

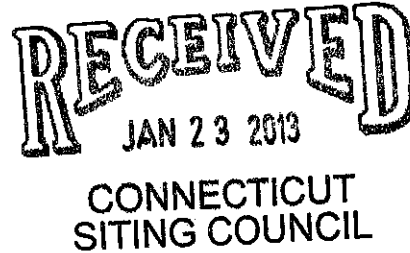
**PULLMAN
& COMLEY LLC**
ATTORNEYS

Lee D. Hoffman
90 State House Square
Hartford, CT 06103-3702
p 860 424 4315
f 860 424 4370
lhoffman@pullcom.com

January 22, 2013

VIA ELECTRONIC MAIL AND U.S. MAIL

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



Re: PETITION NO. 983 - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Flagg Hill Road, Colebrook, Connecticut.

Dear Ms. Roberts:

BNE Energy Inc. hereby submits an original and 16 copies of its responses to the Siting Council's Interrogatories on the Revised Development and Management Plan 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.

A handwritten signature in cursive script that reads "Lee D. Hoffman".

By: _____
Lee D. Hoffman
Its Attorney

cc: Service List for Petition 983
Melanie A. Bachman (via electronic mail)
Michael A. Perrone (via electronic mail)

Enclosures

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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

BNE Energy, Inc. Petition For a Declaratory Ruling That No Certificate of Environmental Compatibility and Public Need Is Required for the Construction, Maintenance, and Operation of a 4.8 MW Wind Renewable Generating Facility Located on Flagg Hill Road, Colebrook, Connecticut.

Petition 983

January 22, 2013

**PETITION 983: BNE ENERGY
COLEBROOK, CONNECTICUT
REVISED D&M INTERROGATORIES**

Q1. Provide a text narrative summarizing the proposed changes to the Development and Management Plan (D&M Plan) that was approved on November 17, 2011. Also include the reason(s) why the D&M Plan must be modified.

A1. The proposed realignment of the access road for the Wind Colebrook South project will allow for more efficient access to the property while minimizing temporary and permanent environmental impacts. This realignment will take advantage of approximately 1,200 linear feet of existing driveway which serves the residence at 29A Flagg Hill Road and will replace approximately 1,500 linear feet of access road which traversed a relatively steep side slope. The widening of the existing driveway will necessitate the filling of 320 square feet of non-federal wetlands. Overall, the reduction in impacts with the new alignment are shown in the table below.

Item	Previous plan	Current Plan	Difference
Cut (cy)	26,850	14,950	-44%
Fill (cy)	34,300	23,250	-32%
Area of Construction (ac)	13.23	12.91	-2.4%
Road Length (ft)	5,660	4,092	-27%
Maximum proposed grade	13.95%	12.5%	-10.4%
Area of 1.5:1 slopes w/ riprap (sf)	32,950	4,400	-87%
Disturbance on slopes over 25%	2.54	0.82	-68%

The most significant differences in the plan are clearly shown to be the reduction in areas of 1.5:1 permanent steep slopes (87% reduction) and the disturbance on naturally occurring steep slopes over 25% (68% reduction). As we know from experience, these are the areas which are more prone to erosion during the construction process. Also significantly, the overall cut and fill on the site has been reduced by 44% and 32% respectively.

Additionally, the revised plans comply with the recommendations of Calhoun and Klemens (2002) regarding the extent of clearing within proximity to vernal pools. This report suggests that there should be no clearing within 100' of a vernal pool and no more than 25% clearing from 100' to 750' from a vernal pool. There is no limitation suggested

on distances greater than 750'. As shown on Sheet C003 there is no disturbance within 100' and the area of disturbance between 100' and 750' is limited to 6.14 % for the western vernal pool and 20.35% for the eastern vernal pool.

Q2. Do the turbine locations change from their locations in the approved D&M Plan? The northeastern turbine appears to be located farther to the south.

A2. The southeastern turbine was moved 135 feet to the east further away from the wetland area / beaver pond on the site. This will result in 6,100 square feet less of tree clearing within 100' of the beaver pond. The northeastern turbine was moved 167 feet to the southwest onto gentler sloping terrain which will significantly reduce the amount of fill by 12,550 cubic yards.

Q3. The November 2, 2012 cover letter states that, "...redesigned driveway...will involve less cutting and filling and less clearing than the original D&M Plan." On drawing C-003 of the October 28, 2011 (as date stamped by the Council) set of drawings, the note at the bottom of the page state that 13.32 acres or 16.70 percent of the property would be cleared. The latest version of drawing C-003 (date stamped November 2, 2012) states that 16.07 acres or 20.15 percent of property would be cleared. Reconcile this discrepancy.

A3. The 16.07 acres denoted to be cleared on the current page C-003 (date stamped by Council 11-2-12) includes the area of the property that was already cleared based upon the original design. Area that has already been cleared but will not be needed for the revised construction design will now be included as "Meadow Restoration Area" as shown on the Erosion Control Plan Sheets C-200 through C-207. This area of additional restoration totals 3.16 acres. The total area of construction proposed to be disturbed by the current design is 12.91 acres as compared to 13.32 acres with the original design (date stamped by Council 10-28-11). Therefore the current design will have less overall disturbance due to construction. See also response of Dr. Michael Klemens dated December 10, 2012.

