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October 27, 2016

Via Electronic Filing at siting.council@ct.gov

Connecticut Siting Council
Attn: Hon. Robert Stein, Chair
10 Franklin Square
New Britain, CT 06051

**Re: Docket No. 470, NTE Connecticut, LLC
Request for Party Status and Notice of CEPA Intervention as a Party
Wyndham Land Trust, Inc.**

Dear Mr. Stein:

This is a petition for party status in Docket No. 470, the NTE Connecticut, LLC (“NTE”) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 550-megawatt (“MW”) dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. The facility is otherwise referred to as the Killingly Energy Center, or KEC.

Wyndham Land Trust, Inc. (the “Trust”), the proposed party, is a domestic nonprofit corporation formed to: (a) promote conservation and natural beauty in Northeast Connecticut, including the Towns of Pomfret and Killingly; and (b) protect the environment and preserve biological values in Northeast Connecticut. The Trust also owns approximately 32 acres of land in Killingly, Connecticut that directly abuts the property border of the proposed KEC power plant. This land is also the area where KEC (through Eversource) proposes to modify and/or remove and replace a natural gas pipeline for the KEC facility. The Trust opposes NTE’s application in Docket No. 470.

Wyndham Land Trust, Inc. is hereby filing for party status and also notifying the Connecticut Siting Council (“CSC”), and all parties and intervenors in Docket No. 470, that it hereby intervenes as a party pursuant to the Connecticut Environmental Protection Act, General Statutes § 22a-19.

Contact information for Wyndham Land Trust, Inc.

Name: Stephen J. Adams
Address: 158 Main Street, P.O. Box 682, Putnam, CT 06260

Contact information for Wyndham Land Trust, Inc. representatives:

Attorneys:	John Bashaw Mary Mintel Miller
Address:	Reid and Riege, P.C. One Financial Plaza, 21st Floor Hartford, CT 06103
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Service by e-mail only is requested.

I. Manner in which the Trust is substantially and specifically affected

Wyndham Land Trust, Inc. is a domestic nonprofit corporation that owns over 50 parcels in ten towns in Northeast Connecticut totaling over 2,100 acres. In addition, the Trust protects over 700 acres of land through conservation easements or other restrictions. The Trust owns approximately 32 acres of land in Killingly (the "Killingly Dunn Preserve Trust Land"), directly abutting the proposed KEC power plant Generating Site. Also, KEC (through Eversource) proposes to remove, replace and modify a natural gas pipeline that goes directly through the Killingly Dunn Preserve Trust Land.

The Trust holds all of its properties for the purpose of engaging in and promoting the preservation and conservation of natural resources for the benefit of the general public. The Killingly Dunn Preserve Trust Land was acquired in 1992 and was selected, among other things, because it was isolated and buffered from the industrial development of Killingly. The Trust relied upon the fact that adjacent parcels were in residential or rural use and would act as vegetative, noise and scenic buffers. The construction of the KEC power plant will remove those buffers and will substantially degrade the benefit that the public currently obtains from the use of the Killingly Dunn Preserve Trust Land.

The Trust also engages in and promotes the scientific study of local natural resources, including plants, animals, birds and other wildlife. Such study is enhanced on the Killingly Dunn Preserve Trust Land because the property abuts the Quinebaug River and the current rural and residential use of the KEC parcel protects and enhances such study. The construction of a power plant on that parcel will substantially devalue the use of the Killingly Dunn Preserve Trust Land as a source of scientific study for residents of Northeast Connecticut.

As a result of the above, and pursuant to General Statutes § 16-50n(a), Wyndham Land Trust, Inc. should be identified as a party in Docket No. 470.

Further, the Trust is entitled to intervene as a party to this proceeding pursuant to General Statutes § 22a-19(a), which states:

In any administrative, licensing or other proceeding, and in any judicial review thereof made available by law the Attorney General, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

As is outlined below, NTE's application and its proposed conduct is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

II. Contention of the Trust

As noted above, the Trust's mission includes the preservation and conservation of natural resources of the County of Windham for the benefit of the general public. This includes properties that are owned or held in trust by the Trust, and it includes other properties such as the property on which NTE proposes to construct its power plant. NTE proposes to construct a 550 MW generating plant on a 63-acre parcel that currently is zoned as a Killingly Rural Development district. Such districts "present physical obstacles to development . . . these physical restrictions make it necessary to limit permitted uses to low density residential development, agriculture, and other specified non-intensive uses." The proposed KEC power plant location contains physical obstacles to development such as steep slopes, extensive inland wetlands and watercourses, vernal pools and a man-made pond. The wetlands are associated with the Quinebaug River located immediately to the west of the proposed power plant and adjacent to the Killingly Dunn Preserve Trust Land. Undeveloped woodlands and single family homes otherwise surround the proposed power plant.

