

February 27, 2008

INFORMATION MEMORANDUM FOR THE REGIONAL DIRECTOR

FROM: Michael G. Thabault, Assistant Regional Director,
Ecological Services

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SUBJECT: Sheffield Wind Project, Sheffield, VT

I. SUMMARY

On August 7, 2007, the New England Field Office requested that the Section 404 application by UPC Wind for the Sheffield Wind Project be removed from the general permit category (i.e., kicked out), and processed as an individual permit because the impacts were more than minimal. We have had several meetings and discussions with UPC Wind since then, and continue to believe the impacts are more than minimal, despite modifications to the footprint of the project by UPC. Recently, UPC Wind personnel indicated that they were going to “pull other levers”, and have contacted regional (Alex Hoar) and Washington (Dave Stout) office staff and we presume others outside of the Fish and Wildlife Service.

II. DISCUSSION

UPC is allegedly concerned about the individual Section 404 permit process because of the processing time, the potential for public comment (and a public hearing), and because they may need to address information needs expressed by the Service. These information needs include, but are not limited to 1) the need to delineate wetlands and waters affected by habitat fragmentation, not just those adjacent to the project footprint, and 2) the need to conduct adequate (i.e., three years) of radar surveys of the currently configured project, as UPC has no data for this location. (UPC does have some radar data for a nearby location.) In February 2008, the Vermont Agency of Natural Resources issued a draft individual Section 402 (NPDES) permit and public notice for the Sheffield Wind Project. UPC staff indicated recently that they were going to take another look at avoiding wetlands and therefore federal 404 jurisdiction altogether.

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