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November 14, 2011

**VIA ELECTRONIC MAIL AND U.S. MAIL**

Linda L. Roberts  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: Petition 984 - BNE Energy Inc., Winsted-Norfolk Road, Colebrook, CT**

Dear Ms. Roberts:

BNE Energy Inc. hereby submits an original and 16 copies of its responses to the Siting Council's Third Set of Interrogatories in connection with the above-referenced Petition.

If you have any questions concerning this submittal, please contact the undersigned at your convenience. Please return a date-stamped copy of this filing in the enclosed envelope. Thank you in advance for your assistance.

Respectfully submitted  
BNE ENERGY INC.

By:   
\_\_\_\_\_  
Lee D. Hoffman  
Its Attorney

cc: Service List for Petition 984  
Melanie A. Bachman (via electronic mail)  
Robert Mercier (via electronic mail)

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**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a  
Declaratory Ruling for the Location,  
Construction and Operation of a 4.8 MW  
Wind Renewable Generating Project on  
Winsted-Norfolk Road in Colebrook,  
Connecticut (“Wind Colebrook North”)**

**Petition 984**

**November 14, 2011**

**PETITION 984: BNE ENERGY  
COLEBROOK NORTH, CONNECTICUT  
D&M INTERROGATORIES, SET ONE**

- Q1. Does the owner of the property on which Wind Colebrook North will be located agree to the proposed 40-acre conservation area? What legal document(s) will be prepared recognizing this conservation area?**
- A1.** The owner of the property of Wind Colebrook North agreed with the proposed 40-acre conservation area as filed with the Council. It was contemplated that the Conservation Plan and the terms therein would become a condition of the approval of the Project subject to periodic review and inspection by Council and DEEP staff to ensure compliance. If the Council requires that a conservation easement be held and administered by a governmental agency, or an independent non-profit or environmental organization acceptable to BNE and the landowner, then such easement reflecting the terms contained in the Conservation Plan would have to be negotiated and approved by both BNE and the landowner.
- Q2. In the Council’s Decision and Order dated June 9, 2011, Order No. 3(a) requires that, “Wind Turbine 3 shall have a location and/or rotor diameter that ensures rotating turbine blades would be confined to the host property.” In order to demonstrate compliance, provide a drawing that shows the maximum horizontal radius that would be swept out by the blade tips of this turbine and include the nearest property line(s).**
- A2.** A drawing has been prepared demonstrating that the blade swept area for turbine #3 will remain on the property. This drawing is shown as Sheet T-001 and is attached to these responses.
- Q3. What is the status of any host community agreement between BNE Energy and the Town of Colebrook?**
- A3.** BNE met with the Town of Colebrook again on November 9, 2011, to discuss and negotiate a host community agreement. The discussions were focused primarily on an agreement for Colebrook South, but many of the issues would be the same for Colebrook North. BNE believes that we made good progress in negotiations concerning a host

community agreement with the Town. We will be having further negotiations and meetings in the next few weeks and report back to the Council as to the status of any host community agreement as developments progress.

**Q4. Is the existing width of Rock Hall Road enough to accommodate the vehicles that will be bringing the turbine components to the project site?**

**A4.** Rock Hall Road is wide enough to accommodate the vehicles and equipment that will be bringing the turbine components to the site. The width of the road varies but is approximately 16.5 feet wide at a minimum which is adequate to accommodate the vehicles. The minimum required road width to accommodate the vehicles is 14.7 feet.

**Q5. Will erosion and sedimentation controls be installed for the Rock Hall Road reconstruction?**

**A5.** Erosion Control Measures will be used as needed during the reconstruction of Rock Hall Road. As Rock Hall Road runs perpendicular to the contours there is limited contributing drainage area and limited potential for erosion; however haybales, silt fence and stone check dams will be on-site and will be installed if necessary during the reconstruction.

**Q6. Could less of the areas indicated in light orange in Figure 1 be cleared for this project?**

**A6.** Clearing on the site has been designed to mitigate environmental impacts while allowing for the construction and operations of the wind project. The area to the southeast (bottom right) as shown in light orange in Figure 1 has already been previously cleared for the Sodar wind measuring unit. This previously cleared area is designated by the serrated line. The area to the northwest (top left) as shown in light orange in Figure 1 was designated to be cleared to minimize wind turbulence since the predominant wind comes from the west by northwest.

