STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition of BNE Energy Inc. for a Declaratory Ruling for the Location, Construction and Operation of a 3.2 MW Wind Renewable Generating Project on New Haven Road in Prospect, Connecticut	**Docket/Petition No. 980** **February 9, 2011**

SAVE PROSPECT CORP'S SECOND SET OF INTERROGATORIES TO BNE

Save Prospect Corp, a party to these proceedings, respectfully request that petitioner, BNE Energy, Inc., ("BNE") respond to the following interrogatories:

46. Please provide a more detailed map of the project site located at 178 New Haven Road (the "Site") showing the breeding bird survey points relative to the Site boundary and proposed activities on-site, and indicate why these point locations were chosen.

47. Were the breeding bird survey points located in the vicinity of the proposed turbines in a manner that would adequately collect data to analyze breeding bird use within 500 meters of each proposed turbine location?

48. Why was breeding bird survey data collected at 12 points?

49. Please provide documentation demonstrating that the protocol used for the breeding bird survey provides a statistically relevant sample size.

50. Why were the late June through mid-July breeding bird survey dates chosen?

51. Why were no spring or summer nighttime call-back surveys conducted to inventory nocturnal species (e.g., owls and nightjars)?

52. Why were no early spring surveys conducted to observe species such as American Woodcock (Scolopax minor)?

53. Were multi-season surveys conducted at the Site or was this 2010 data compared to other breeding bird survey sites with respect to species richness and diversity on this Site? If so, where is this comparative analysis?

54. Why were no data collected on spring and fall migratory bird use?

55. Please provide an analysis of the potential impacts of the proposed activities on forest-interior bird habitat and populations. This impact analysis should extend beyond the footprint of the turbine to include the 500 meter area of avoidance described by Pearce-Higgins et al. (2009).

56. Please describe the impact of the high representation of "unidentified passerine" on reported species richness and species diversity.

57. Did the analysis of bird use and impacts account for the differential in visual detection and identification between the two habitat types surveyed?

59. Did you compare the results from the forested data points to breeding bird survey results in similar forested habitats within the same eco-region?

59. Please describe the impact of the proposed wind turbines on the 12 bird species (both in terms of breeding and migratory use) that are listed as species of conservation concern by national conservation organizations and the CT Department of Environmental Protection due to declining populations.

Bat Survey

60. Please provide the education and experience in conducting bat acoustic surveys and call analysis for all members of the WEST field team in Connecticut.

61. How does the pre-construction bat sampling protocol used at the Site differ from those used at other wind energy facilities across the eastern United States?

62. Please describe the calibration methods and sensitivity settings used on the Anabat detector systems.

63. Please compare the effective range limit of the bat detector system in comparison to the nacelle height of the proposed wind turbines and the rotor swept area.

64. Please explain why ground microphone systems were used to monitor bat activity when there was a meteorological tower on Site that could have sampled within the rotor swept area.

65. What factors lead to the conclusion that the Site is not located in the vicinity of concentrations of the state-listed eastern red and hoary bats?

66. Please summarize the effort that was conducted to reach the conclusion that the "PWRA is not in the vicinity of any known bat colonies or features likely to attract large numbers of bats."

67. Please summarize your knowledge of the role of permanent water and wetlands as attractants for bats.

68. Given the availability of specific technical guidance for proper protocols for pre-construction biological surveys in neighboring NY and NJ, why were these protocols not followed?

69. Given that the vast majority of bat mortality occurs during the fall migratory period, please explain how one can conclude the likely level of impact without providing data on the bat

activity during the fall migratory period?

70. Please explain how the low-frequency bats comprise almost 46% of the total bat activity but the bat survey report concludes that hoary bats only represent 2.7% of the total bat activity.

71. Please explain how the mid-frequency bats comprise over 35% of the total bat activity but the report concludes that eastern red bats only represent 1.2% of the total bat activity.

Stormwater and Erosion

72. What is the source and level of accuracy of the topography shown on the plans that comprise Exhibit F to the petition?

73. How were the wetland flags placed in the field by VHB located and transferred to the plans? What is the level of accuracy?

74. Do all of the plans that comprise Exhibit F conform to A-2 and T-2 standards?

75. How will the slash and stumps from clearing approximately 8 acres of trees be handled? Will stumps be buried on-site? If chipped, where is the stockpile area and how much volume will be generated?

76. Where is the dewatering wastewater treatment detail?

77. Where is the soil stockpile for turbine 1?

78. How much earthwork (total volume of cut and fill) is required to execute the plans?

79. Is the total earthwork balanced, or will there be a net import or export of earth materials?

80. How much specialized earth material (bank-run gravel, process gravel, rip-rap, etc.) will be required, in terms of yardage and truck trips?

