STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petitions of BNE Energy Inc. for a Declaratory Ruling for the Location, Construction and Operation of 4.8 MW Wind Renewable Generating Projects on Flagg Hill Road in Colebrook, Connecticut ("Wind Colebrook South") and Winsted-Norfolk Road in Colebrook, Connecticut ("Wind Colebrook North")	**Petition Nos. 983 and 984**
	March 28, 2011

SUPPLEMENTAL REQUEST FOR ADMINISTRATIVE NOTICE OF FAIRWINDCT, INC., STELLA AND MICHAEL SOMERS AND SUSAN WAGNER

Pursuant to the Siting Council's instructions contained in its pre-hearing conference memo dated February 16, 2011, and the Council's order on February 14, 2011 regarding grouping of parties, FairwindCT, Inc., Stella and Michael Somers and Susan Wagner (collectively, the "Grouped Parties") hereby request that the Siting Council take administrative notice of the following items found in the public record or in the Siting Council's own records. This request supplements the Grouped Parties' Request for Administrative Notice dated February 25, 2011.[1]

1. Pre-filed testimony of Neil Andersen, Petition 980, dated Feb. 14, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/spc/10_tab_andersen.pdf.

[1] Please note that in the Grouped Parties' February 25, 2011 Request, No. 27 stated "Setback regulations, rules, and ordinances from various jurisdictions across the United States. (These will be identified with more precision at a later date.)" This Supplemental Request identifies those regulations, rules and ordinances with more precision, so that Request No. 27 may be deleted from the hearing program to be provided at the next evidentiary hearing in these matters.

2. Pre-filed testimony of Eric Bibler, Petition 980, dated Feb. 16, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/spc/11_tab_bibler.pdf.

3. Pre-filed testimony of Thomas Casella, Petition 980, Feb. 16, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/spc/13_tab_casella.pdf.

4. Pre-filed testimony of Annie Hart Cool, Petition 980, Feb. 15, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/spc/14_tab_cool.pdf.

5. Pre-filed testimony of Mark Cool, Petition 980, dated Feb. 14, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/spc/15_tab_m_cool.pdf.

6. Pre-filed testimony of John J. Ford, Petition 980, dated March 8, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/980-20110308spc_fordtestimony.pdf.

7. Pre-filed testimony of Sue Hobart, Petition 980, dated Feb. 14, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/spc/19_tab_hobart.pdf.

8. Amended and Supplemental Pre-filed testimony of Sue Hobart, Petition 980, March 8, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/980-20110308spc_hobarttestimony.pdf.

9. Pre-filed testimony of Cheryl Lindgren, Petition 980. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/spc/22_tab_lindgren.pdf.

10. Pre-filed testimony of Gerry Meyer, Petition 980, dated Feb. 16, 2011. Available at http://www.ct.gov/csc/lib/csc/pendingproceeds/petition_980/prefiled/2011-2-16_prefiled_testimony_gerry_meyer.pdf.

11. Town of Rensselaerville, New York, Wind Power Committee Recommendations Report for Industrial Wind Power, July 2010. Available at: http://docs.wind-watch.org/WindStudyReport-IndustrialMaster.pdf.

12. Town of Dixmont, Maine, Wind Energy Facility Ordinance. Available at http://www.hcpcme.org/environment/energy/Dixmontwindordinance.pdf.

13. Town of Jackson, Maine, Wind Turbine Ordinance (Amended), Feb. 25, 2010. Available at http://www.eastbrookwind.com/docs/jackson_ordinance.doc.

14. Trempealeau County, Wisconsin, Wind Generator and Wind Generating Facility Ordinance, Nov. 28, 2007. Available at http://www.tremplocounty.com/LandManagement/Zoning/RevisedOrdinance/CHAPTER_21.pdf

15. Thorndike, Maine, Wind Energy Facility Ordinance. Available at http://penbay.org/energy/raggedmtn/ordinances/thorndike_wind_ord_2010.pdf.

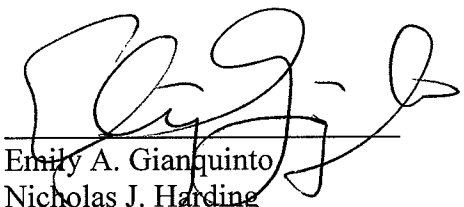
16. Montville, Maine, Wind Turbine Generator Ordinance. Available at http://www.montvillemaine.org/uploads/WIndOrdFinal.pdf. Appendix A, including findings and rationale, available at http://montvillemaine.org/uploads/Findings_and_Rationale.pdf.

