



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

REPLY TO:  
ATTENTION OF:

August 23, 2007

Regulatory Division  
CENAE-R-62-NAE-2006-1549

Mr. David P. Cowan  
Vice President of Environmental Affairs  
UPC Wind Management, LLC.  
100 Wells Avenue, Suite 201  
Newton, Massachusetts 02459-3210

Dear Mr. Cowan:

This concerns your proposal to place fill in waterways and wetlands in conjunction with the construction of the Sheffield Wind Farm in Sheffield Vermont.

The US Fish and Wildlife Service (USFWS) has determined that the aquatic impacts of the proposed project are more than minimal. As required by the procedures in the VT General Permit program, the project at this time is not eligible for authorization under the VT General Permit, and must be reviewed under the individual permit review procedure.

The enclosed correspondences were received from the USFWS and the Environmental Protection Agency (EPA) in response to the project. This is your opportunity to respond to these comments by giving us your proposed resolution or rebuttal. All written comments should be made directly to the Corps of Engineers' Vermont Project Office.

- 1) Provide a discussion of secondary impacts due to the effects of habitat fragmentation resulting from new roads and upgrade of existing roads.
- 2) The USFWS is concerned that the proposed access road is not the least environmental damaging practicable alternative (LEDPA) and that the Doreios Road or other alternatives from the east may have less direct and secondary effects. Further discuss the impacts these alternatives will have on the aquatic resources and why they are not practicable.
- 3) The USFWS has indicated that inadequate preconstruction data has been collected to evaluate risk to birds and bats. Briefly discuss the data that has been collected and what additional data may be necessary to resolve the concerns of USFWS.
- 4) The EPA has indicated that the proposed project will have more than minimal impacts to headwater and ephemeral streams. Discuss the impacts the proposed project will have on these stream systems.
- 5) Provide a discussion of the vernal pools in the project area and the best management practices being implemented to protect these habitats. Provide photographs of the vernal pools and other wetlands being impacted by the proposed project.
- 6) Discuss how the 2,700 acres of preserved land will be managed.

Redesign or modification of your project may qualify it for authorization under the VT GP. If you are unable to, or prefer not to redesign your project, you may request that we begin the Individual Permit review process. This review process involves issuing a Public Notice to abutters, various local and State agencies, and other members of the public on our mailing list. Please contact the project manager listed below to discuss process or design alternatives. You must submit the attached application form if you decide to move forward with the Individual Permit review process.

You may not proceed with any proposed work within our jurisdiction until you have received written authorization from this office. You must also obtain State and/or local approvals. Since an Individual Permit is required from us for your project, a 401 Water Quality Certification (WQC) is required from the VT Department of Environmental Conservation (DEC) for projects involving the discharge of dredged or fill material into waters of the United States *before* we can authorize your project. Please submit to us a copy of your application to the DEC and your final WQC approval.

Pages 2 and 16 of the VT GP contain information on State approvals and contacts. You may call us for a copy of the GP or obtain it at [www.nae.usace.army.mil](http://www.nae.usace.army.mil). Select "Regulatory Permitting" and then "Vermont" under "State Programmatic General Permits."

Please contact Michael S. Adams, of my staff, at our Essex Junction, Vermont Project Office at (802) 872-2893 to discuss the next steps in the process.

Sincerely,

Curtis L. Thalken  
Colonel, Corps of Engineers  
District Engineer

**Attachments**

Copies furnished:  
U.S. Fish and Wildlife Service  
ATTN: Vern Lang  
70 Commercial St., Suite 300  
Concord, NH 03301-5087

Ms. Beth Alafat  
Wetlands Protection Unit - CWP  
Office of Ecosystem Protection, EPA Reg. I  
1 Congress Street, Ste 1100  
Boston, MA 02203

Mr. Alan Quackenbush  
VT Department of Environmental Conservation  
103 South Main Street  
Building 10, North  
Waterbury, Vermont 05671-0408