wetland
- NYSDEC Freshwater Wetland
- Limit of Jurisdictional Determination
- Field Delineated Isolated Wetland
- 10-Ft Contour (LIDAR)





Wetland: W048
 Perm. Impact: 0.04
 Temp. Impact: 0.10

CLUSTER #19

CLUSTER #18

CLUSTER #20

DEC-CB-58

CB-58

DEC-CB-58

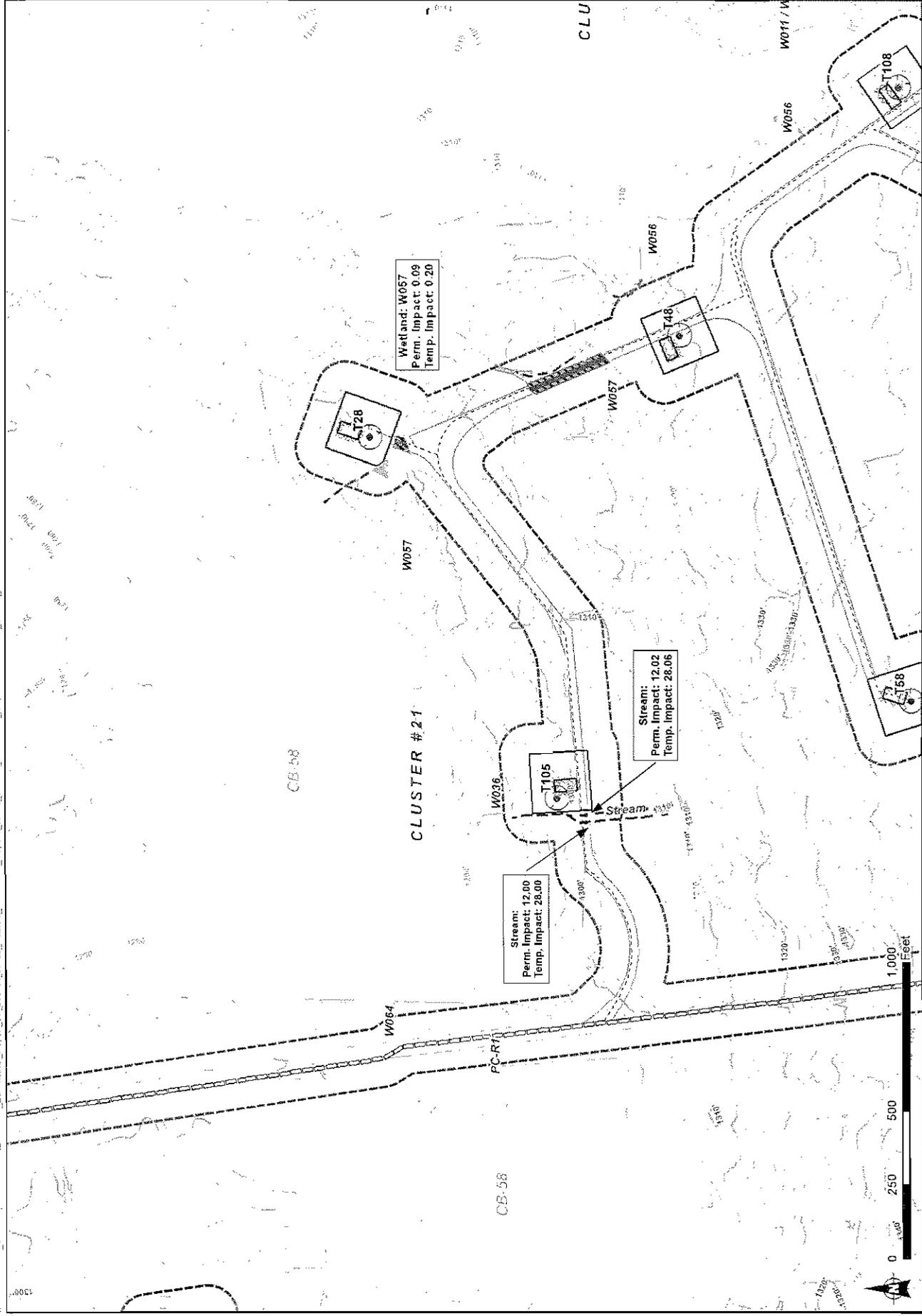
Sheet 16 of 24

- | | | | |
|-----------------------------------|------------------------|---------------------------|---------------------------------------|
| Access Road Edge | Turbine | Field Delineated Stream | Field Delineated Isolated Wetland |
| Aboveground Electrical Connection | Turbine Staging Area | Permanent Stream Impact | 10-Ft Contour (LIDAR) |
| Underground Electrical Connection | Turbine Crane Pad | Temporary Stream Impact | Field Delineated Wetland |
| Temporary Wetland Impact | Turbine Spread Footing | NYSDEC Freshwater Wetland | Limit of Jurisdictional Determination |
| Permanent Wetland Impact | Substation | Parking Area | |