17. Vermont House Bill 677 as Introduced (2010). Available at http://docs.wind-watch.org/H-677.pdf.

18. New Jersey Senate Bill 2374 (2010). Available at http://www.njleg.state.nj.us/2010/Bills/S2500/2374_I1.PDF.

19. United Kingdom House of Lords Wind Turbines (Minimum Distances from Residential Premises) Bill. Available at http://www.publications.parliament.uk/pa/ld201011/ldbills/017/11017.1-i.html.

20. Guidelines for the Protection and Enhancement of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities, as set forth in Order No. 414, issued Nov. 27, 1970 (44 Fed. Power Comm'n Rep. 1491). (Copies provided to the Council and all parties.)

By: 

Emily A. Gianquinto
Nicholas J. Harding
Reid and Riege, P.C.
One Financial Plaza, 21st Floor
Hartford, CT 06103
Tel. (860) 278-1150
Fax. (860) 240-1002

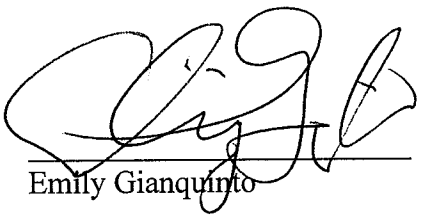
CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by first-class mail and e-mail to the following service list on the 28th day of March, 2011:

Carrie L. Larson
Paul Corey
Jeffery and Mary Stauffer
Thomas D. McKeon
David M. Cusick
Richard T. Roznoy
David R. Lawrence and Jeannie Lemelin
Walter Zima and Brandy L. Grant
Eva Villanova

and sent via e-mail only to:

John R. Morissette
Christopher R. Bernard
Joaquina Borges King



Emily Gianquinto

SUPPLEMENTAL REQUEST TO NO. 20

areas set aside for future recreational development. Appropriate details should be shown to allow for an adequate assessment of the effect, if any, of the lines on such areas. Whenever any of the national historic places listed in the National Register of Historic Places maintained by the Secretary of the Interior are affected by the project applicant shall locate the project by latitude and longitude. If the information desired herein can be shown with sufficient detail on Exhibit K or R this exhibit may be omitted.

(D) Section 4.71 in Part 4, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising the paragraph describing Exhibits J and K and by adding a new paragraph entitled Exhibit V as follows:

§4.71 Required Exhibits

* * * * * * *

Exhibits J and K. Maps conforming to the requirements of §§4.40 to 4.42, inclusive, for applications for proposed major projects insofar as said requirements are applicable to transmission lines. If the application covers only part of a transmission system, Exhibit J shall show the connection to the nearest substations or main transmission lines through which the project line obtains and delivers its energy, and either the general map or a small key map shall show the relation of the project to the main transmission system of the applicant in that region and to any previously licensed portions of said system. For short lines Exhibits J and K may be combined in one map.

* * * * * * *

Exhibit V. As prescribed by §§4.40 to 4.42 inclusive for applications for proposed major projects insofar as said requirements are applicable to transmission lines.

(E) The amendment ordered herein shall be effective as to all applications filed on or after January 1, 1971.

(F) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

GUIDELINES FOR THE PROTECTION OF NATURAL, HISTORIC, SCENIC, AND RECREATIONAL VALUES IN THE DESIGN AND LOCATION OF RIGHTS-OF-WAY AND TRANSMISSION FACILITIES

It is intended that these guidelines provide an indication of the basic principles and elements of good practice which, if applied in a reasonable manner to planning and design of particular facilities, will provide the most acceptable answers from an environmental standpoint taking account also of such factors as safety, reliability of service, land use planning, economics and technical feasibility.

The Selection and Clearing of Rights-of-Way Routes

1. To the extent permitted by the property interest involved rights-of-way should be selected with the purpose of minimizing conflict between the rights-of-way and present and prospective uses of the land on which they are to be located. To this end, existing rights-of-way should be given priority as the locations for additions to existing transmission facilities, and the joint use of existing rights-of-way by different kinds of utility services should be considered.

