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: 2006-00451-YN
Issue Date: January 8, 2007
Expiration Date: February 8, 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 and electrical transmission lines, to facilitate the development of a wind-powered electric generating facility.

WATERWAY: Wetlands and tributaries within the Lake Champlain Basin

LOCATION: Town of Altona, 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.

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), 23 properties exist within the project vicinity that meet the criteria for inclusion in the National Register of Historic Places. 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 and electrical transmission lines, to facilitate the development of a 102-megawatt (MW) wind-powered electric generating facility in the Town of Altona, Clinton County, New York.

Proposed activities requiring DA authorization would result in permanent impacts to a total of approximately 0.23 acres of wetlands and 223.77 linear feet of streams. In addition, the project would result in temporary impacts to a total of approximately 0.62 acres of wetlands and 475.32 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 0.23 acres of permanent wetland impacts and 172.35 linear feet of permanent stream impact, as well as 0.57 acres of temporary wetland impacts and 475.32 linear feet of temporary stream impacts. The work would involve crossing streams and wetlands using culverts or fords, for the construction of roads used to access the turbine sites. In addition, the applicant proposes to fill 165.91 linear feet of intermittent stream (S-02) to allow for the construction of an access road and ford crossing in the vicinity of proposed Turbine 59. After construction, approximately 114.49 feet of the stream would be realigned, resulting in the permanent loss of 51.42 linear feet of intermittent stream. The 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 impact area 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 0.05 acres of wetlanmds due to mechanized landclearing.

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

To mitigate for the proposed impacts to aquatic resources, the applicant proposes to establish 0.81 acres of wetlands from uplands, enhance 0.90 acres of existing wetlands, and preserve these areas along with a 0.62 acre upland forested buffer area. The mitigation site is located in the southwestern portion of the project area on a large, mostly forested tract of land which includes a large tributary to Stillwater Brook and Kiwian Lake. The proposed site is on the western edge of Kiwian Lake. Details of the mitigation proposal are included on the attached Sheets 19-23.

The purpose of the regulated activities is to construct access roads and electrical transmission lines, to facilitate the development of a wind-powered electrical generating facility consisting of 68 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 Clinton (67 turbines proposed) and Ellenburg (54 turbines). U.S. Army Corps of Engineers application numbers for the projects are 2005-00875-YN and 2006-00452-YN, respectively.

Locations and details of the work associated with the Altona project are shown in the attached maps and drawings. A Final Environmental Impact Statement (FEIS), for the Noble Altona Windpark, prepared in accordance with the State Environmental Quality Review Act, has been completed and accepted by the Altona 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:

Altona Town Hall/Library
3124 Minor Farm Road
Altona, New York 12910

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

Noble Environmental Power
Altona Construction Office
2210 Rand Hill Road
Altona, New York 12910

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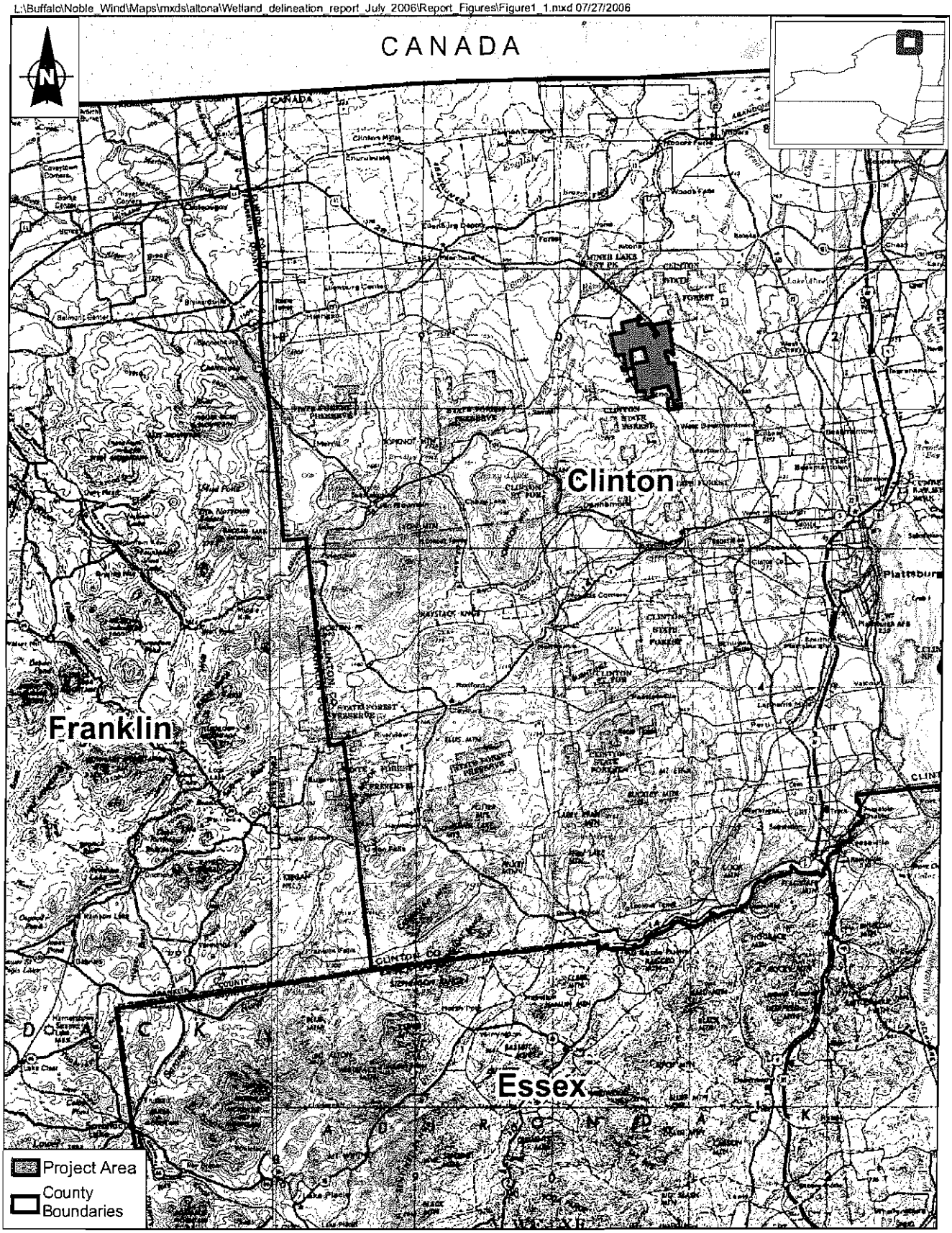


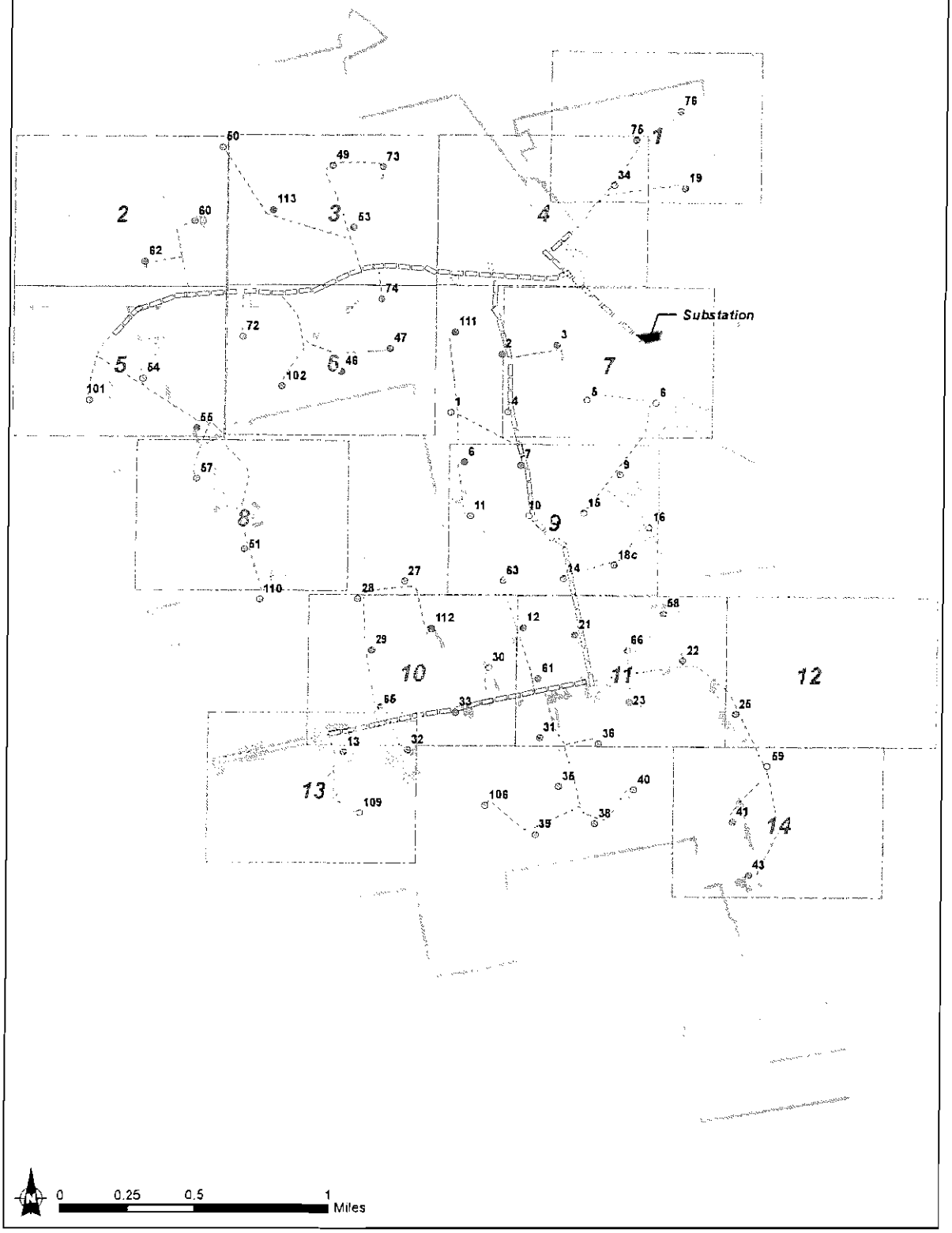
Source: USGS Quads - Lake Champlain, Ogdensburg.