Map # 12 of 16

Clinton Windpark Field Delineated Wetlands

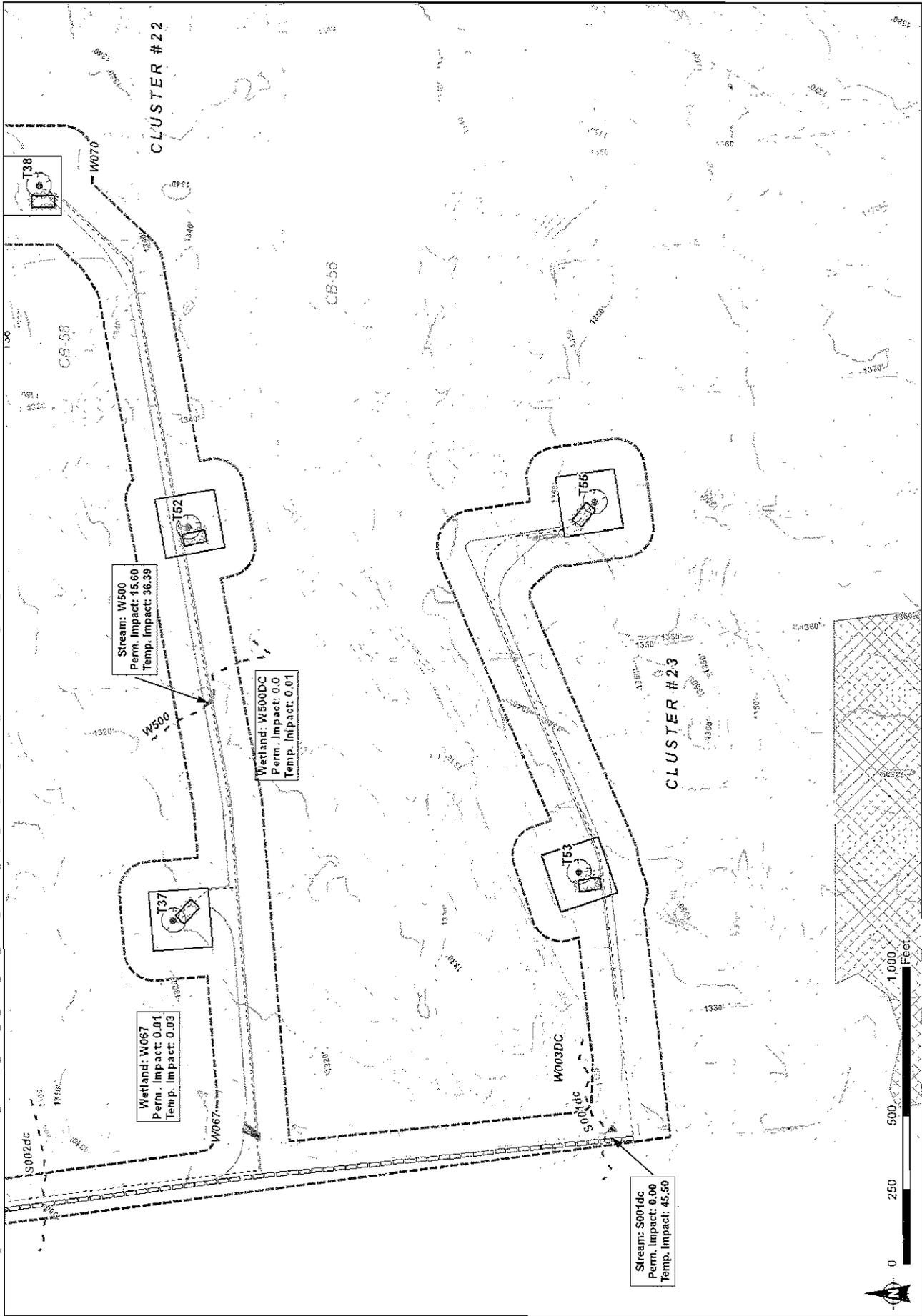
Note: Stream impact units in linear feet;
Wetland impact units in acres.



Map # 13 of 16
Clinton Windpark
Field Delineated Wetlands
 Note: Stream impact units in linear feet,
 Wetland impact units in acres.

