

**APPENDIX HMC-02
COPY OF E-MAIL ON DUE DILLIGENCE**

The following e-mail was sent out to stakeholders on 12.January.2009. Responses to the request for information appear in Appendix HMC-06

Sent: Monday, January 12, 2009 9:10 AM
Subject: FERC DUE DILLIGENCE

Regulators / Stake Holders:

As part of the process leading to the submittal of a pre-application document (PAD) with the Federal Energy Regulatory Commission (FERC) for the proposed Half-Moon Cove project (FERC P-12704), a process is recommended to obtain all relevant information on the proposed site to characterize the area and to identify stakeholders as summarized below from the Code of Federal Regulations:

18 CFR §5.6 Pre-application Document

(a)(2) The agencies referred to in paragraph (a)(1) of this section include: Any state agency with responsibility for fish, wildlife, and botanical resources, water quality, coastal zone management plan consistency certification, shoreline management, and water resources; the U.S. Fish and Wildlife Service; Environmental Protection Agency; State Historic Preservation Officer; Tribal Historic Preservation Officer; National Park Service; local, state, and regional recreation agencies and planning commissions; local and state zoning agencies; and any other state or Federal agency or Indian

tribe with managerial authority over any part of project lands and waters.

(b)(2) A potential applicant is not required to conduct studies in order to generate information for inclusion in the pre-application document. Rather, a potential applicant must exercise due diligence in determining what information exists that is relevant to describing the existing environment and potential impacts of the project proposal (including cumulative impacts), obtaining that information if the potential applicant does not already possess it, and describing or summarizing it as provided for in paragraph (d) of this section. Due diligence includes, but is not limited to, contacting appropriate agencies and Indian tribes that may have relevant information and review of Federal and state comprehensive plans filed with the Commission and listed on the commission's Web site at

Your assistance is requested in obtaining this information which would assist in the characterization of the site. Tidewalker Associates possesses the following information which will appear in the appendix and within the text of the PAD and which does not need attention by you:

1. Data provided by Quoddy Bay LNG to Maine DEP and FERC to characterize Half-Moon Cove and the local region;
2. Responses from the regulatory agencies during the 1970s and 1980s on previous plans to develop Half-Moon Cove for tidal power;
3. Tidewalker Associates will visit municipal offices in the region to obtain zoning and other permitting documents; and,
4. Plans and documents appearing in web sites maintained by federal, State of Maine, and local agencies relevant to the characterization of Half-Moon Cove.

In order to assist this process, I will send in a separate e-mail an image depicting the proposed site and a summary of the proposed mode of operation which includes a discussion on anticipated environmental consequences of the project. These two files will add up to approximately 2 MB of information which should be considered in down-loading the information from a computer which does not have high speed capability; otherwise, please let me know and I will send out a hard copy of the information.

Please respond or call if you have any questions. Thank you for your assistance on this matter. If I included an e-mail address which does not have an interest in project review, please let me know and I will exclude you from subsequent inquiries.

/s/ Normand

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Sent: Saturday, November 01, 2008 5:31 PM

Subject: Re: Important clarification regarding ORPC Pilot Project License meetings

Tidewalker Associates appreciates the opportunity to clarify an earlier email sent to a number of recipients concerning the Half Moon Cove Tidal Power Project located in Perry and Eastport Maine. It was not the intent to suggest a possible link between the two projects. There is no formal association of ORPC with Tidewalker Associates and we are not involved with any of the regulatory elements of ORPC's FERC licensing process. Tidewalker Associates holds a FERC preliminary permit for Half-Moon Cove and is working with-in FERC regulatory protocols.

This past Thursday, information was sent to many of the same stakeholders who have an interest in regional tidal power and may want to take the opportunity to learn more about our project while in the area during the ORPC meeting. The two projects are not mutually exclusive.

Please excuse the confusion that may have been raised by the earlier email. There was no intention to interfere with the ORPC stakeholders meeting.

On November 19, I will be in attendance at the ORPC meeting in Eastport and would be able to meet with any of you before or after the sessions. If you did not receive our project information and would like to I would be happy to send it on.

John Ferland and I have been in contact regarding any potential conflicts and I hope that this follow-up email provides clarity.

/s/ Normand

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The e-mail addresses augment information provided in Appendix HMC-01, List of Agencies and Stakeholders.