Q4. How many acres of the meadow area would be disturbed for the access drive and the crane assembly/staging/material processing area? Is this area already cleared? Explain.

A4. 0.94 acres of the existing cleared meadow area is proposed to be disturbed by the crane assembly/staging/material processing area during construction. 2.64 acres of existing cleared meadow area will be left undisturbed by construction. Please note on the Post Construction Grading Plan Sheets C-500 through C-507 that all areas disturbed by construction except for the access drives and crane pads are to be included in the proposed "Meadow Restoration Area".

Q5. Has BNE Energy, Inc. consulted with Dr. Michael Klemens regarding any possible environmental impacts associated with clearing/disturbing the meadows, such as effects on wildlife (e.g. the smooth green snake)? If yes, what were the results of such discussions?

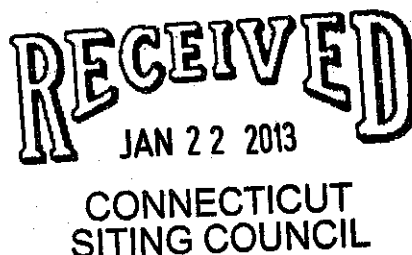
A5. See response of Dr. Michael Klemens dated December 10, 2012.

Q6. Is it feasible for the access drive to avoid the meadow area completely? If no, explain why not.

A6. The alignment of the access road is designed to minimize environmental impacts by utilizing the existing driveway, avoiding wetlands to the fullest extent possible and significantly reducing cut and fill on the site. Moving the access road to the west to avoid crossing the existing meadow would result in additional clearing within the 750' vernal pool envelope. Moving the access road to the east to avoid the existing meadow would result in significantly more cut and fill due to the steep sloping terrain east of the meadow.

Michael W. Klemens, LLC
POB 432
Falls Village, CT 06031

December 10, 2012



Ms. Linda Roberts
Executive Director
State of Connecticut
Connecticut Siting Council
Ten Franklin Square, New Britain, CT 06051

Dear Ms. Roberts:

The following is excerpted from a letter that I sent to Ms. Lindsay Flieger of the Army Corps of Engineers on September 11, 2012, which should address question No. 3 (in part) and question No. 5 in your December 4th letter to Lee Hoffman, Esq. concerning Petition 983.

"I have examined the revised plans submitted by BNE Wind Energy for a redesign of the access road at the site known as Colebrook South a.k.a. Petition 983 of the Connecticut Siting Council. The acquisition of the adjacent house (29-A Flagg Hill Road) has presented an opportunity to improve the overall conservation management values of the site without impacting the vernal pool resources.

Specifically, the revised plan sheets that have been submitted to the ACOE by Civil 1 Engineering illustrate the following improvements:

1. Reduction in cuts and fills by using a large portion of the existing entry driveway. Prior to the purchase of 29-A Flagg Hill Road, a new roadway with significant cuts and fills would have to be constructed to access the site.
2. Increased open meadow habitat. As areas that were cleared in preparation of the old road alignment are no longer required, they will be converted to additional meadow habitat, which should improve the attractiveness of the area for snakes, including the smooth green snake (*Opheodrys vernalis*), a Connecticut state-listed special concern species that has been reported in the general vicinity of the site.
3. Opportunity for an interpretative facility much closer to the wind turbines than the previous location on the lower slope of the site immediately adjacent to on Flagg Hill Road (the King house). This results in a much better educational opportunity to be at the turbine sites as opposed to the bottom of the hill.

These improvements have resulted in a modest increase in the amount of disturbed (i.e., cleared) area 100-750 feet from the vernal pools known as the critical upland habitat (see Calhoun and Klemens, 2002) described as follows. It should be noted that there are no impacts to the vernal pool envelope, the area up to 100 feet from the edge of the pool, in either version of the road alignment, consistent with the best management practices detailed in Calhoun and Klemens (2002).

The Western Vernal Pool shows a very slight increase in disturbed area, from 2.89 acres to 2.96 acres of disturbance in an area of critical upland habitat totaling 48.20 acres. Translated into percentages this is

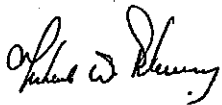
an increase from 6 % to 6.14%. Calhoun and Klemens (2002) allow up to 25% development of the critical upland habitat zone to occur while still maintaining vernal pool biological function and biodiversity integrity.

The Eastern Vernal Pool has a total of 58.12 acres of critical upland habitat. The former road alignment disturbed through clearing 7.59 acres (13.07%) while the addition of the new road alignment increases the disturbance to 11.83 acres (20.35%). It should be noted that much of the previously disturbed area will revert to meadow, and the disturbance still falls well below the 25% threshold.

In summary, it is my professional opinion that these plan changes will not result in an adverse impact to the amphibian populations of vernal pool obligate species (wood frogs and spotted salamanders) breeding in the Eastern and Western Vernal Pools. The reduction in cuts and fills is an environmental benefit, creating less opportunity for erosion, less disturbance to the earth and rock strata. The creation of meadows is important in such densely forested habitat for a broad array of species that will benefit by such openings."

If you, the Siting Council members, or your staff need further information or explanation, please do not hesitate to contact me.

Sincerely,



Michael W. Klemens, PhD