- Turbine
- Turbine Staging Area
- ⊗ Turbine Crane Pad
- Turbine Spread Footing
- ⊠ Substation
- ⊞ Parking Area
- Access Road Edge
- Aboveground Electrical Connection
- Underground Electrical Connection
- Temporary Wetland Impact
- Permanent Wetland Impact
- Field Delineated Stream
- Permanent Stream Impact
- Temporary Stream Impact
- Field Delineated Wetland
- NYSDEC Freshwater Wetland
- Limit of Jurisdictional Determination
- Field Delineated Isolated Wetland
- 10-FI Contour (LIDAR)

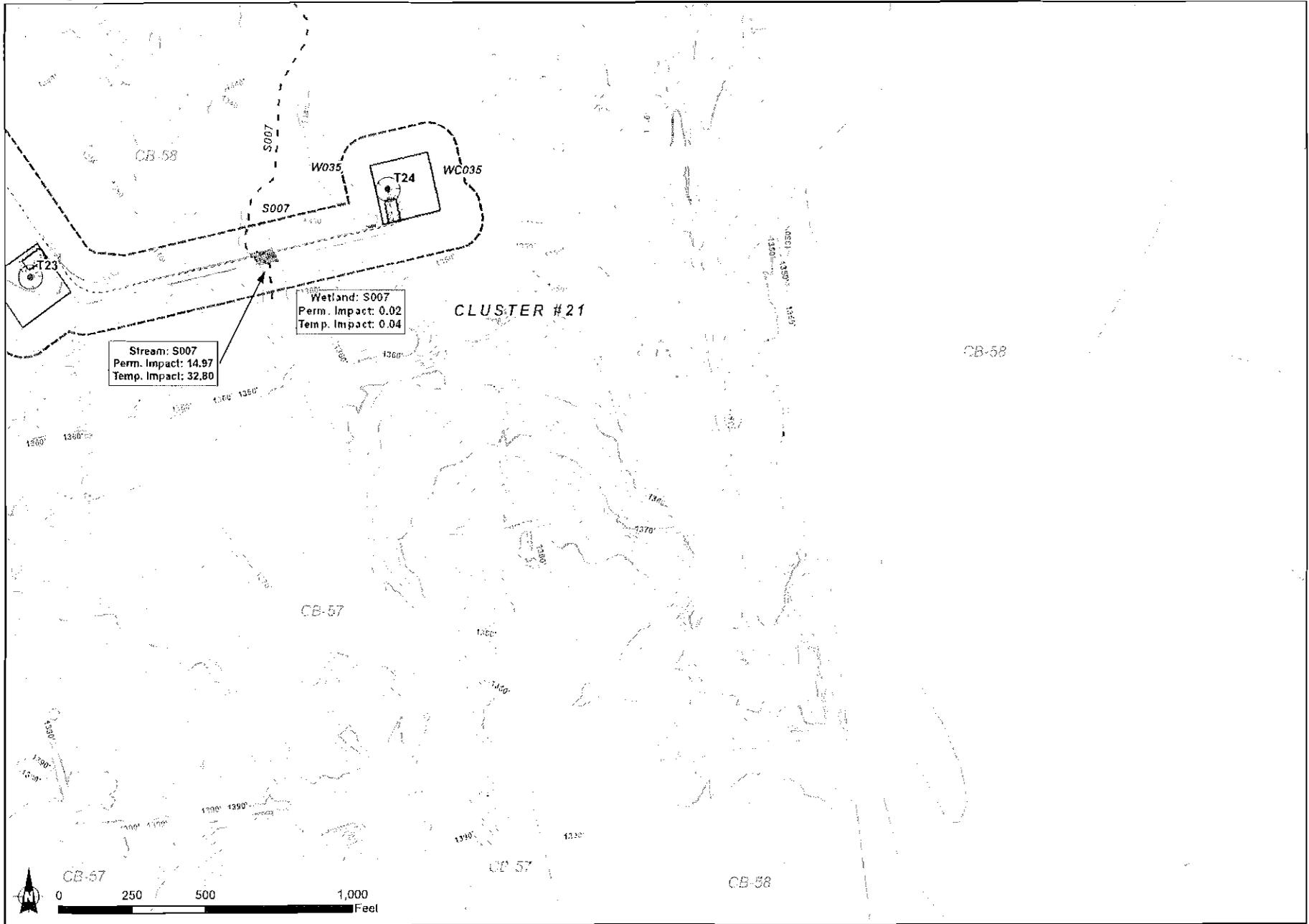




Map # 14 of 16
Clinton Windpark
Field Delineated Wetlands
 Note: Stream impact units in linear feet;
 Wetland impact units in acres.

