

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7037

Petition of EMDC, LLC for a Certificate of Public)
Good authorizing the construction and operation of a)
temporary wind measurement tower and associated)
meteorological equipment at each of the following)
three sites: (1) East Haven Mountain located in the)
Town of East Haven, Vermont; (2) an unnamed)
hilltop located near Seneca Mountain in the Town of)
Ferdinand, Vermont; (3) an unnamed hilltop located)
south of the Town of Brighton, Vermont)

Entered: 9/30/2005

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248

IT IS HEREBY CERTIFIED that the Public Service Board of the State of Vermont this day found and adjudged that the installation of two temporary wind measurement towers by EMDC, LLC, d/b/a East Haven Windfarm, on sites in Ferdinand and Brighton, for up to a five-year period from the date of this Order, in accordance with the evidence and plans presented in this proceeding and the following conditions, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good with the following conditions shall be issued in the matter.

1. Construction, operation, and maintenance of the project shall be in accordance with the plans and evidence submitted in this proceeding.
2. This Certificate of Public Good shall not be transferred without prior approval of the Board.
3. The wind measurement towers shall be removed five years after the date of this Certificate of Public Good.
4. EMDC shall conduct biweekly bird carcass surveys at the tower sites for the life of the project. The surveys shall be conducted according to the agreement between EMDC and ANR.

5. EMDC shall coordinate with ANR and the Department to determine what studies must be conducted prior to the filing of a petition for approval to construct a wind generating project at one or more of the wind measurement tower sites. Any such petition shall include a statement by EMDC that it has worked in good faith with ANR and the Department in an effort to address their need for information prior to Section 248 review of the wind generation project(s).

6. Due to the presence of Bicknell's Thrush habitat on Seneca mountain, clearing must be minimized to the maximum extent practicable and occur either before May 15 or after August 1.

7. Prior to construction, EMDC shall work with a qualified consultant to develop detailed site maps which show the location of sensitive areas, such as wetlands and vernal pools, and the extent of clearing required to deliver and install wind measurement towers at the two sites. Using the resource maps as a basis for discussion, EMDC shall consult with ANR regarding the precise location of the towers, in order to minimize the clearing of vegetation and the impact to environmental resources. Specifically:

a. EMDC shall map wetlands and vernal pools within a 300' radius of the proposed tower locations at Brighton and Ferdinand, and for 250' on either side of the proposed access route to the Ferdinand site from the point where the existing trail ends to the location of the wind measurement tower. Both towers and the access route to the Ferdinand site will be laid-out so as to provide a minimum 100' buffer from all sensitive areas identified on the site map.

b. The resource maps depicting sensitive areas and the final site plans shall be filed with the Board and all parties prior to commencement of construction.

8. Motorized vehicles (ATVs or snowmobiles) may be used to access the Brighton and Ferdinand sites during winter months (December — March), and during other times of the year when the ground is frozen or sufficiently dry to avoid any undue soil erosion. Specifically, EMDC shall not use motorized vehicles to access the site within 48 hours of a rainfall event that exceeds 0.25", except when unforeseeable events require immediate access.

Docket No. 7037

DATED at Montpelier, Vermont, this 30th day of September, 2005.

_____)	
)	PUBLIC SERVICE
)	
s/David C. Coen)	BOARD
)	
)	OF VERMONT
s/John D. Burke)	

OFFICE OF THE CLERK

Filed: September 30, 2005

Attest: s/Judith C. Whitney
Acting Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)