2. Where practical, rights-of-way should avoid the national historic places listed in the National Register of Historic Places and natural landmarks listed in the National Register of Natural Landmarks maintained by the Secre-

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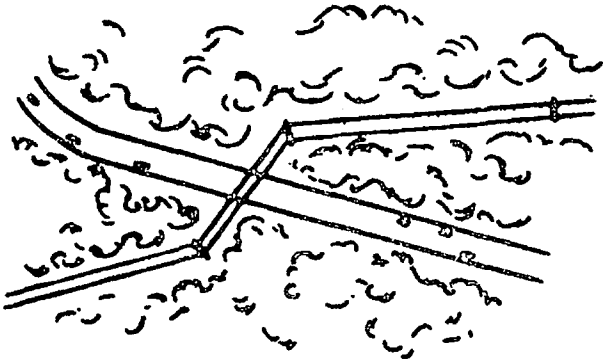
tary of the Interior, and parks, scenic, wildlife and recreational lands, officially designated by duly constituted public authorities. If rights-of-way must be routed through such historic places, parks, wildlife or scenic areas, they should be located in areas or placed in a manner so as to be least visible from areas of public view and so far as possible in a manner designed to preserve the character of the area.

3. Rights-of-way should avoid prime or scenic timbered areas, steep slopes and proximity to main highways where practical. In some situations scenic values would emphasize locating rights-of-way remote from highways while in others where scenic values are less important rights-of-way along highways in timbered areas would achieve desirable conservation of existing forest lands.

4. Where the transmission rights-of-way cross areas of land managed by Government agencies, State agencies or private organizations, these agencies should be contacted early in the planning of the transmission project to coordinate the line location with their land-use planning and with other existing or proposed rights-of-way.

5. In scenic and residential areas clearing of natural vegetation should be limited to that material which poses a hazard to the transmission line. Determination of a hazard in critical areas such as park & forest lands should be a joint endeavor of the utility company and the land manager in keeping with the National Electric Safety Code, state or other electric safety and reliability requirements.

6. Long tunnel views of transmission lines crossing highways in wooded areas, down canyons and valleys or up ridges and hills should be avoided. This can be accomplished by having the lines change alignment in making the crossing, or in other situations by concealment of terrain or by judicious use of screen planting.



7. Rights-of-way clearings should be kept to the minimum width necessary to prevent interference of trees and other vegetation with the proposed transmission facilities. In scenic or urban areas trees which would interfere with the proposed transmission facilities and those which could cause damage if fallen should be selectively cut and removed.

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8. The time and method of clearing rights-of-way should take into account matters of soil stability, the protection of natural vegetation and the protection of adjacent resources.

9. The use of helicopters for the construction and maintenance on rights-of-way should be considered in mountainous and scenic areas where consistent with reliability of service. This would permit rights-of-way to be located in more remote areas and would reduce disturbance of the ground and the number of access roads.

10. Trees and other vegetation cleared from rights-of-way in areas of public view should be disposed of without undue delay. If trees and other vegetation are burned, local fire and air pollution regulations should be observed. Unsightly tree stumps which are adjacent to roads and other areas of public view should be cut close to the ground or removed.

11. Trees, shrubs, grass and top soil which are not cleared should be protected from damage during construction.

12. Rights-of-way should not be cleared to the mineral soil where possible Where this does occur in scattered areas of the rights-of-way, the top soil should be replaced and stabilized without undue delay by the planting of appropriate species of grass, shrubs and other vegetation which are properly fertilized.

13. Soil which has been excavated during construction and not used should be evenly filled back onto the cleared area or removed from the site. The soil should be graded to comport with the terrain and the adjacent land, and the top soil should then be replaced and appropriate vegetation should be planted and fertilized.

14. Scars on the surface of the ground should be repaired with top soil and replanted with appropriate vegetation or otherwise conformed to local, natural conditions. Grading generally should not be done on slopes where the scars cannot be repaired without creating an erosion problem.