0 2.5 5 10 Miles

Figure 1-1 Altona Windpark Project Area

2006-00451-YN
Noble Environmental Power, LLC
Sheet 1 of 3

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
- Underground Electrical Connection
- Aboveground Collection System
- Field Delineated Wetland
- Project Area
- Map Index

Noble Altona Windpark
Wetland Impacts
Map Series Index
December 13, 2006

Sheet 2 of 23

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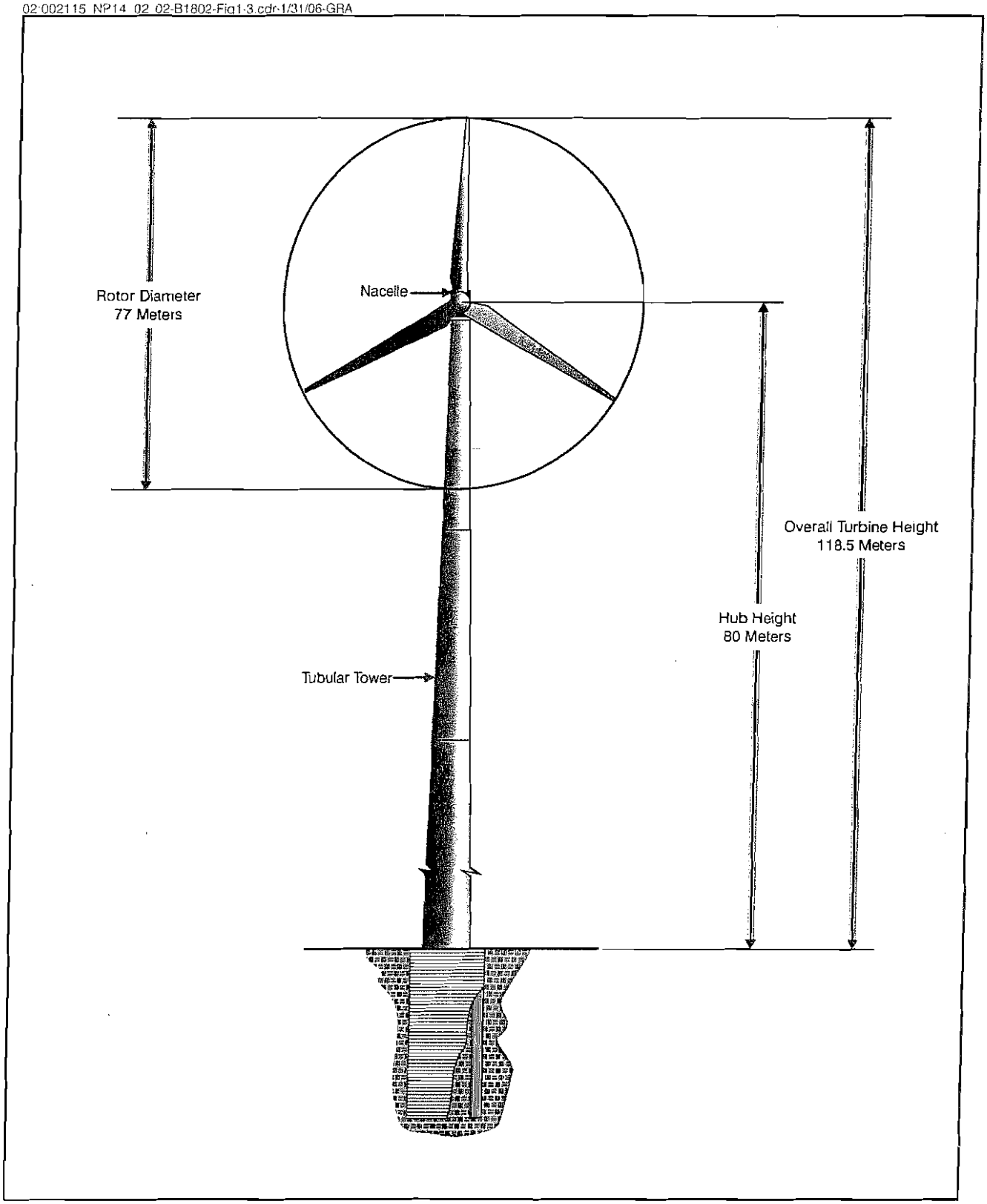
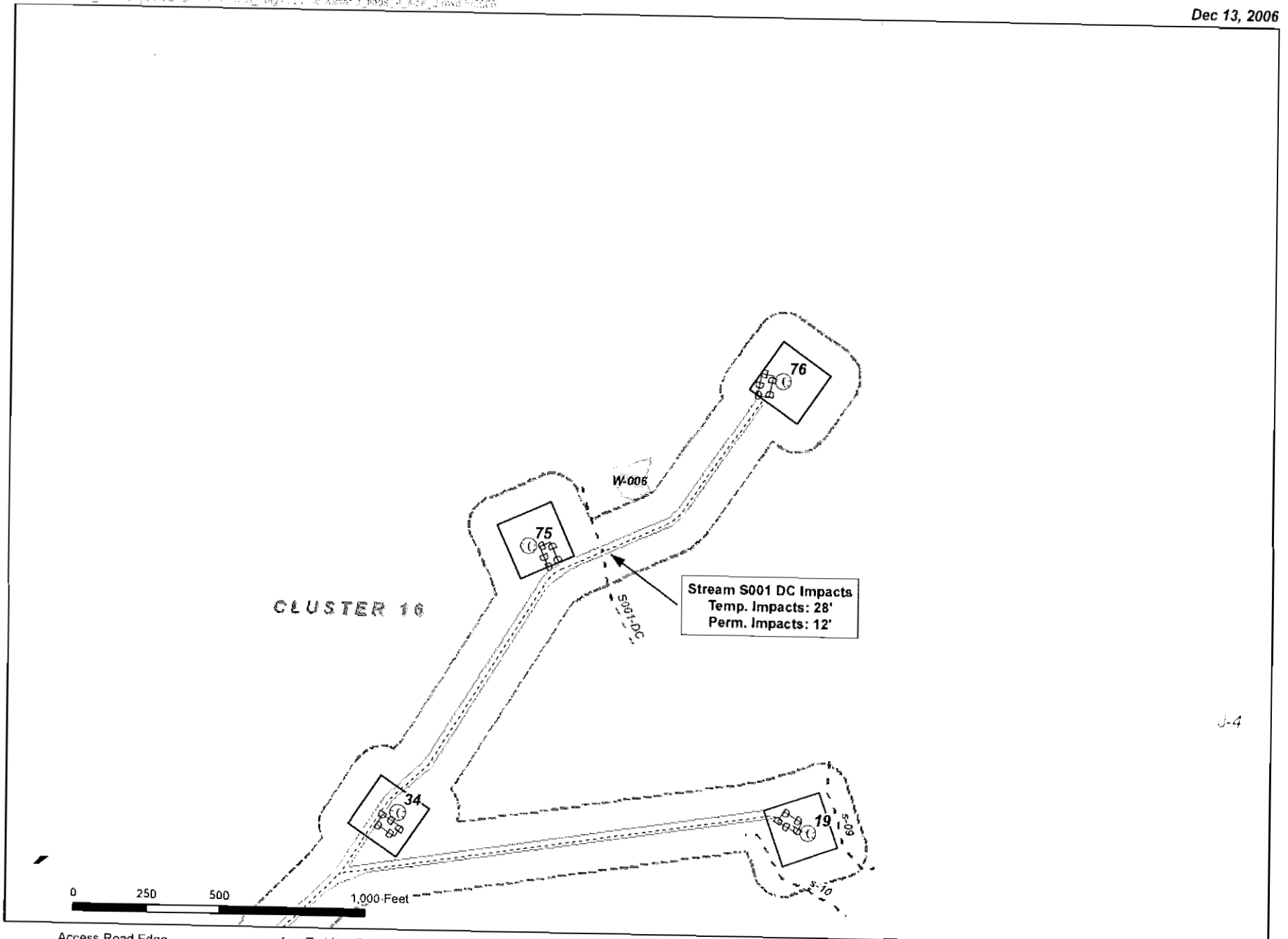


Figure 1-3 Generalized Wind Turbine Layout

Sheet 3 of 23

Dec 13, 2006



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Access Road Edge
Aboveground Collection System
Underground Electrical Connection
Temporary Wetland Impact
Permanent Wetland Impact
Turbine (06/20/06)
Turbine Crane Pad
Turbine Spread Footing
Turbine Staging Area
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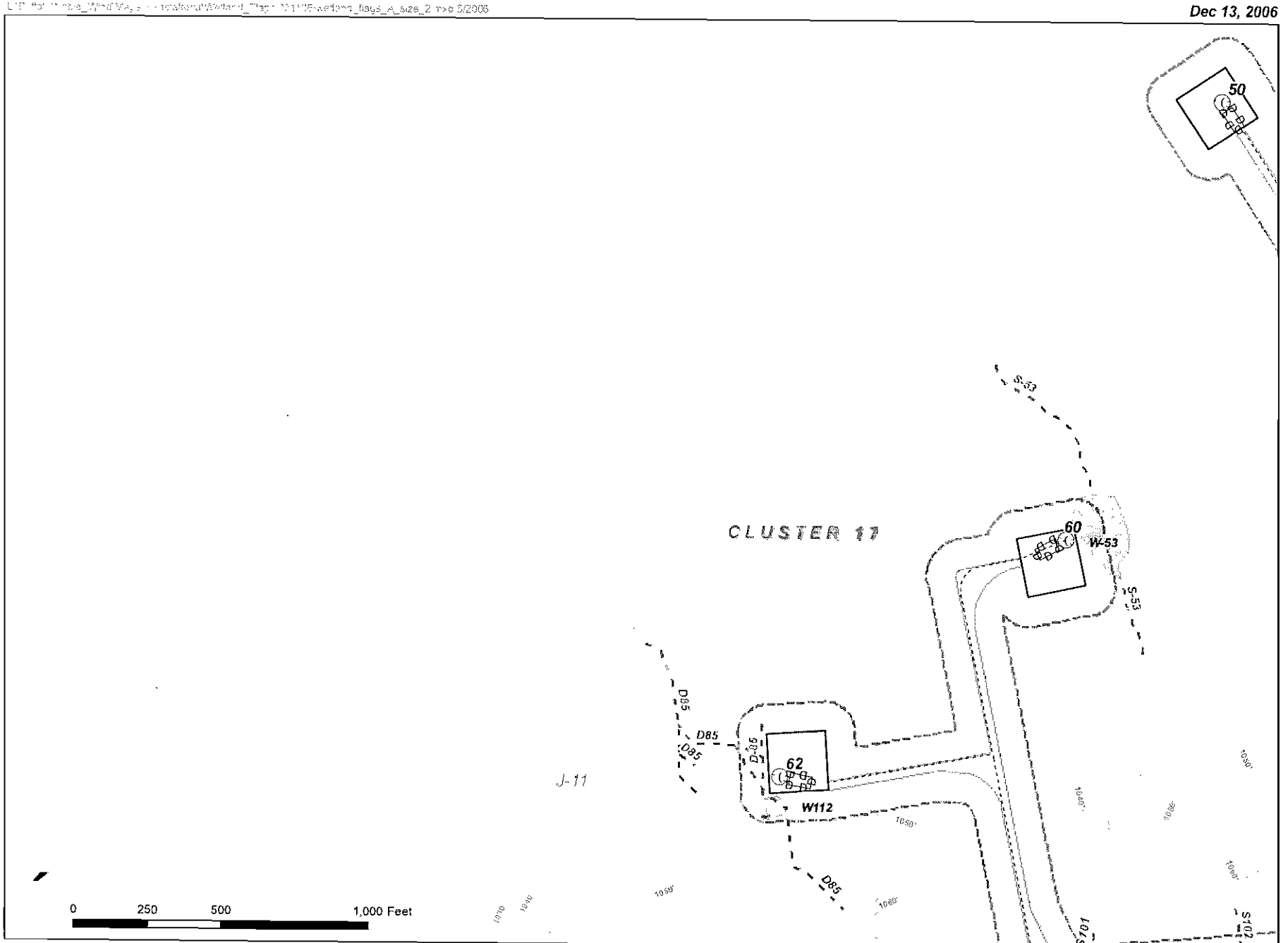
Substation Survey Corridor
NYSDEC Freshwater Wetlands
10-Ft Contour (LIDAR)