**Q7. Explain why erosion and sedimentation controls are not shown as being installed in the areas indicated in red in Figure 2.**

**A7.** Erosion control measures are not being installed in the areas indicated in red in Figure 2 because they are not necessary and would serve no purpose. These areas are upgradient of proposed activity and would not receive any silt or sediment from the construction process. The reason silt fence was extended upgradient of the turbine 2 location was to prevent wood turtle intrusion into the construction area. These locations were set in accordance with the recommendations of Dr. Klemens.

**Q8. How will trees be prevented from taking hold in those cleared areas that are meant to remain as meadow?**

**A8.** Those areas are going to be mowed once a year in the fall in accordance with Dr. Klemens' recommendations to prevent trees from taking hold in the meadow.

**Q9. Can the mulch created from chipping trees cleared for this project be used as temporary erosion control in places?**

**A9.** In most cases it not necessary to use mulch as temporary erosion control on the site as the slopes will be covered with top soil and seeded immediately after they are created. If, however, slopes are created during the non-growing season then mulch created from chipping trees cleared for this project will be used for temporary erosion control until slopes can be covered with top soil and seeded during the growing season.

**Q10. Who will be the qualified third party inspector for the erosion and sedimentation control and environmental inspections?**

**A10.** Civill will be responsible for the erosion and sediment control inspections and coordinate with Dr. Klemens and VHB regarding environmental inspections, as necessary. The inspections will be done in accordance with the approved plans and the requirements of the CT DEEP Stormwater General Permit for Construction Activities.

**Q11. Will the qualified third party inspector also be responsible for overseeing the wood turtle protection program? What about monitoring of revegetated areas and the direction of any remediation measures that may be necessary?**

**A11.** Dr. Klemens will be responsible for overseeing the Wood Turtle Protection Program. The monitoring of the revegetated areas and direction on remediation measures will be done by Civill, as it ties in closely with the requirements of the CT DEEP Stormwater General Permit for Construction Activities.

**Q12. Who will be the qualified wetland scientist who will inspect the installation of the box culverts where the access road crosses the two small streams? Will the same person also be responsible for monitoring the Streambank Restoration activities?**

**A12.** VHB will be the qualified wetland scientist to inspect the installation of the box culverts and the Streambank Restoration Activities.

**Q13. The “Study Plan for Post-construction Fatality Monitoring” refers to the Colebrook North Wind Resource Area with the acronym CSRWA, which is the same acronym used to designate the Colebrook South Wind Resource Area located on Flagg Hill Road. Is this a typographical error? Or is the use of the same acronym for the two areas supposed to indicate the same protocols and monitoring areas will be used for both locations?**

**A13.** This was a typographical error. The same protocols (methods and metrics) would be used at both Colebrook North and Colebrook South during post-construction monitoring studies. However, search plots would be unique to each project.

**Q14. Who will be responsible for mowing those areas on which the carcass searches will be conducted as described in the “Study Plan for Post-construction Fatality Monitoring?”**

**A14.** BNE would be responsible or would hire a third party contractor to mow the carcass search plots included in the post-construction monitoring study.

**Q15. How will the post-construction fatality monitoring be coordinated with DEEP Wildlife Division as required in Order No. 5 of the Decision and Order?**

**A15.** BNE will advise the DEEP Wildlife Division and the Council at the start of the annual implementation of post-construction monitoring studies. If requested by DEEP staff, site visits to view field surveys and discuss monitoring studies with BNE and WEST may be arranged during the post-construction monitoring study. DEEP staff will also have the opportunity to conduct conference calls, in person meetings or provide additional input to BNE and WEST during the post-construction monitoring studies. Annual reports describing all aspects of the post-construction monitoring study, including methods and results, shall be submitted to the Council and DEEP for a period of three years with the first report due one year after commencement of operations. BNE and West will provide an opportunity for DEEP to participate in conference calls, in-person meetings, or provide other input to BNE and WEST to discuss annual findings of the post-construction monitoring studies following a review period of the reports by DEEP and the Council.

