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Date: Thu, 24 Sep 2009 10:18:42 -0400  
Subject: Fwd: BRSA Wind Turbine Permit  
FYI...illustrates the pressure that nancy is under related to this project, and we have little ability to control it. and of course the full story and context does not get represented with these folks, but what else is new

Mark N. Mauriello  
Acting Commissioner  
609-292-2885

>>> Nancy Wittenberg 9/24/2009 8:30:44 AM >>>  
see below....i emailed you last night and had hoped they would wait to hear back from us...i will reach out to Kenny.

>>> "[fred.desanti@mc2publicaffairs.com](mailto:fred.desanti@mc2publicaffairs.com)"  
<Fred.DeSanti@MC2PublicAffairs.com> 9/23/2009 9:45:03 PM >>>  
Ken:

Thanks for taking time to meet with us today we really appreciate your continuing interest in this project.

Unfortunately, I got a call late this afternoon indicating that the DEP was about to place two conditions on our CAFRA permit which, in and of themselves, could kill our project. First, they indicated that we would need to wait for the full year of our pre-construction avian study before we could undertake any subsurface construction activity. While we have always agreed to not erect the tower until the completion of the study, we simply cannot put out to bid a contract now in accordance with the timing requirements for ARRA funding and then wait almost a full year before any work can commence. We need to use this time to construct the tower footing and ground-level infrastructure which will have no bearing upon nor will it influence any of the avian monitoring. Clearly, we would even be willing to manage this ground-level construction around critical migratory times should ground-level construction noise be of concern to the department.

It just doesn't seem that they are offering any level of cooperation and seem dedicated to frustrating the development of this project. The second condition involves another delay in suggesting that no work can commence until after the September 8 rule-making is formally adopted. This we

were told would take nine months to more than a year. Here again, attempting to meet the timing requirements of eligibility for the 3 1/2 million dollar ARRA grant and balancing that against the departments requirements places us in an untenable position. Simply stated, if we don't get some relief were going to lose the grant money and the project is going to be canceled. Both you and Nancy Wittenberg have been terrific allies and supporters of the project, we also all recognized that this the "first" project was going to have some bumps in the road until all of the policy areas were considered. But, we are up against a wall if we don't advertise for bids by October 1 we are, by the DEP's own guidelines, going to be ineligible for the ARRA grant monies.

Ken, I really think that the Governor should be made aware of this situation. As you know, the Asbury Park press has been very supportive in terms of their editorial opinion and they are constantly calling Bayshore to get updates on the permit status. If this project is canceled particularly on the basis of these unreasonable and inflexible requirements, and 3 1/2 million dollars of federal stimulus funds going to a public purpose project is lost, I don't think any of us are going to be happy with the fallout.

I'm sorry to throw this on you at such a late date particularly, after we had thought we were on track earlier today but, without direct intervention at this time from the front office I think this is all going to slip away from us.

Please don't hesitate to contact me at anytime on my cell phone below if there is anything that I can offer to help resolve the situation. By the way, I checked on the class I renewable market and you are unfortunately correct. I'll provide you with additional market data in a separate e-mail.

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