- Access Road Edge
- Aboveground Electrical Connection
- Underground Electrical Connection
- Turbine Staging Area
- Turbine Crane Pad
- Turbine Spread Footing
- Substation
- Parking Area
- Field Delineated Stream
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- Temporary Stream Impact
- Field Delineated Wetland
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- Limit of Jurisdictional Determination
- Field Delineated Isolated Wetland
- 10-Ft Contour (LIDAR)

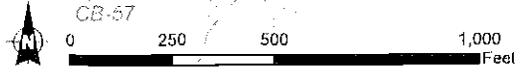




Stream: S007
 Perm. Impact: 14.97
 Temp. Impact: 32.80

Wetland: S007
 Perm. Impact: 0.02
 Temp. Impact: 0.04

CLUSTER #21



Sheet 23 of 24

- | | | | |
|-------------------------------------|--------------------------|---|---------------------------------------|
| — Access Road Edges | ● Turbine | - - - Field Delineated Stream | ●-● Field Delineated Isolated Wetland |
| ▭ Aboveground Electrical Connection | — Turbine Staging Area | ▬ Permanent Stream Impact | — 10-Ft Contour (LIDAR) |
| ▭ Underground Electrical Connection | ⊗ Turbine Crane Pad | ▬ Temporary Stream Impact | |
| ▨ Temporary Wetland Impact | — Turbine Spread Footing | ▭ Field Delineated Wetland | |
| ▨ Permanent Wetland Impact | ▭ Substation | ▭ NYSDEC Freshwater Wetland | |
| | ▭ Parking Area | ▭ Limit of Jurisdictional Determination | |

Map # 16 of 16
Clinton Windpark
Field Delineated Wetlands
 Note: Stream impact units in linear feet,
 Wetland impact units in acres.