Map # 1 of 14
Altona Windpark
Field Delineated Wetlands

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



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Map # 2 of 14
Altona Windpark
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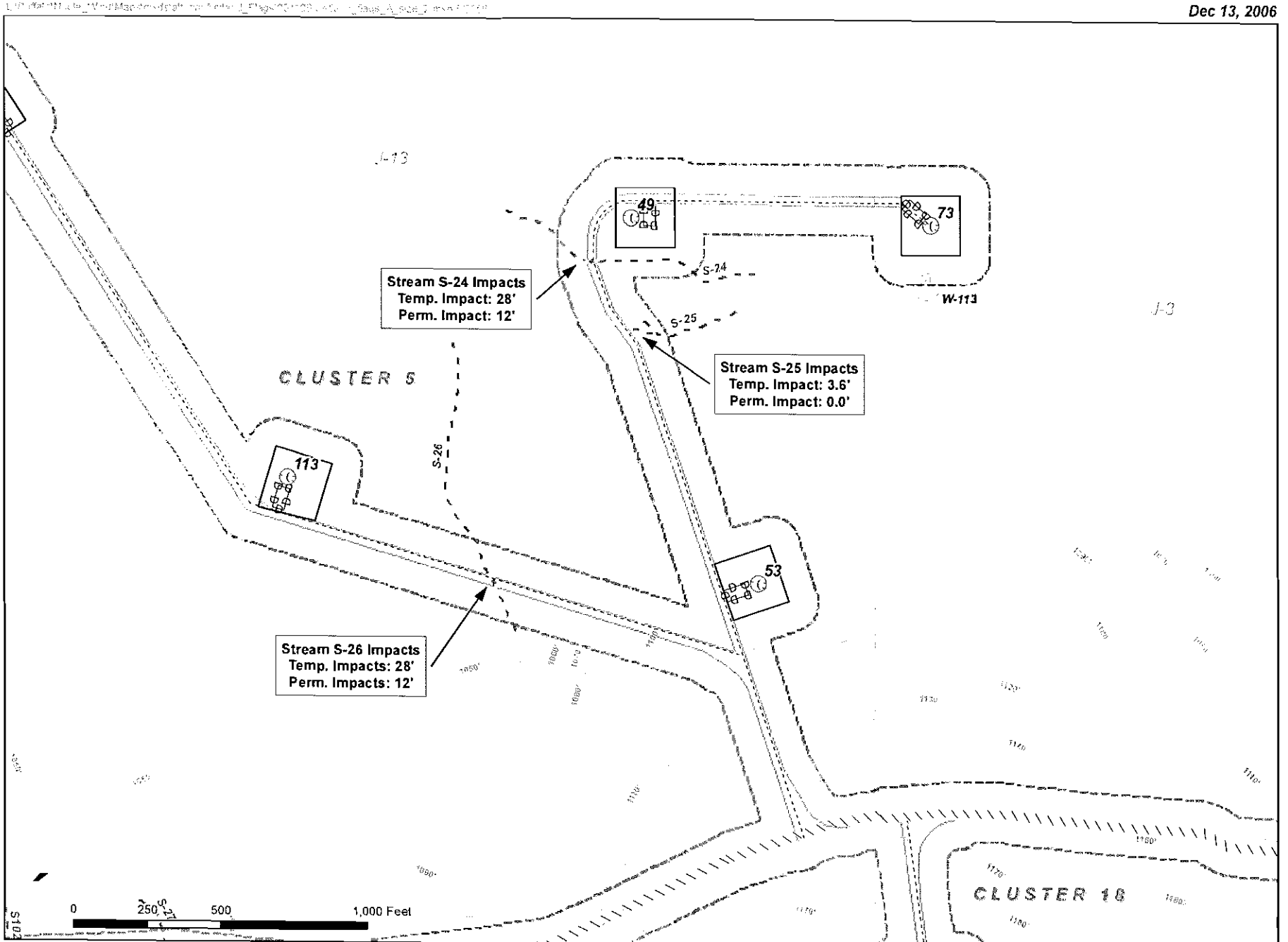
Note: Stream impact units in linear feet; Wetland impact units in acres.



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Map # 3 of 14
Altona Windpark
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Note: Stream impact units in linear feet. Wetland impact units in acres.

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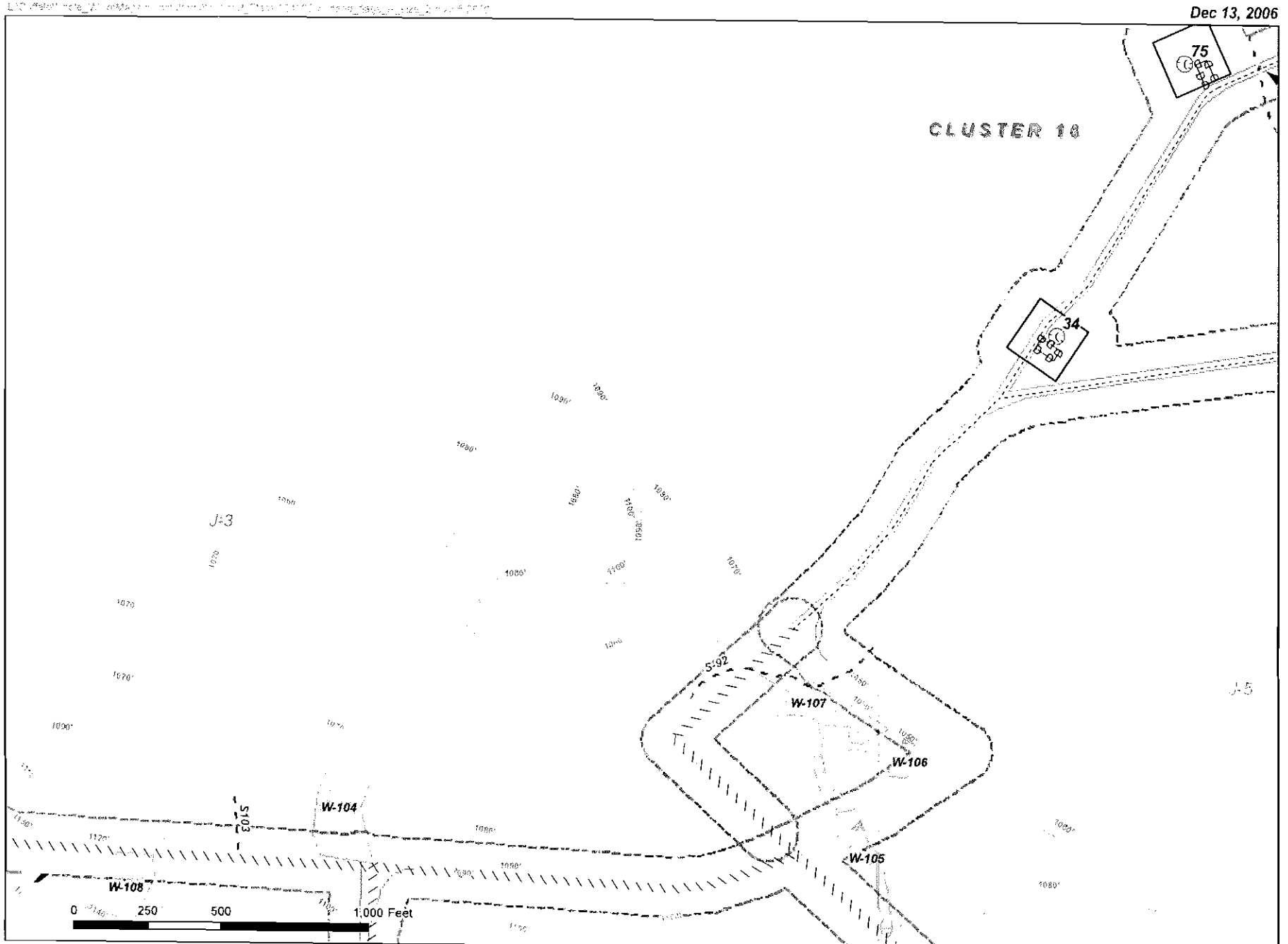

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Map # 4 of 14
Altona Windpark
Field Delineated Wetlands

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

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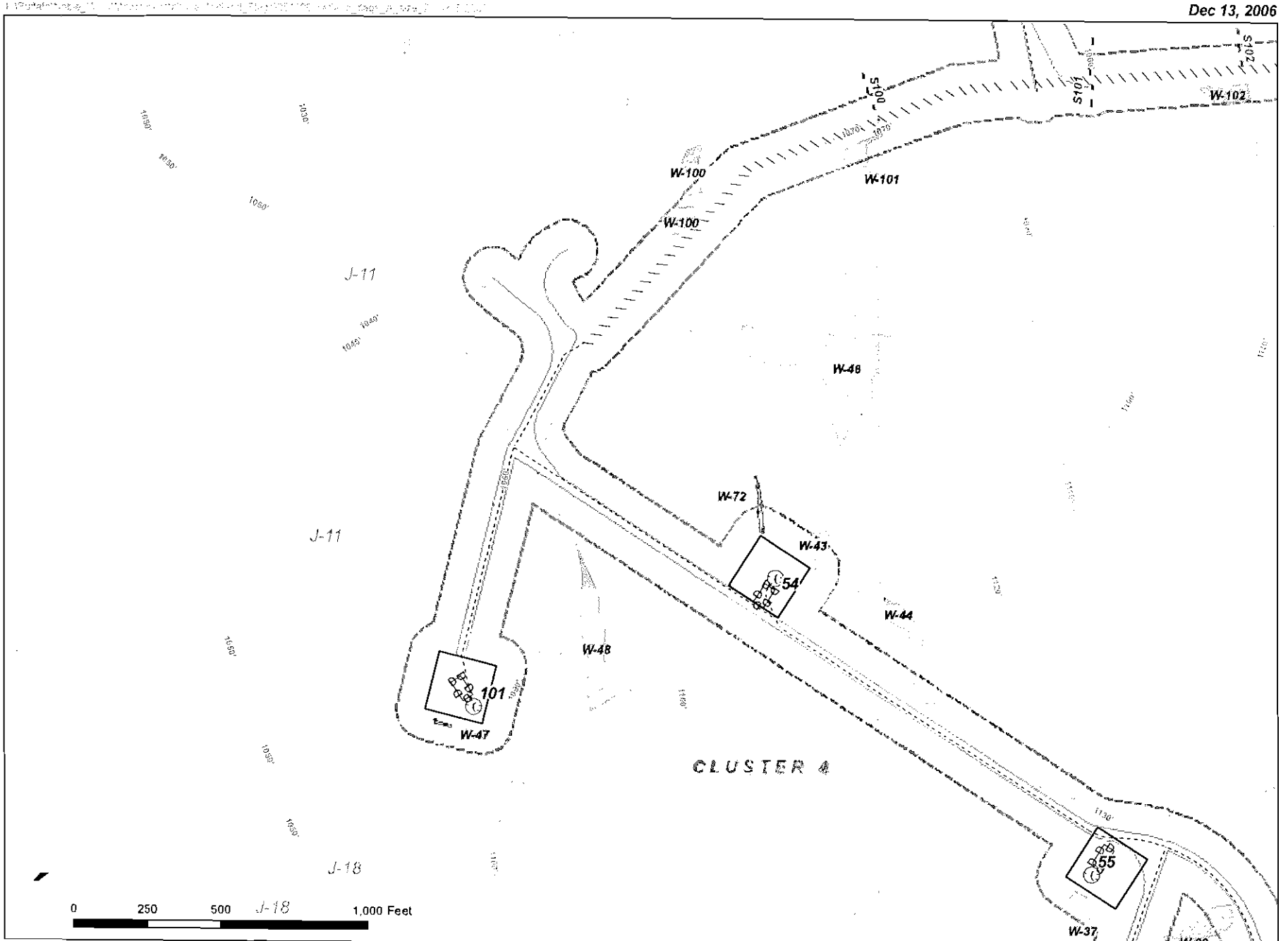

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Map # 5 of 14
Altona Windpark
Field Delineated Wetlands

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

Stream S-27 Impacts:
Temp. Impacts: 22.44'
Perm. Impacts: 13.56'

Wetland: W001-DC
Temp. Impact: 0.01
Perm. Impact: 0.00

Stream S-30 Impacts:
Temp. Impacts: 28.00'
Perm. Impacts: 12.00

Stream S-205 Impacts:
Temp. Impacts: 28'
Perm. Impacts: 12'

Stream D-204 Impacts:
Temp. Impacts: 28'
Perm. Impacts: 12'

CLUSTER 19

CLUSTER 3

W-001-DC W-27a W-27b W-41 S-27 S-30 S-204 S-205 D-203 D-20 S102

72 74 47 48 102

0 250 500 1,000 Feet

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Map # 6 of 14
Altona Windpark
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Note: Stream impact units in linear feet
Wetland impact units in acres.