**Q16. Based on the findings of the Geotechnical Engineering Report prepared by GZA, how much blasting might be required for this project?**

**A16.** In general, bedrock is well below the proposed bottom of footing elevations for Turbines 2 and 3 and no rock removal is anticipated at these locations or where roads and other improvements are made. At Turbine 1, bedrock was encountered in Boring CNGZ-8 about 3 feet below the proposed bottom of foundation. The presence of bedrock was confirmed by obtaining samples of the rock using rock core techniques. A second boring in the Turbine 1 footprint, CNGZ-9, was drilled and encountered refusal either on bedrock or on a large boulder at the same elevation as the bottom of footing. The presence of bedrock was not confirmed by core samples, however it is possible that the bedrock surface was encountered. It is possible at some locations within the foundation area that bedrock will be at or above the bottom of the foundation and may require blasting for removal.

As shown on the previously submitted Drawing B-201, Foundation Set, Site Key and Plan, North Turbine 1, some bedrock is assumed to be encountered. Using this information and our engineering judgment, we calculate that approximately 350 cubic yards of bedrock may need to be blasted or removed by other mechanical methods to construct the foundation for Turbine 1.

**Q17. How would GE monitor operations of Wind Colebrook North?**

**A17.** BNE expects to enter into an operations and maintenance agreement with GE to remotely monitor and maintain the turbines. The wind turbines can be controlled automatically or manually from either an interface located inside the nacelle or from a control box at the bottom of the tower. Control signals can also be sent from a remote computer via a SCADA. BNE operations and maintenance personnel will also be located on-site to supplement the services provided by GE.

**Q18. Have owners of the properties where noise is to be monitored agreed to have monitoring equipment and/or personnel on their properties?**

**A18.** The proposed noise monitoring will be conducted on BNE property and public property. No noise monitoring or access will be conducted on private property where access approval has not been granted.

**Q19. Will any attempt be made to measure infrasound levels generated by the project and assess the effects of infrasound on the property's nearest residents?**

**A19.** Yes, while it is expected that infrasound levels will be well below the state threshold of 100 dB, infrasound levels will be measured utilizing short term protocols by the use of a special microphone located at the long term monitoring location (M4) because it represents a site closest to the wind turbines (worst case) to confirm that infrasound levels are below state requirements.

**Q20. Regarding the financing of the project's decommissioning:**

- a) How much money is typically needed to secure a \$15,000 performance bond, surety bond, or letter of credit?**
- b) How will a performance bond (or other suitable form of surety) obtained in the first year of the project be maintained in place for the expected 20-year life of the project?**
- c) In what form will the cost of decommissioning as estimated in year 15 be reserved?**

**A20. Regarding the financing of the project's decommissioning:**

- a)** There are numerous factors that determine the cost to secure a \$15,000 performance bond, surety bond, or letter of credit including the amount underwritten, terms of the contract, expected timeframe, fees charged and an analysis by the financial institution of a company's financials and its ability to meet the financial obligations provided for therein.
- b)** The performance bond or other suitable form of surety would be provided by a creditworthy bank, insurance company or other financial institution. Decommissioning costs will be funded over the first 10 years of the project and the financial assurance utilized will remain in place until the project is actually decommissioned to ensure that the funds are available for decommissioning at the end of the useful life of the project.

- c) The estimated cost of decommissioning that will be fully funded after year 10 of commercial operations will be reassessed in year 15 and adjusted accordingly. The form of financial assurance will be filed with Siting Council as decommissioning costs are funded and is subject to Council review and approval.

**Q21. Will updated estimates of the cost of decommissioning take into account fluctuations in salvage value of the project's component?**

**A21.** Yes, the updated estimates of the cost of decommissioning will take into account the estimated total cost of decommissioning the project including the salvage value of the project's components

**Q22. Provide a profile view of the Colebrook North property with the turbines erected in place.**

**A22.** Drawings have been prepared showing the profile view the property with the turbines erected in place. These drawings are shown as Sheet P-001-P-002.

**Q23. Provide a photosimulation of the Colebrook North property with the turbines erected in place from the vantage point indicated in the attached topography map (see Figure 3).**

**A23.** The attached sim is essentially from that general area identified on the Council's topo map just north of the Route 44 intersection with Greenwood Turnpike and south of Rock Hall Road. This was presented during the proceedings to illustrate the move of Turbine 1.

Respectfully Submitted,

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## Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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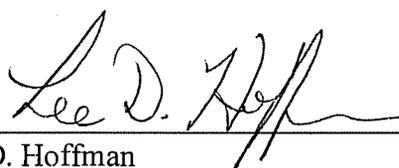
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