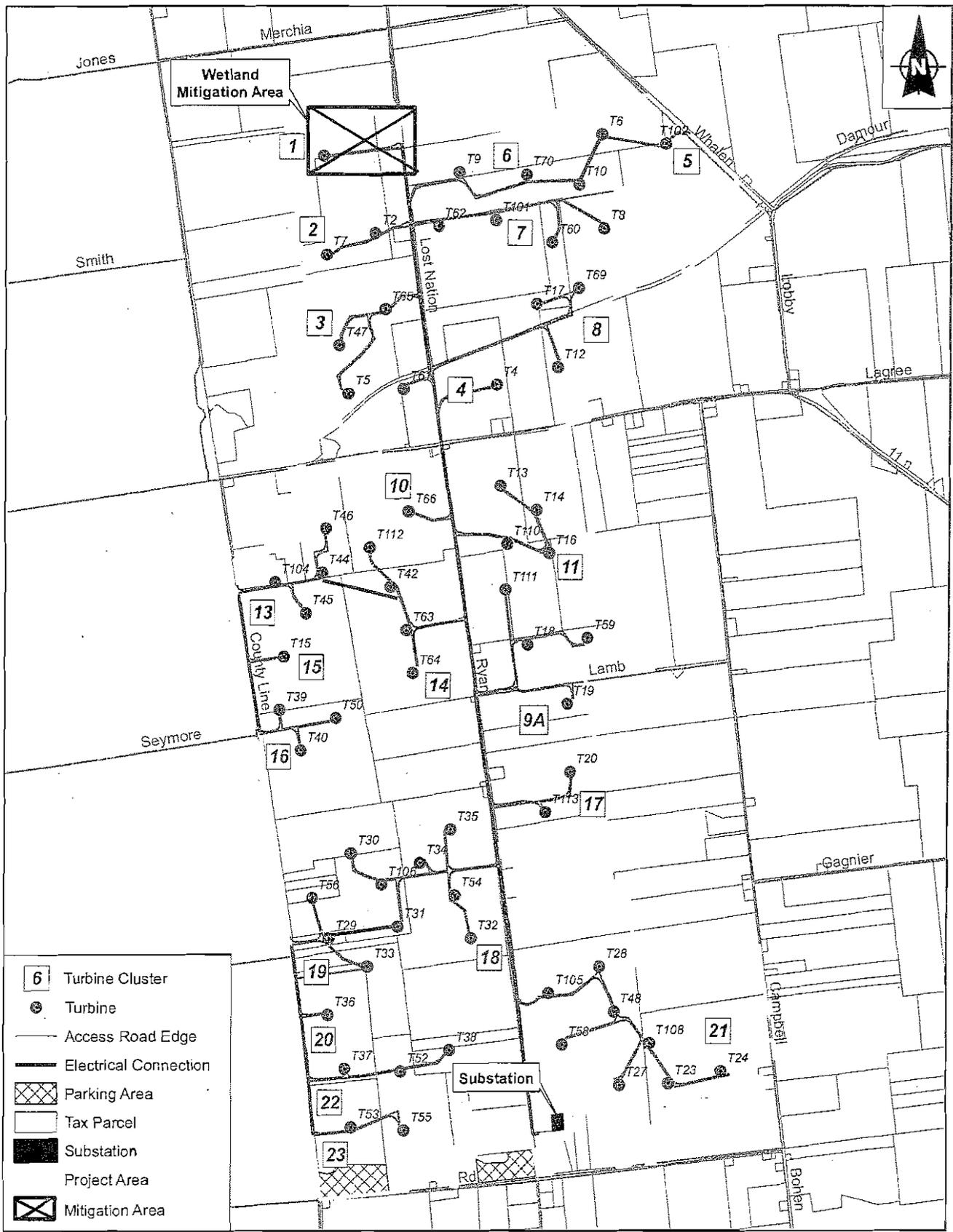


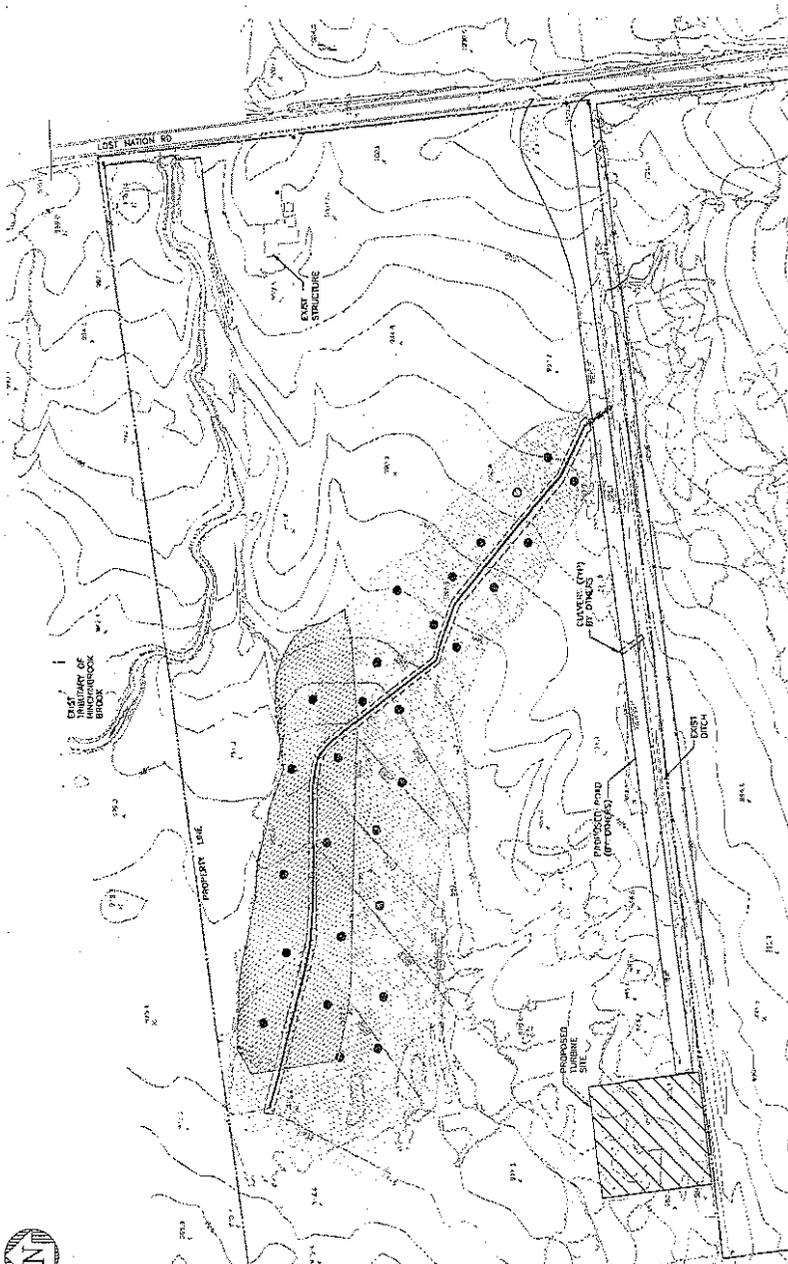
Figure 2-1 Wetland Mitigation Area Location
 Clinton Project Area