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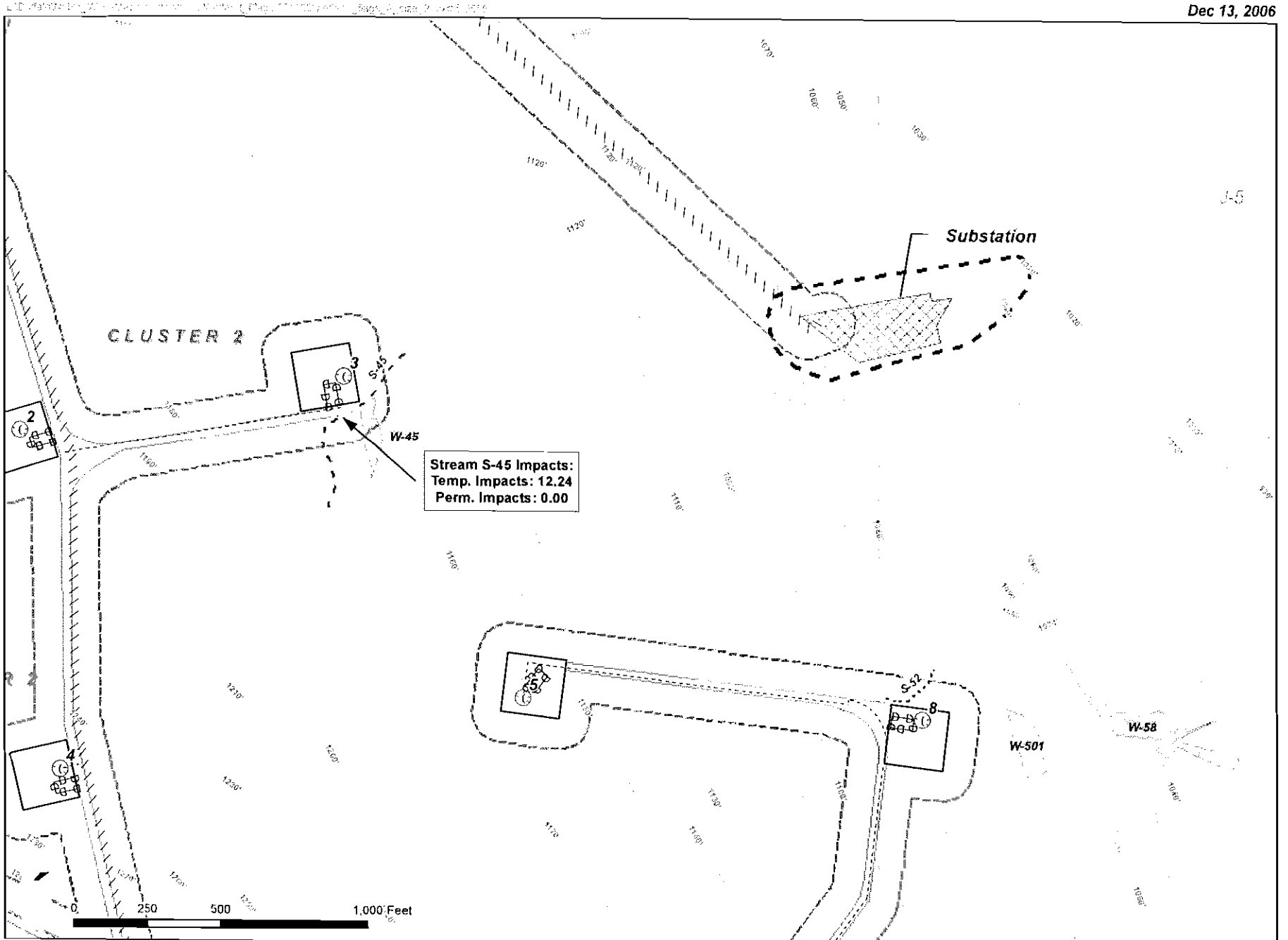

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Map # 7 of 14
Altona Windpark
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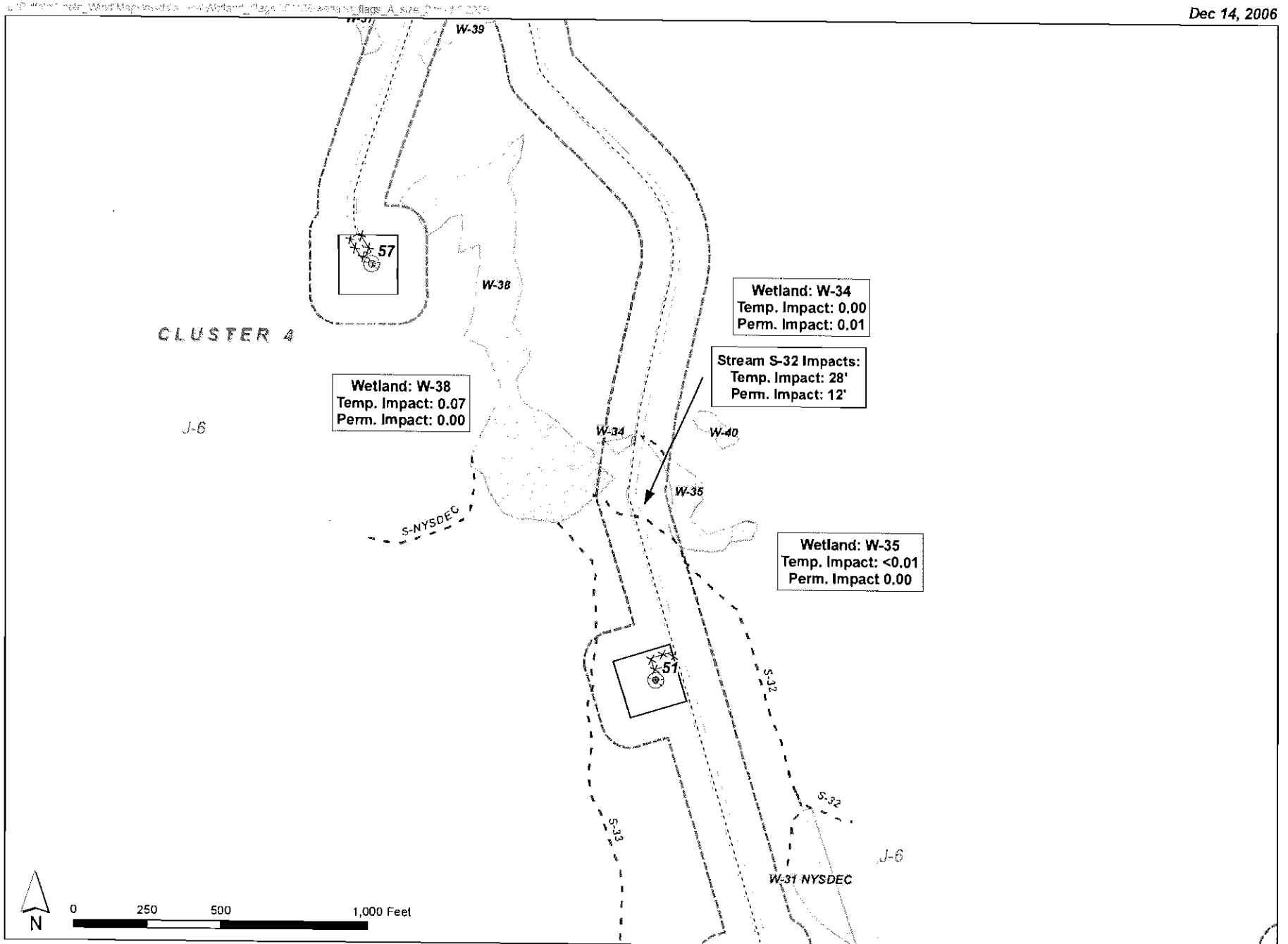
Sheet 10 of 23



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Map # 8 of 14
Altona Windpark
Field Delineated Wetlands

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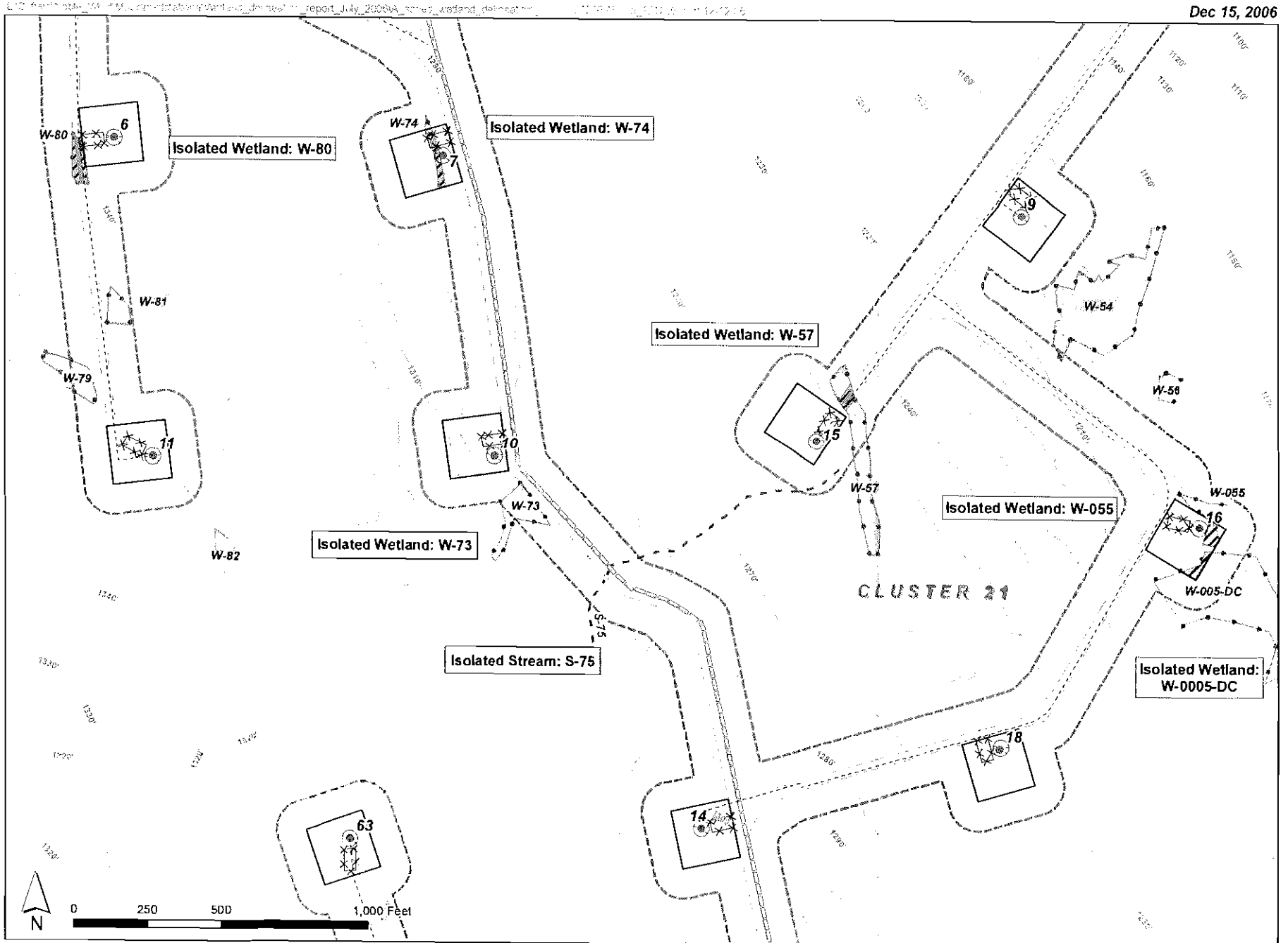