In order to operate the KEC facility, NTE requires that over the course of 2.8 miles, Eversource: (a) remove acres of vegetation; (b) excavate and install a 14-inch natural gas pipeline rated for 700 psi through wetlands, protected open space, woodlands, and a public multi-use trail; and (c) cross the expanse of the Quinebaug River. This work includes the Killingly Dunn Preserve Trust Land. NTE's application to the CSC cannot be considered without also considering the environmental impacts of the natural gas line expansion because KEC cannot exist without the expanded gas line. NTE justifies the destruction of these natural resources on the grounds that industrial properties exist nearby. If anything, this fact justifies the Trust's position.

Moreover, as summarized above, this proceeding involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water or other natural resources of the state. The KEC facility will unreasonably impair and/or destroy the public trust in the air surrounding the project and the wetlands and watercourses on the proposed site and in the area of the proposed expansion of the 2.8-mile natural gas pipeline. KEC will also unreasonably impair and/or destroy the public trust in natural resources by causing the clear cutting of acres of land, disturbing or destroying wetlands and watercourses and the wildlife habitat, and killing wildlife and fish. The plans submitted to the CSC indicate that KEC will involve "regulated activities" under state law and Army Corps of Engineers permits. NTE has not received or applied for the required permits approving such activities.

III. Relief sought by the Trust

The Trust asks the CSC to deny NTE's application in Docket No. 470 in its entirety.

IV. Statutory or other authority therefore

Wyndham Land Trust, Inc. is entitled to party status in this proceeding pursuant to Sections 4-177a, 16-50n, 22a-19 and 22a-20 of the Connecticut General Statutes and Sections 16-50j-13 through 17 of the CSC Regulations.

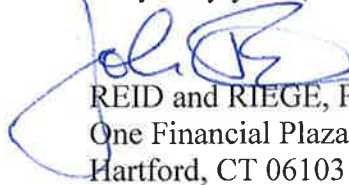
V. Nature of the evidence that the petitioner intends to present

The Trust will present testimony regarding the negative impact that the KEC facility will have on the public's use of the Killingly Dunn Preserve Trust Land and the environmental impacts of the KEC facility.

VI. Other comments for CSC consideration

None.

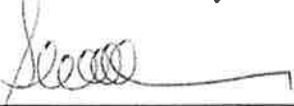
Very truly yours,



REID and RIEGE, P.C.
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860-240-1053
860-240-1059


VERIFICATION

I, Stephen J. Adams, representative of Wyndham Land Trust, being duly sworn, depose and say that I have read the foregoing Request for Party Status and Notice of Intervention, and that the allegations contained therein are true to the best of my knowledge.

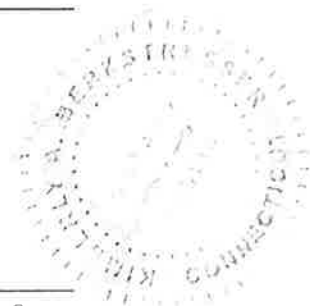
By: 

Stephen J. Adams

Subscribed and sworn to before me this 27 day of October, 2016.

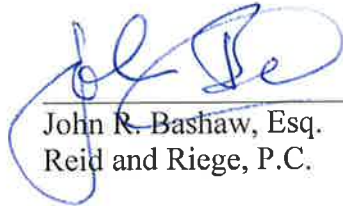


Notary Public Kimberly A Berkstresser
My commission expires 9/30/2019



CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing document was delivered via electronic mail to persons on the attached service list on October 27, 2016.



John R. Bashaw, Esq.
Reid and Riege, P.C.

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-mail	NTE Connecticut LLC	<p>Kenneth C. Baldwin, Esq. Earl W. Phillips, Jr., Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com ephillips@rc.com</p> <p>Mark Mirabito, Vice President NTE Connecticut, LLC 24 Cathedral Place, Ste. 300 St. Augustine, FL 32804 mmirabito@nteenergy.com kec.notices@nteenergy.com</p> <p>Chris Rega, Senior Vice President Engineering & Construction NTE Energy, LLC 800 South Street, Ste. 620 Waltham, MA 02453 crega@nteenergy.com</p>
Party & CEPA Intervenor (Approved 9/29/16)	<input checked="" type="checkbox"/> E-mail	Not Another Power Plant	<p>John Bashaw, Esq. Mary Mintel Miller, Esq. Reid and Riege, P.C. One Financial Plaza, 21st Floor Hartford, CT 06103 jbashaw@rrlawpc.com mmiller@rrlawpc.com</p>
Party (Approved 9/29/16)	<input checked="" type="checkbox"/> E-mail	Town of Killingly	<p>Sean Hendricks Town Manager Town of Killingly 172 Main Street Killingly, CT 06239 shendricks@killinglyct.org</p>