WETLAND AREAS

ENHANCED WETLAND AREA (6.48 ACRES)
 CREATED WETLAND AREA (1.70 ACRES)
 TOTAL AREA = 8.18 ACRES

LEGEND:

- | | |
|----------------------|------------------------------|
| EXISTING FENCE LINE | EXISTING CONTOUR |
| FLOW DIRECTION | PROPOSED ROAD (PROPOSED) |
| EXIST POWER POLE | EXISTING FENCE (APPROXIMATE) |
| CREATED WETLAND AREA | EXISTING SPOT DEVIATORY |
| LINED STRIPPAID AREA | EXISTING FENCE OR FENCE LINE |
| PROPOSED CONTOUR | |



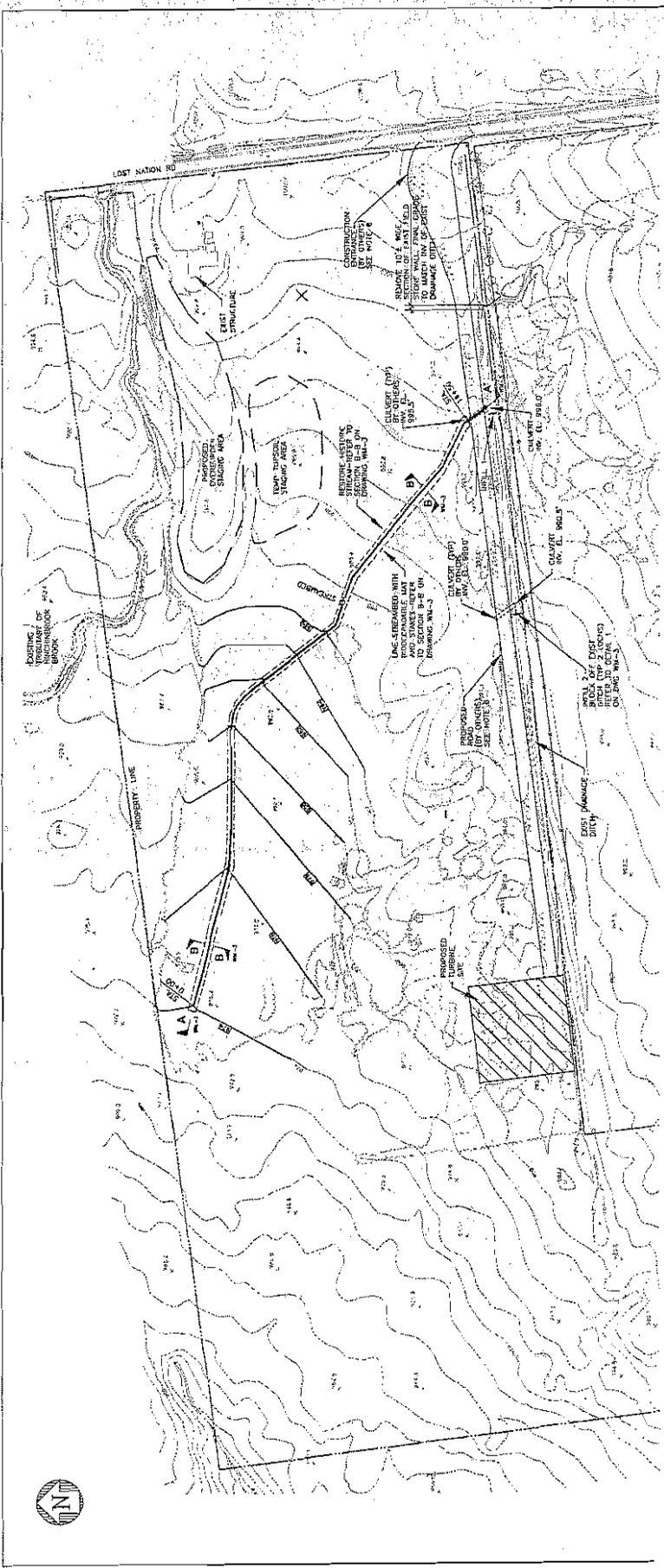
WETLAND AREAS
SCALE: 1" = 100'-0"



NOBLE ENVIRONMENTAL POWER, LLC
 CLINTON/ELLENBURG WETLAND MITIGATION SITE
 CLINTON COUNTY, NEW YORK
 WETLAND AREAS
 DATE: 8/12/08
 SHEET: 22 of 51

ecology and environment engineering p.c.
 PROJECT BY: JI FAZZOLARI, P.E.
 DRAWN BY: DJ MILLER, P.C.