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Map # 9 of 14
Altona Windpark
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Note: Stream impact units in linear feet
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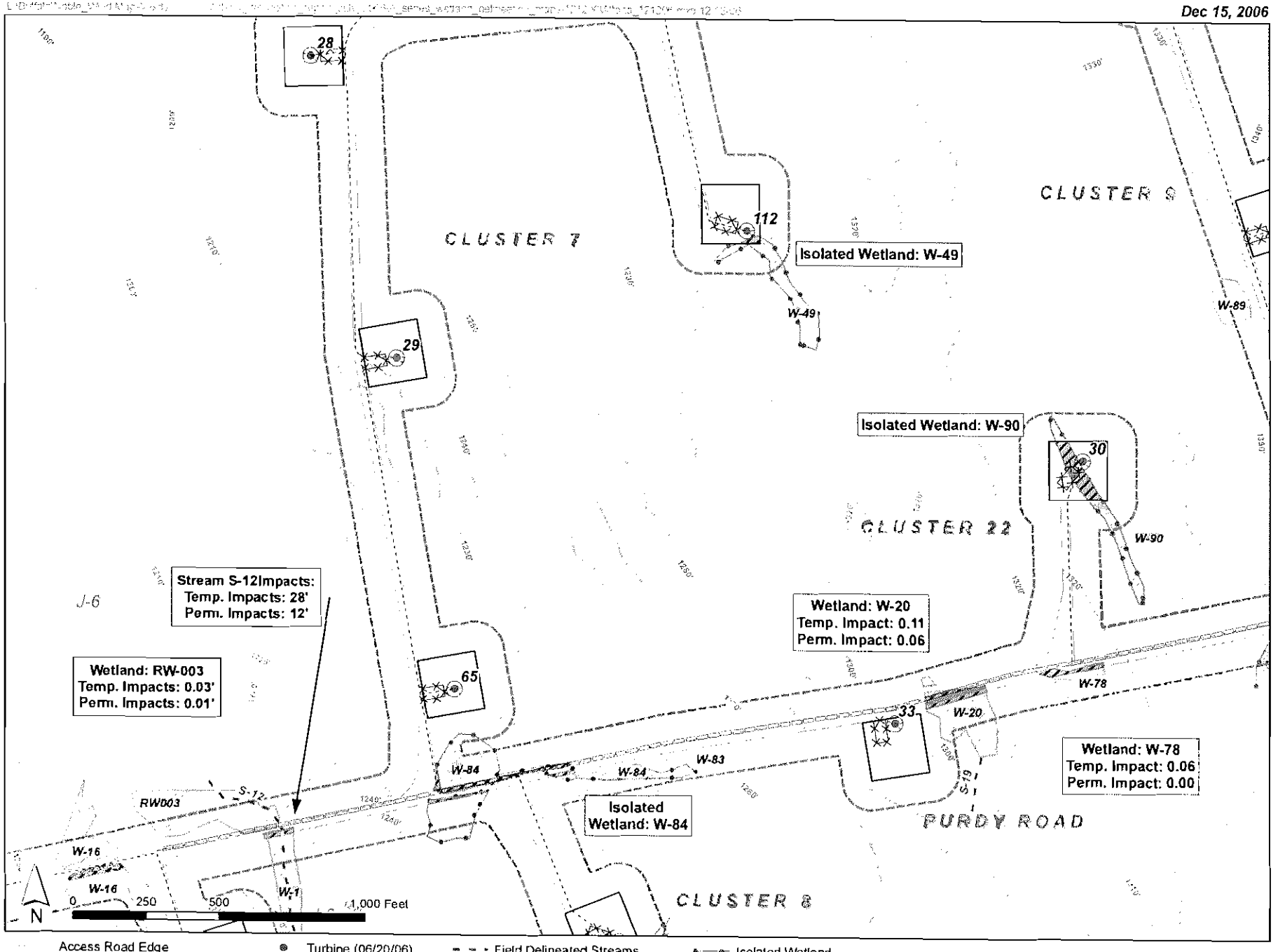
Dec 15, 2006



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Map # 10 of 14
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Note: Stream impact units in linear feet; Wetland impact units in acres.

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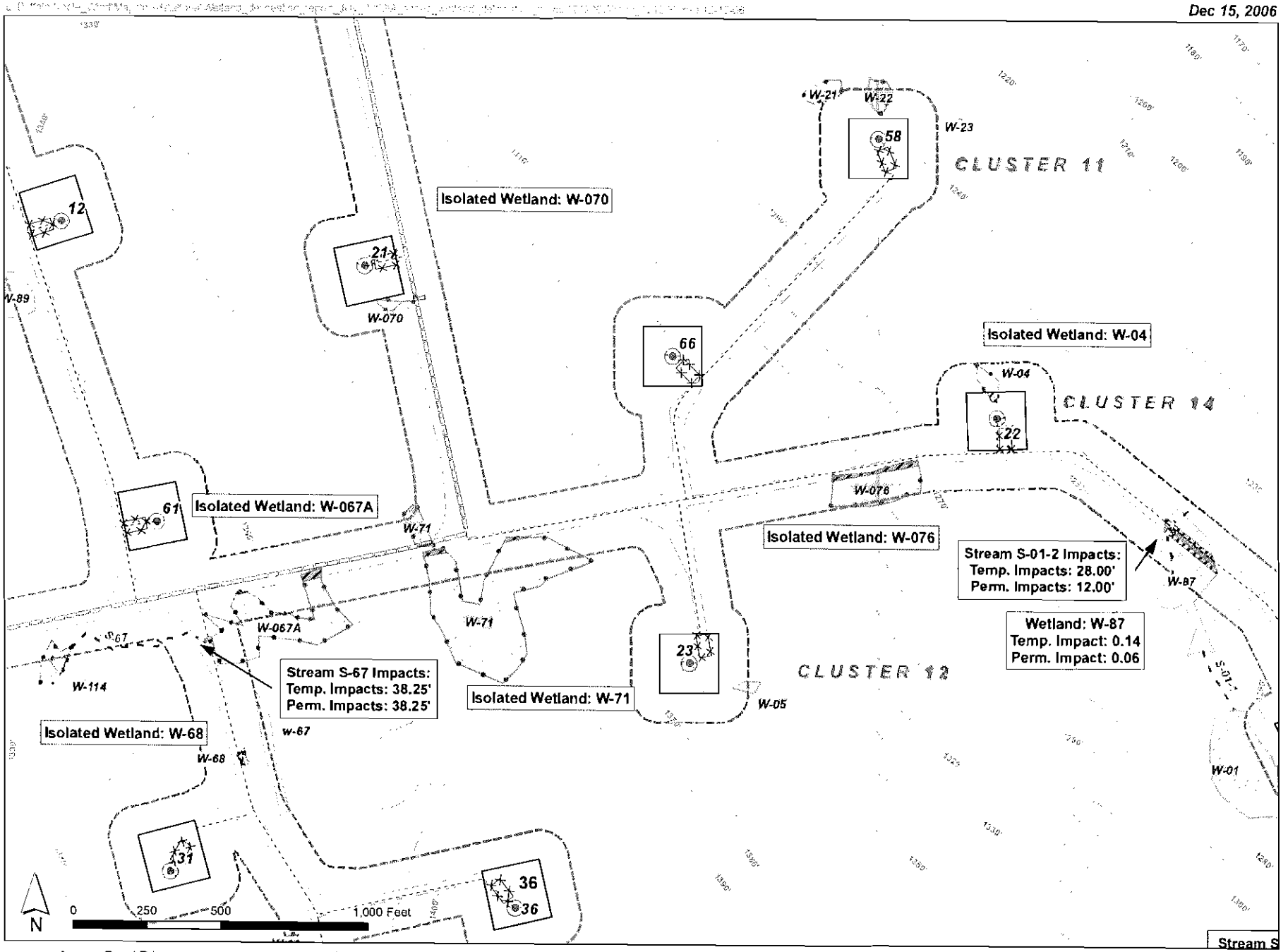

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Map # 11 of 14
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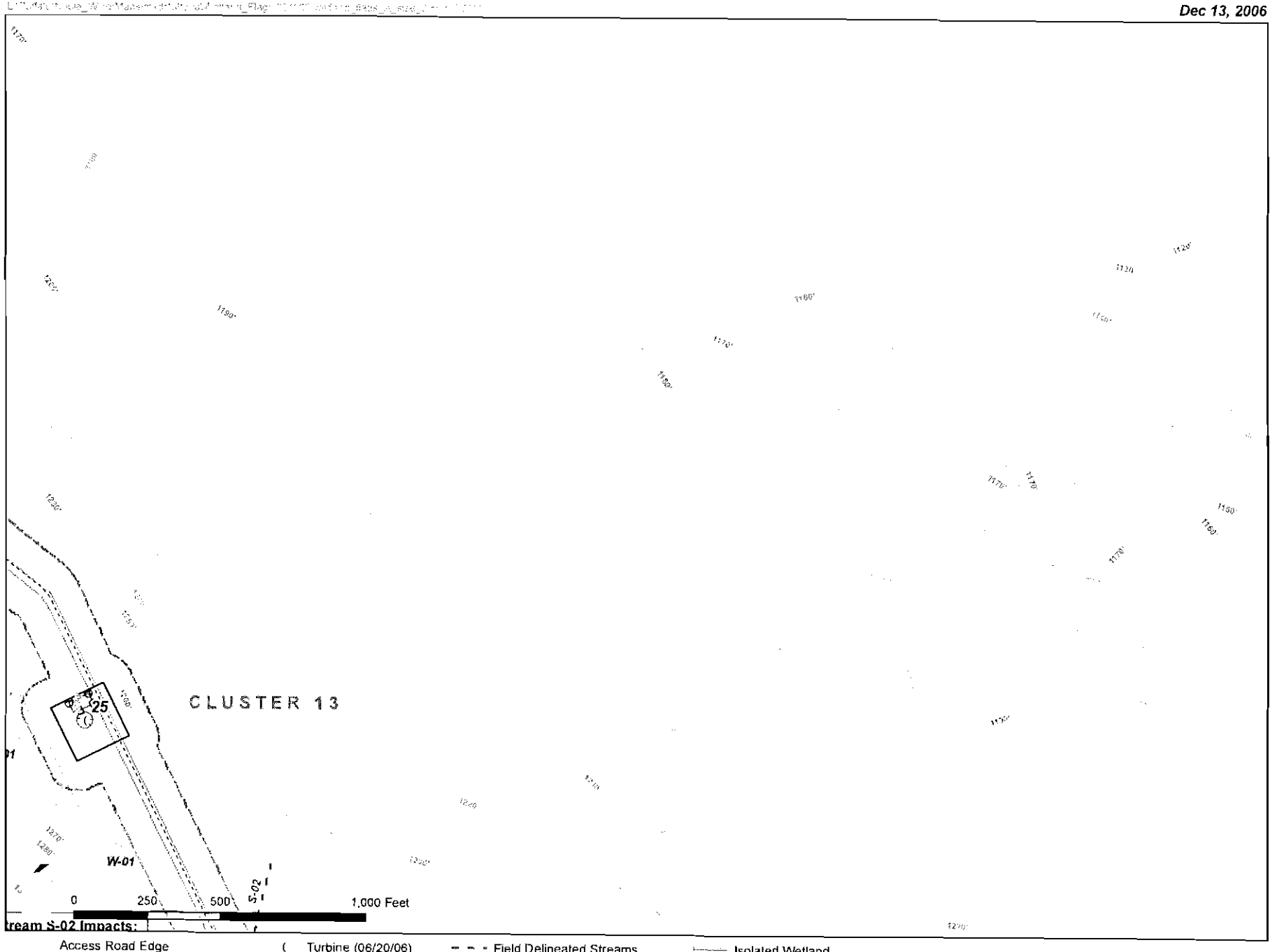

Stream S-02 Impacts:

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Map # 12 of 14
Altona Windpark
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Note: Stream impact units in linear feet
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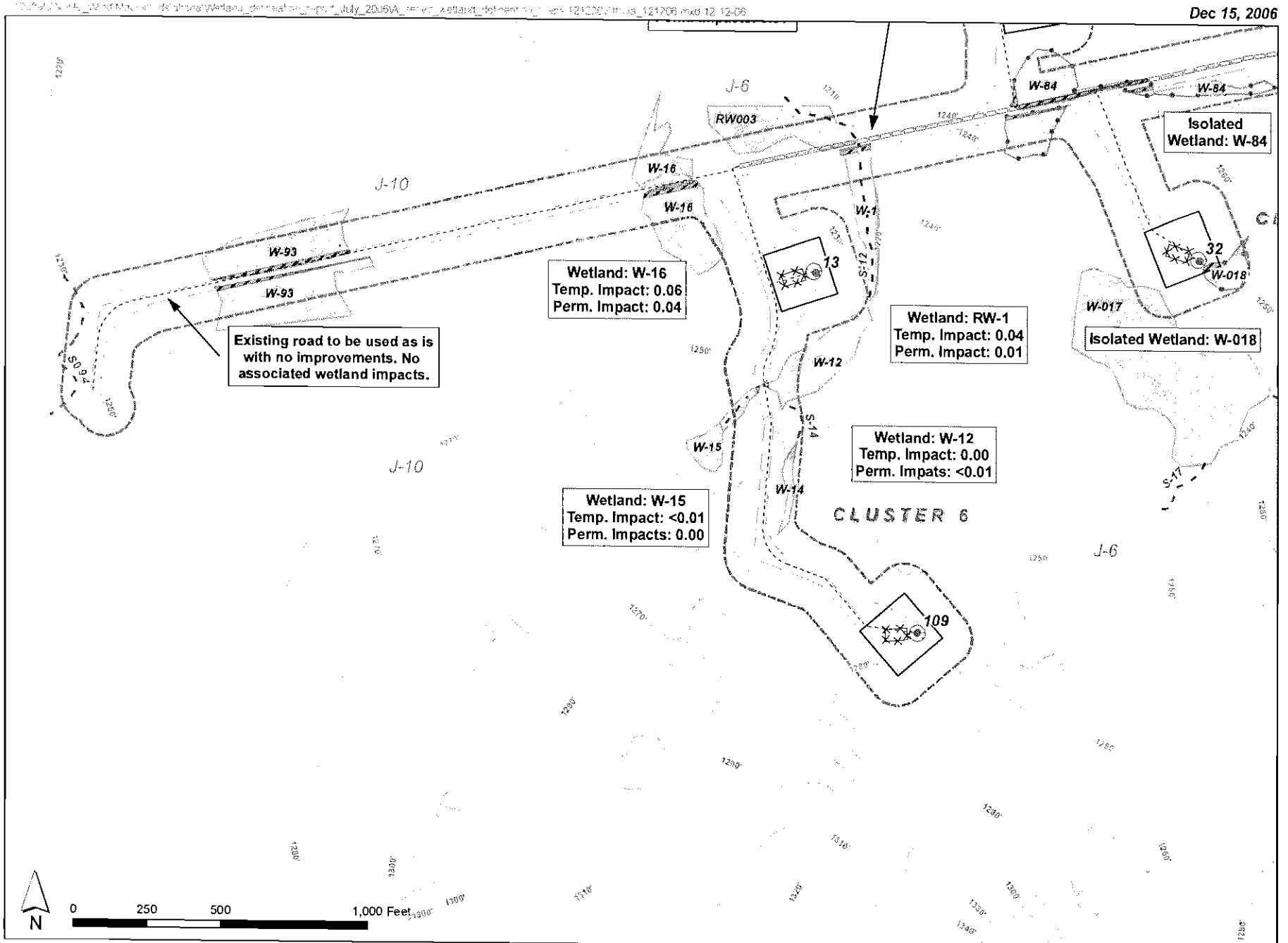

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Map # 13 of 14
Altona Windpark
Field Delineated Wetlands

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

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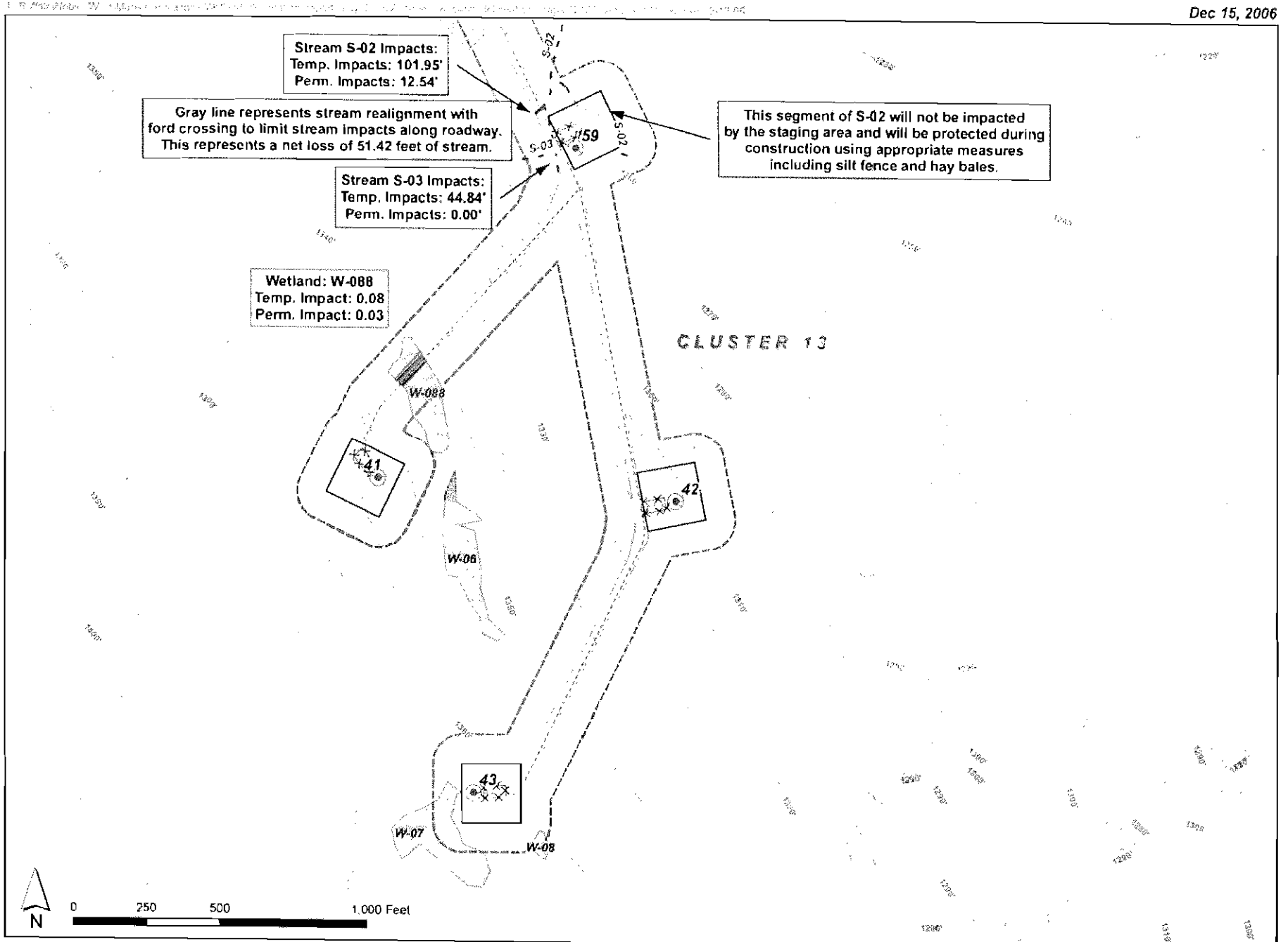

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Map # 14 of 14
Altona Windpark
Field Delineated Wetlands

Note: Stream impact units in linear feet
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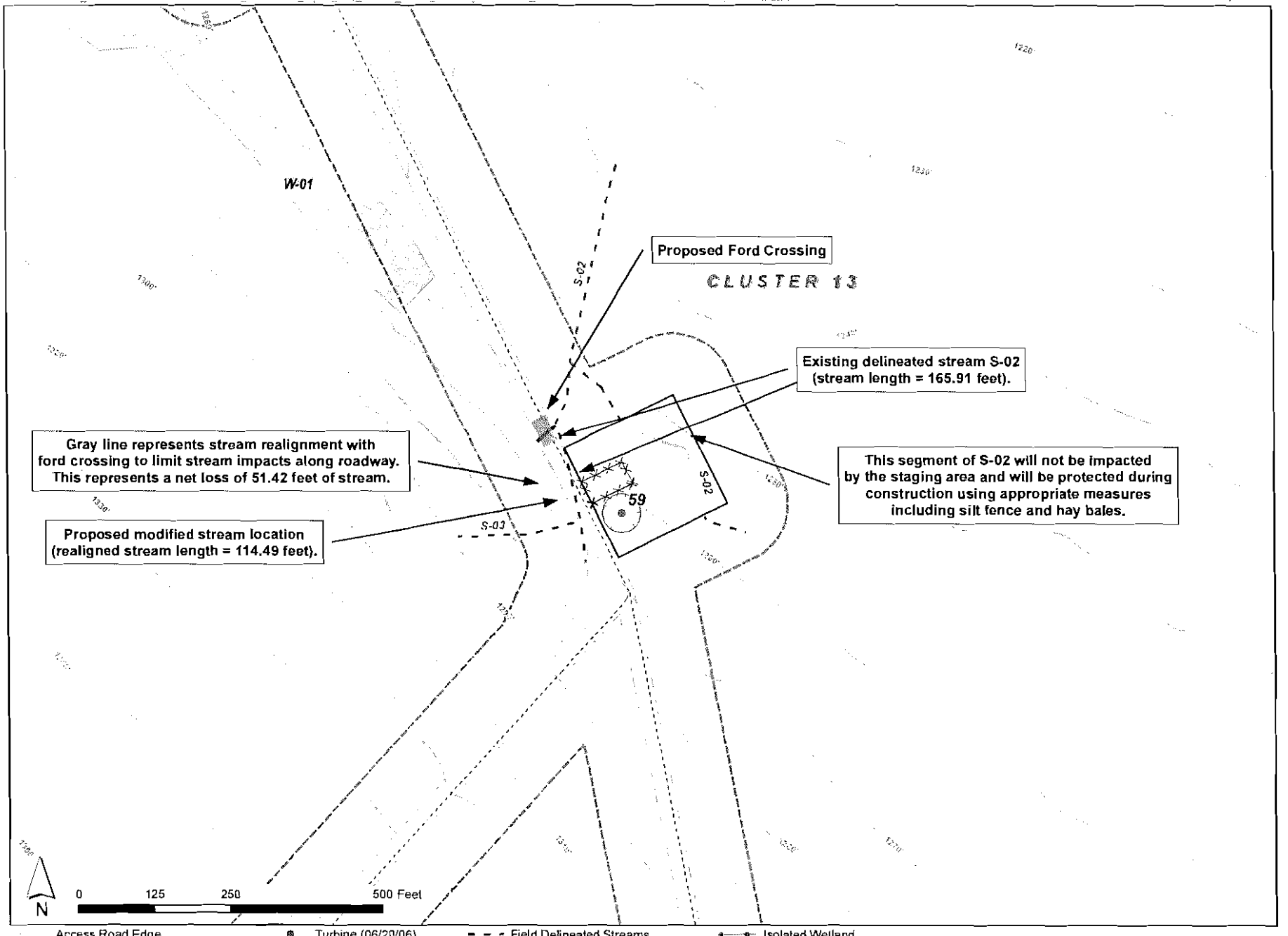

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S-02 Stream Realignment
Altona Windpark
Field Delineated Wetlands