81. Why is no grading shown for downslope blade at each assembly area?

82. Will any off-site grading be required (see Note 10 on the construction schedule)? If so, have grading rights been obtained? If they are not available, how will this affect the plans?

83. Please explain the conflict with Erosion Control Note 9 C-201 and grading for Tower assembly area on same sheet, which it shows as a 1:1 slope.

84. How will the discharge from the temporary diversion ditch be conveyed down the slope at Station 1+75 of the access road, to the roadside ditch?

85. Why doesn't the erosion control barrier downslope of the access road Station 1+00 and 5+00 conform to the requirements of the Erosion Control Manual?

86. Why doesn't the stabilization of the slopes for the Tower assembly area on C-201 conform to the requirements of the Erosion Control Manual?

87. Why is no grading shown for western leg of the blade assembly area on C-201? Why doesn't this grading conform to the requirement that the blade assembly area be graded flat to within 6" shown on the plans?

88. Please provide site plans (including grading, erosion control, access, utilities, sanitary facilities) for the proposed support building. How much Site disturbance be required to make this facility operational? Was this included in the area of disturbance calculations?

89. Why don't the temporary sediment basins conform to the requirements of the Erosion Control Manual with respect to height, width and slope of the containment berm? Where is the outlet?

90. How do the plans prevent stormwater from reconcentrating and causing erosion and sedimentation into wetlands downgradient of the two sediment basins?

91. Please explain the discrepancy between the grading shown for the sediment basins and the details. Will grading the basin south of the lower blade assembly area in accordance with the requirements of the detail, result in grading into the wetlands?

92. Please explain the discrepancy between the proposed grading for the West facing slope of blade assembly area for turbine, the Erosion control plan notes, which do not permit slopes steeper than 2:1 without a plan designed and sealed by a geo-technical engineer, and the CT Sediment and Erosion Control Manual.

93. How will the side slopes and bottom of the temporary roadside ditches be stabilized? What runoff velocities will occur for the 10 year through 100 year storms and how will the ditch bottom and sides be stabilized? Please provide calculations showing that the ditches will be stable and have adequate capacity to pass the design storm.

94. What measures are included in the design to control seepage and stabilize cut slopes in areas with a hardpan, or where seasonal high groundwater is likely to be encountered?

95. Where is the design or detail for the level spreaders shown on sheet C-310 and C 311? How will the road drainage be accommodated during the time period required to complete the regrading and establish a stable vegetative surface? Is this even feasible on the grades shown?

96. How will the 1:1 slope shown on C-309 on the upslope side of the access road be stabilized?

97. Why is there a discrepancy between the Erosion Control narrative and the plans with respect to stabilization of slopes steeper than 2:1?

98. How will the stormwater on the downslope side of the permanent access road be handled?

Will it be allowed to sheet flow over the embankment? If so, how will the embankment be stabilized while the sheet flow is occurring?

99. How will the success of the proposed restoration and enhancement areas be monitored and what plans are in effect to address any remedial measures that may be required?

100. Please provide calculations demonstrating the adequacy of the proposed temporary sediment basins.

101. Please provide calculations showing the adequacy of the soil stockpile area to accommodate the required soil volume? Will any soil be removed from the site?

102. Given the fact that Wood Frog (Rana sylvatica), a vernal pool obligate species, was identified at the Site, why were no in-season amphibian surveys conducted at the Site and why was there no assessment of the terrestrial habitat value of the Site for vernal pool obligate species?

103. Is there a report or data subsequent to the Interim Bat Acoustical Study submitted with BNE's petition? If so, please provide all such data and reports.

104. Have West, Inc. or VHB performed any additional investigations or studies since the date of the studies submitted with BNE's petition. If so, please provide all such data and reports.

105. Please provide the weather conditions during each bird survey (temperature, cloud cover, precipitation) as well as the start and end time and the specific field personnel.

106. What investigation or analysis have you done with respect to the impact of the proposed wind turbine facility construction or operation on groundwater contamination at the site or adjoining sites?

107. Do BNE or its principals have any past or present relationship with Epsilon, Inc. or any of its principals?

Respectfully submitted,
SAVE PROSPECT CORP

By: _____

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CERTIFICATION

This is to certify that a copy of the foregoing has been delivered via electronic mail and/or first class mail, postage pre-paid, on this 9th day of February, 2011 to the following:

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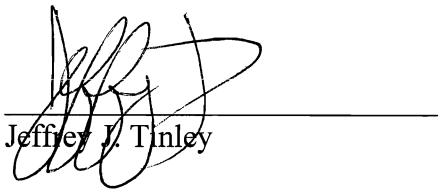

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