NO.	DATE	DESCRIPTION	BY	CHECKED BY
1	8/12/08	ISSUED FOR PERMIT	J. FAZZOLARI, P.E.	
2	8/12/08	FIELD FOR CLERT COMMENTS-WAIT FOR COMPLETION	J. FAZZOLARI, P.E.	
3	8/12/08	FIELD FOR CLERT COMMENTS-WAIT FOR COMPLETION	J. FAZZOLARI, P.E.	



LEGEND:

- PROPOSED GRADING
- EXIST ELEVATIONS
- EXIST FENCE LINE
- TREE OR TREE LINE (APPROXIMATE)
- SURFACE WATER FLOW
- PROPOSED STAGING AREA
- EXIST POWER POLE
- STREAMBED

WETLAND GRADING PLAN
SCALE: 1" = 100'-0"

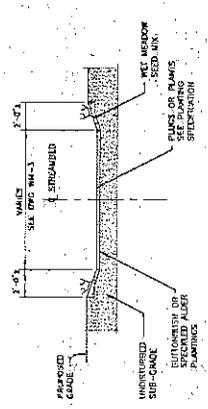
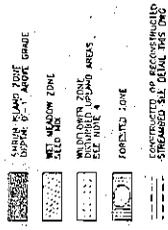
GENERAL NOTES:

1. LOCATIONS OF EXISTING SITE FEATURES, BARRIERS, FENCES, AND PROPERTY LINES ARE SHOWN HERE FOR REFERENCE PURPOSES ONLY. CONTRACTOR SHALL VERIFY ALL DIMENSIONAL INFORMATION IN THE FIELD PRIOR TO BEGINNING CONSTRUCTION.
2. REMOVE TOPSOIL FROM WORK AREA, STOCKPILE FROM OVERSPRINK MATERIALS AND STOCKPILE ON SITE AT THE DESIGNATED STAGING AREA AS INDICATED ON PLAN FOR REUSE. CONSTRUCTION SHALL INCLUDE:
 - A. TO PRE-CONSTRUCTION CONDITIONS (SEED, COMPLETION OF ENHANCED WETLAND WORK, REMOVE ANY REMAINING STOCKPILED SOIL FROM THE SITE AS PER THE DRAINAGE SHEET).
 - B. FOR WETLAND REPAIRING AND SITE RESTORATION DETAILS, REFER TO DRAWINGS WM-2 AND WM-4.
 - C. FOR SWEEP/CRUSHION CONTROL PLANTS, REFER TO DRAWINGS SP-1 AND SP-2.
3. FOR PROFILE A-A, AND SECTION B-B REFER TO DRAWING WM-3.

6. CULVERT INVERT ELEVATIONS ARE FOR PERMIT PURPOSES ONLY. COORDINATE LOCATIONS AND INVERT ELEVATIONS WITH DRAIN FROM TO CONSTRUCTION.
7. CONTRACTOR SHALL ESTABLISH A SITE BENCHMARK BASED ON ANY PLANE EAST NOT BY COORDINATE SYSTEM. LOCAL CONTROL MUST BE ESTABLISHED WITH OWNER AND DRAIN FROM TO CONSTRUCTION.
8. PROPOSED ROAD AND CONSTRUCTION ELEVATIONS SHOWN PER DRAIN REQUIREMENTS.

ecology and environment engineering p.c.		NOBLE ENVIRONMENTAL POWER, LLC CLINTONVILLEBURGS WETLAND MITIGATION SITE CLINTON COUNTY NEW YORK WETLAND GRADING PLAN	
PROJECT NO. 2005-00875-YN	DRAWN BY J. FAYZULABE, P.E.	CHECKED BY J. FAYZULABE, P.E.	DATE 8/17/09
PROJECT NAME CLINTONVILLEBURGS WETLAND MITIGATION SITE		SHEET NO. WM-2 of 5	
PROJECT LOCATION CLINTON COUNTY NEW YORK		SCALE 1" = 100'-0"	