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© Ecology & Environment, Inc. GIS Department Project #
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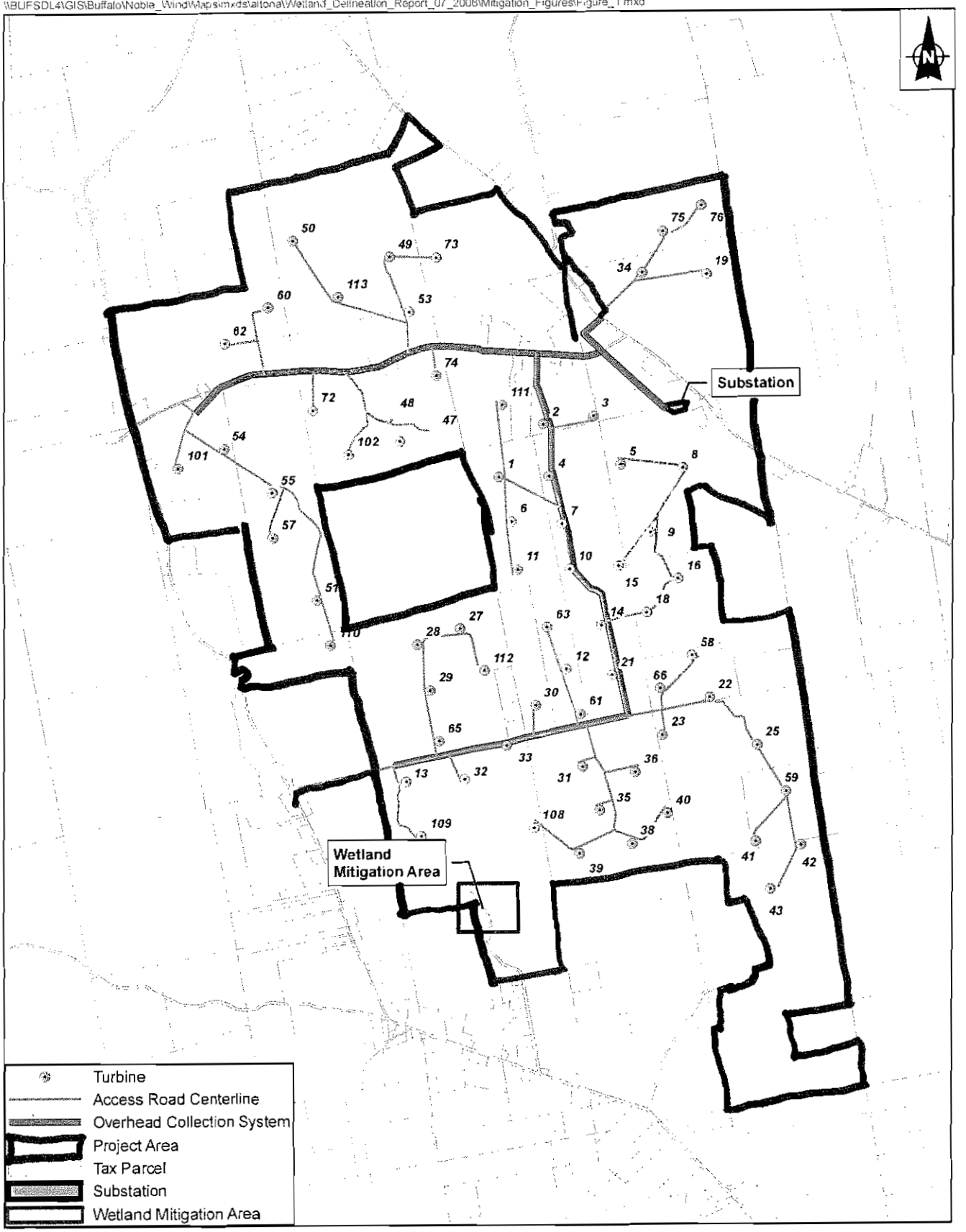

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2006-00451-YN
Noble Environmental Power, LLC
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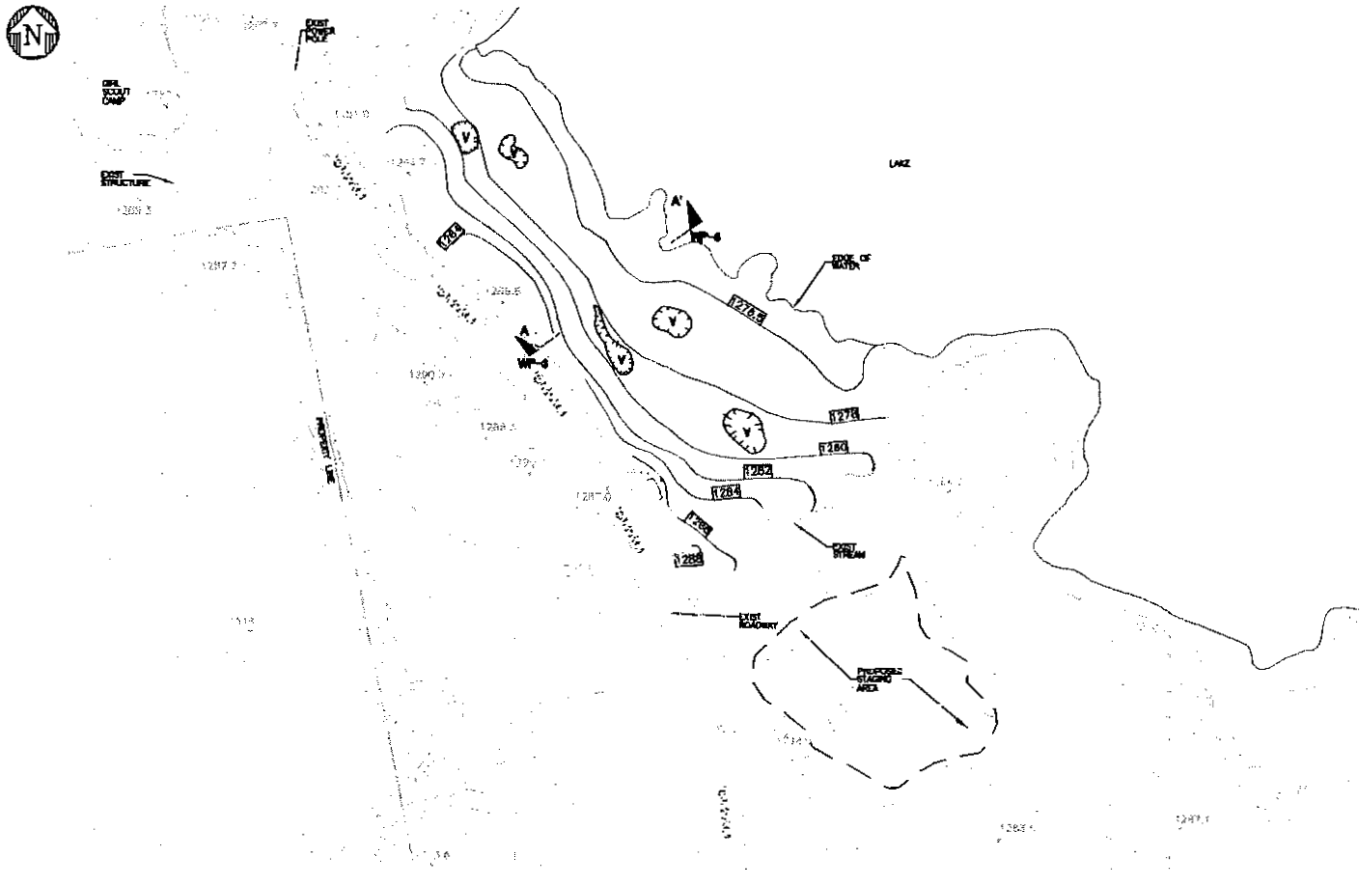
Figure 2-1 Wetland Mitigation Area Location
Altona Project Area



SITE GRADING PLAN

SCALE: 1" = 50'-0"

CONTOUR INTERVAL = 2 FEET

LEGEND:

- EXIST CONTOURS
- EXIST FENCE LINE
- EXIST TREE OR TREE LINE
- WATERSHED DIRECTION
- PROPOSED STAGING AREA
- VERNAL POOL TO 12" DEPTH ±
- 1280 FINISH CONTOUR
- EXIST ACCESS ROAD
- PROPERTY LINE (APPROXIMATE)
- EXIST SPOT ELEVATION
- EXIST POWER POLE

GENERAL NOTES:

1. LOCATIONS OF EXISTING SITE FEATURES, GRADES, FENCE 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, SEGREGATE FROM OVERBURDEN MATERIALS AND STOCKPILE ON SITE AT THE DESIGNATED STAGING AREA AS INDICATED ON PLAN FOR REUSE. CONTRACTOR SHALL INSTALL EROSION CONTROL DEVICES AND RESTORE STAGING AREAS TO PRE-CONSTRUCTION CONDITIONS UPON COMPLETION OF ENHANCED WETLAND WORK. REMOVE ANY REMAINING STOCKPILED SOIL FROM THE SITE AS PER THE OWNERS DIRECTIVE.
3. FOR WETLAND PLANTING PLAN, REFER TO DRAWING WP-4.
4. FOR SWPPP/EROSION CONTROL PLANS, REFER TO DRAWINGS SW-1 AND SW-2.
5. FOR PROFILE A-A', SEE DRAWING WP-3.
6. CONTRACTOR SHALL ESTABLISH A SITE BENCHMARK BASED ON NYS PLANE EAST RAD 83 COORDINATE SYSTEM. LOCAL CONTROL MUST BE COORDINATED WITH OWNER AND DMM PRIOR TO CONSTRUCTION.
7. ADDITIONAL SOIL/STAGING AREA TO BE IDENTIFIED IN THE FIELD.
8. FINAL GRADES SHALL BE LEFT IN ROUGH CONDITION TO EMULATE NATURAL CONDITIONS.
9. VERNAL POOLS SHALL BE CONSTRUCTED AFTER FINAL GRADING IS COMPLETE.

REV. NO.	DATE	DESCRIPTION
	2004	LIDAR AERIAL SURVEY DATA PROVIDED BY KUCERA INTERNATIONAL FOR NOBLE POWER

NO.	DATE	APP	DWN	REVISIONS
C	11/14/06	JJK	DJM	REVISED PER NYSDEC COMMENTS
B	10/12/06	KMK	DJM	ISSUED DRAFT FOR AGENCY REVIEW
A	1/22/06	JJK	DJM	ISSUED FOR CLIENT REVIEW

ecology and environment engineering p.c.

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DRAWN BY: NM KRAJEWSKI	APPROVED BY: OJ MILLER, P.E.

NOBLE ENVIRONMENTAL POWER, LLC

ALTONA WETLAND MITIGATION AREA
CLINTON COUNTY, NEW YORK
SITE GRADING PLAN

SCALE	DATE ISSUED	CLASS. FILE NO.	DRAWING NO.	REV.
NOTED	10/13/06	Noble\Altona\002.dwg	Sheet WP-2 of 5	C

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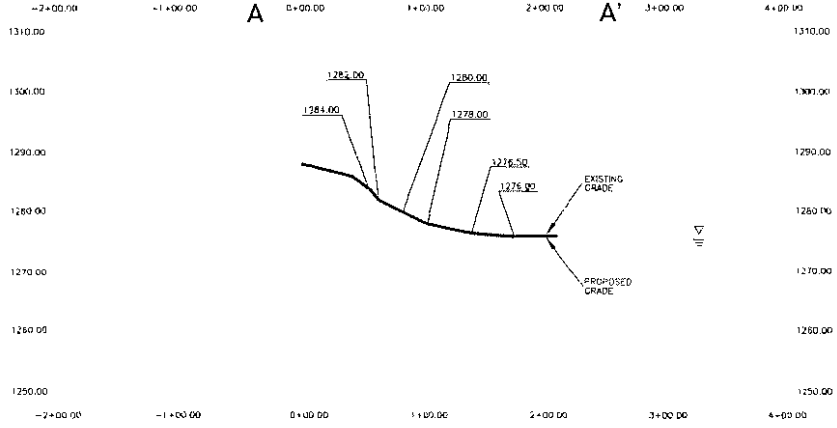
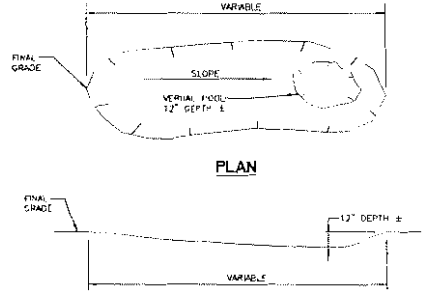


PROFILE A-A'

HORIZONTAL SCALE: 1" = 50'-0"
VERTICAL SCALE: 1" = 10'-0"

PROPOSED PROFILE

EXISTING PROFILE



TYPICAL VERNAL POOL

SCALE 1/4" = 1'-0"

NOTES

1. MAX SLOPE IN VERNAL POOLS SHALL BE 3H:1V
2. OVEREXCAVATE VERNAL POOLS REPLACE 6" OF TOPSOIL TO ACHIEVE FINISHED GRADE
3. SEE SHEET WP-2 FOR APPROXIMATE DIMENSIONS AND SHAPES OF VERNAL POOLS. ACTUAL SIZE AND SHAPE SHALL VARY AT THE DIRECTION OF THE ON-SITE RESTORATION SPECIALIST OR ECOLOGIST

DWG. NO.	DATE	DESCRIPTION	NO.	DATE	DRN.	APP'D.	DESCRIPTION
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			B	10/12/06	KMK	DJM	ISSUED DRAFT FOR AGENCY REVIEW
			A	9/22/06	JJK	DJM	ISSUED FOR CLIENT REVIEW

REFERENCE DRAWINGS — REVISIONS

ecology and environment engineering p.c.