PLANTING ZONES

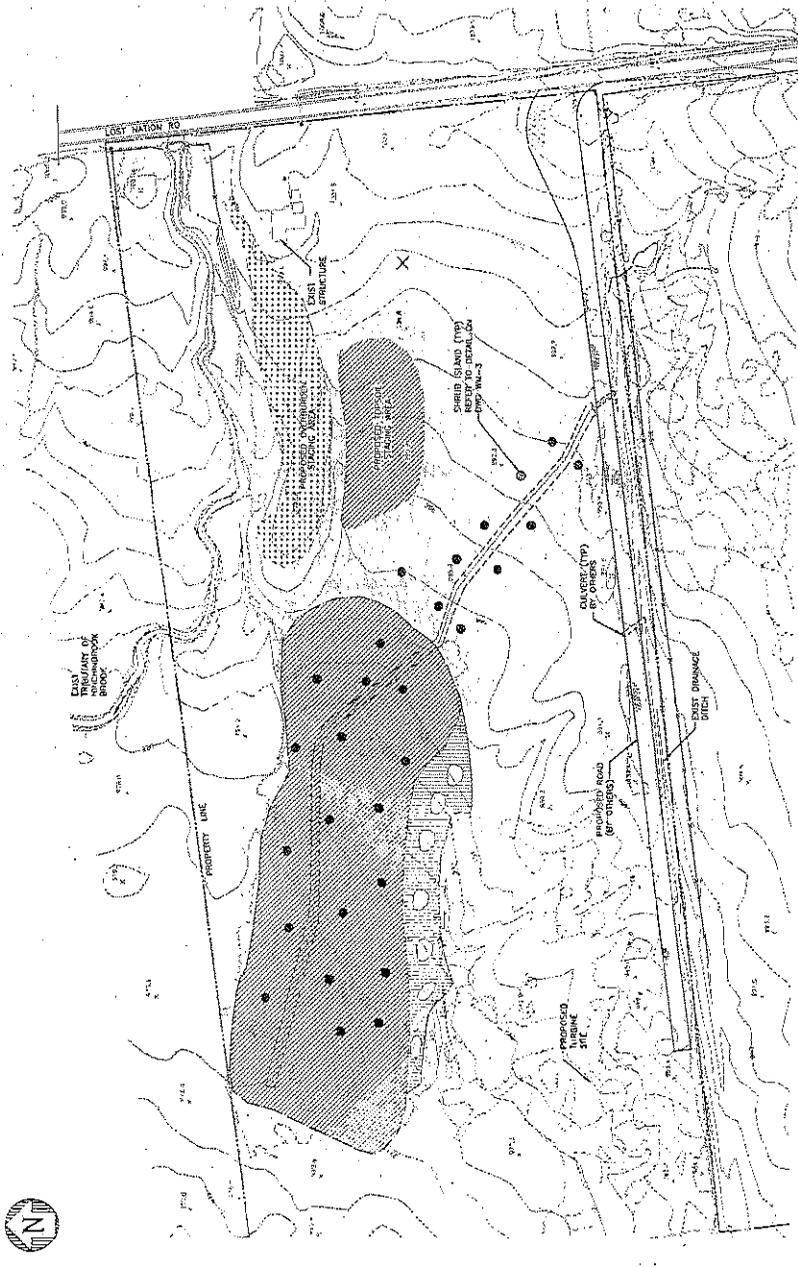
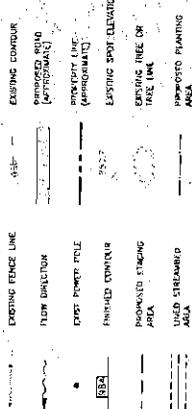


TYP. STREAMBED PLANTING SECTION
SCALE: 1/4" = 1'-0"

NOTES:

1. THE DRAWING HAS BEEN PREPARED FOR THE PURPOSES OF THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
2. CONTOURS ARE SHOWN WITH STRAIGHT LINE EDGES FOR CLARITY. FINAL CONTOUR LINES MAY DIFFER SLIGHTLY.
3. WORK THIS DRAWING WITH DRAWING WM-3 AND THE PROJECT SPECIFICATIONS.
4. SEE SPECIFICATIONS FOR WETLAND AND UPLAND PLANTING AND STARTUP.

LEGEND:



ENHANCED WETLAND PLANTING PLAN
SCALE: 1" = 100'-0"

ecology and environment engineering p.c.

DESIGNED BY	J.J. PASZCZAK, P.E.
CHECKED BY	J.J. PASZCZAK, P.E.
DATE	01/14/2014

NO.	DATE	DESCRIPTION	BY	CHKD.
0	1/14/14	ISSUED FOR PERMIT	J.P.	J.P.
1	1/14/14	REVISED FOR CONSTRUCTION	J.P.	J.P.

NOBLE ENVIRONMENTAL POWER, LLC
CLINTONWELLSBURG WETLAND MITIGATION SITE
CLINTON COUNTY, NEW YORK
PLANTING PLAN

SHEET NO. WM-4 of 5
 DATE: 1/14/14
 DRAWN BY: J.J. PASZCZAK, P.E.
 CHECKED BY: J.J. PASZCZAK, P.E.