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NOBLE ENVIRONMENTAL POWER, LLC

ALTONA WETLAND MITIGATION AREA
CLINTON COUNTY, NEW YORK
PROFILE A-A'

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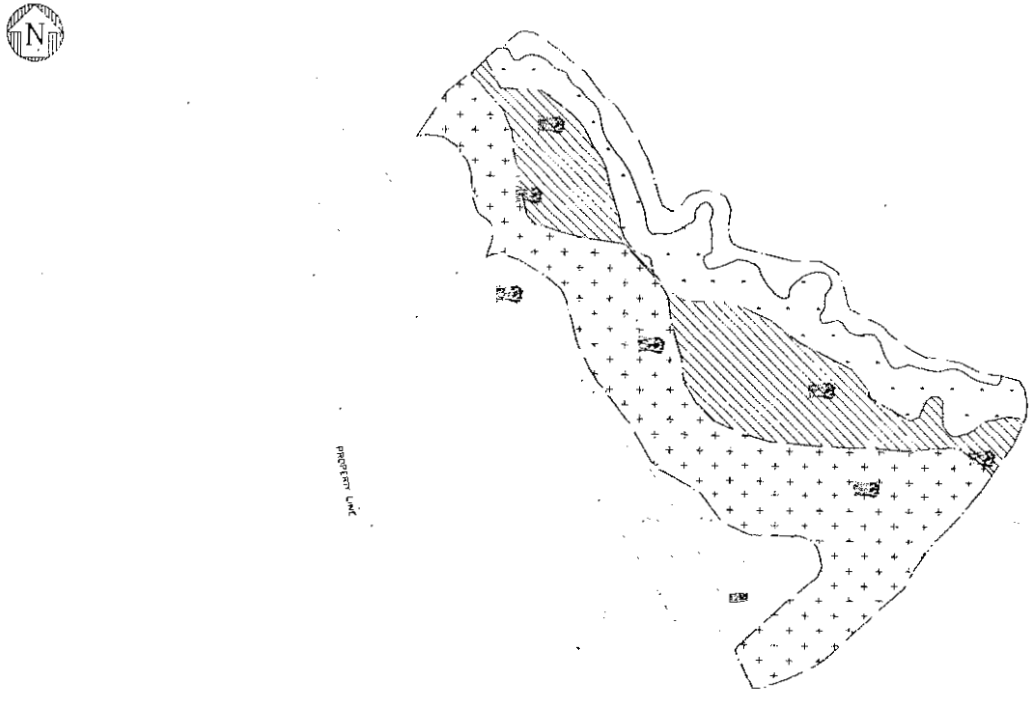

PLANTING ZONES

- FORESTED WETLAND ZONE
- SCRUB/SHRUB WETLAND ZONE
- WET MEADOW WETLAND ZONE
- FLOATING LEAVED WETLAND ZONE
- BRUSH PILE

LAKE SURFACE ELEVATION = 1276.0'

LEGEND:

- EXIST CONTOURS
- EXIST FENCE LINE
- EXIST TREE OR TREE LINE
- WETLAND PLANTING AREA
- FINISH CONTOUR
- EXIST ACCESS ROAD
- PROPERTY LINE (APPROXIMATE)
- EXIST SPOT ELEVATION
- EXIST POWER POLE

NOTES:

1. THIS DRAWING HAS BEEN PREPARED FOR WETLAND PLANTING GUIDANCE PURPOSES ONLY. REFER TO DRAWING WP-2 FOR FINISHED CONTOURS AND CAYOUT
2. WETLAND CONTOURS ARE SHOWN WITH STRAIGHT LINE EDGES FOR CLARITY MODIFICATIONS TO SUIT FIELD CONDITIONS WILL BE ALLOWED WITH PRIOR APPROVAL OF THE ENGINEER
3. EXTEND BUFFER ZONE PLANTING TO EDGE OF DISTURBED AREAS
4. SEE SPECIFICATIONS FOR WETLAND PLANTING AND STARTUP DETAILS
5. PROPOSED BRUSH PILE LOCATIONS ARE APPROXIMATE. BRUSH PILES SHALL BE HAND-PLACED AND SHALL BE APPROXIMATELY 1 TO 3 FEET HIGH AND 8 FEET IN DIAMETER
6. BRUSH PILES SHALL BE PLACED PRIOR TO PLANTING AND SEEDING

PLANTING PLAN

SCALE: 1" = 50'-0"
CONTOUR INTERVAL = 2 FEET

SCALE IN FEET
0 100 200 300

SHG NO	DATE	DESCRIPTION	NO.	DATE	DWN	APP'D	DESCRIPTION
			C	11/14/06	JJK	DJM	REVISED PER NYSDEC COMMENTS
	2004	LIDAR AERIAL SURVEY DATA PROVIDED BY KUCERA INTERNATIONAL FOR NOBLE POWER	B	10/12/06	KMA	DJM	ISSUED DRAFT FOR AGENCY REVIEW
			A	10/12/06	JJK	DJM	ISSUED FOR CLIENT REVIEW

REFERENCE DRAWINGS — REVISIONS

ecology and environment engineering p.c.

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DRAWN BY	APPROVED BY
KM KRAJEWSKI/JJ KOHLER	DJ MILLER P.E.

NOBLE ENVIRONMENTAL POWER, LLC

ALYONA WETLAND MITIGATION AREA
CLINTON COUNTY, NEW YORK
PLANTING PLAN

SCALE	DATE ISSUED	CAD FILE NO	DRAWING NO	REV
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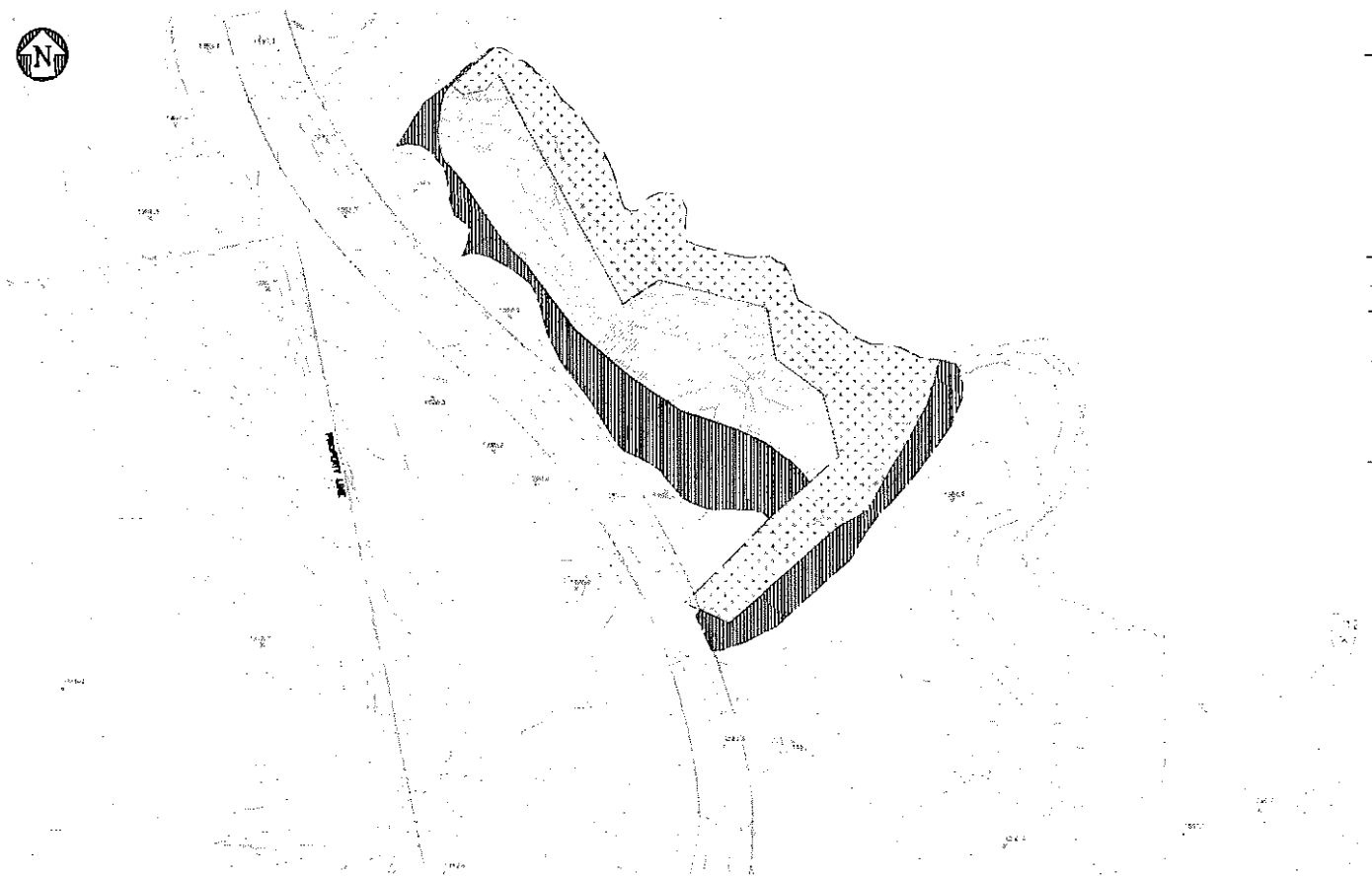

WETLAND AREAS

SCALE: 1"= 50'-0"

WETLAND AREAS

- CREATED WETLAND AREA (.61 ACRES)
- ENHANCED WETLAND AREA (.90 ACRES)
- ENHANCED BUFFER AREA (.62 ACRES)

LEGEND:

- EXIST CONTOURS
- EXIST FENCE LINE
- EXIST TREE OR TREE LINE
- WETLAND PLANTING AREA
- EXIST WETLAND AREA
- FINISH CONTOUR
- EXIST ACCESS ROAD
- PROPERTY LINE (APPROXIMATE)
- EXIST SPOT ELEVATION
- EXIST POWER POLE

NOTES:

1. THIS DRAWING HAS BEEN PREPARED TO DEMONSTRATE MITIGATION ACTIONS. REFER TO DRAWING WP-2 FOR FINISHED CONTOURS AND LAYOUT.
2. WETLAND CONTOURS ARE SHOWN WITH STRAIGHT LINE EDGES FOR CLARITY. MODIFICATIONS TO SUIT FIELD CONDITIONS WILL BE ALLOWED WITH PRIOR APPROVAL OF THE ENGINEER.
3. EXTEND BUFFER ZONE PLANTING TO EDGE OF DISTURBED AREAS.
4. SEE SPECIFICATIONS FOR WETLAND PLANTING AND STARTUP DETAILS.

			A	11/14/06	KMK	DJM	REVISED PER NYSDEC COMMENTS
	2004	LIDAR AERIAL SURVEY DATA PROVIDED BY KUCERA INTERNATIONAL FOR NOBLE POWER	B	10/12/06	KMK	DJM	ISSUED DRAFT FOR AGENCY REVIEW
			A	9/22/06	JJK	DJM	ISSUED FOR CLIENT REVIEW
DWG NO.	DATE	DESCRIPTION	NO.	DATE	DWN	APP'D	DESCRIPTION

ecology and environment engineering p.c.

DESIGNED BY: A. MARSH	CHECKED BY: JJ FAZZOLARI, P.E.
DRAWN BY: KM KRAJEWSKI/JJ KOHLER	APPROVED BY: DJ MILLER, P.E.

NOBLE ENVIRONMENTAL POWER, LLC

ALTONA WETLAND MITIGATION AREA
CLINTON COUNTY, NEW YORK
WETLAND AREAS

SCALE	DATE ISSUED	C.A.D. FILE NO.	DRAWING NO.	REV.
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