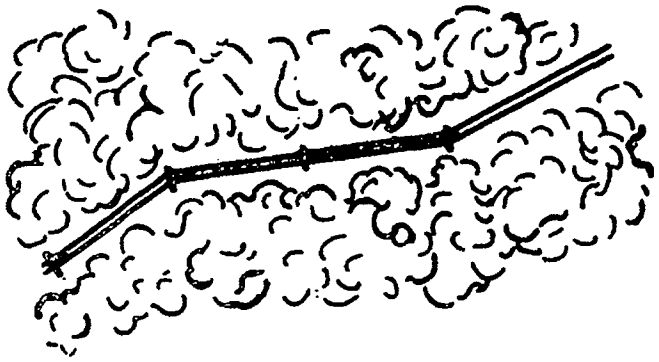
15. Terraces and other erosion control devices should be constructed where necessary to prevent soil erosion on slopes on which rights-of-way are located.

16. Where rights-of-way cross streams or other bodies of water, the banks should be stabilized to prevent erosion. Construction on rights-of-way should not damage shorelines, recreational areas or fish and wildlife habitats.

17. When necessary, cofferdam techniques to lay pipe or cable across streams should be used in order to permit full flow in one part of the stream while construction work is being performed in another part.

18. Care should be taken to avoid oil spills and other types of pollution while work is performed in streams.

19. In scenic areas visible to the public, rights-of-way strips through forest and timber areas should be deflected occasionally and should follow irregular patterns or be suitably screened to prevent the rights-of-way from appearing as tunnels cut through the timber.



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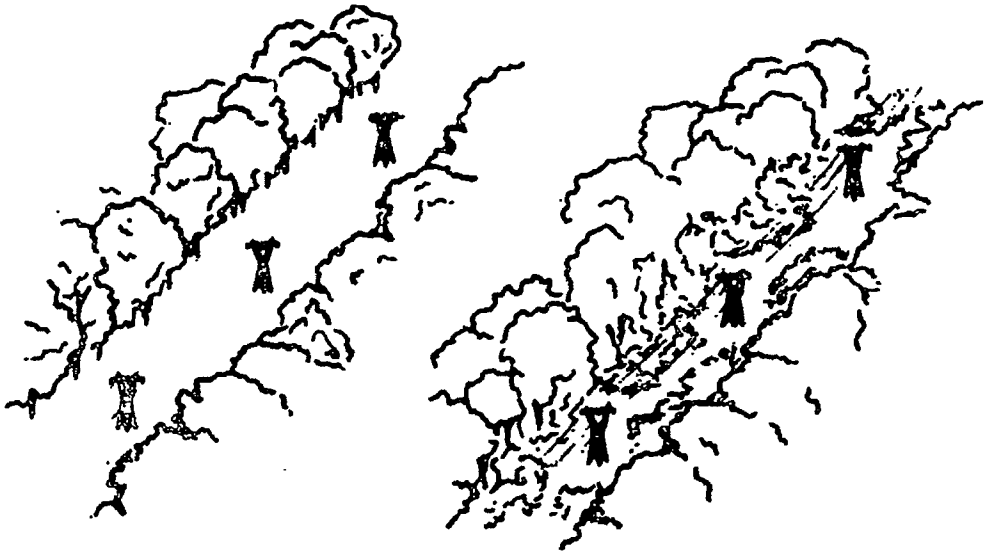
20. At road crossings or other special locations of high visibility rights-of-way strips through forest and timber areas should be cleared with varying alignment to comport with the topography of the terrain. In such locations also where rights-of-way enter dense timber from a meadow or other clearing, trees



POOR EXAMPLE *PREFERRED*

should be feathered in at the entrance of the timber for a distance of 150–200 yards. Small trees and plants should be used for transition from natural ground cover to larger areas.

21. If underground transmission lines must be located near the crests of hills or other high points, trenching should be done with small equipment in order to minimize the width of the rights-of-way clearings.

22. Roads used during construction should be stabilized without undue delay by erosion control measures and the planting of appropriate grass and other vegetation. These roads should be designed for proper drainage, and water bars to control soil erosion should be installed.

23. Access roads should not be constructed on unstable slopes. Where feasible, service and access roads should be used jointly.

The Location of Transmission Towers and Overhead Lines

24. If an overhead line must be routed across uniquely scenic, recreational or historic areas or rivers, the feasibility of placing the lower voltage line underground should be considered. If the line must be placed overhead, it should be located on a right-of-way least visible from areas of public view.

25. Transmission facilities should be located with a background of topography and natural cover where possible. Vegetation and terrain should be used to screen these facilities from highways and other areas of public view.

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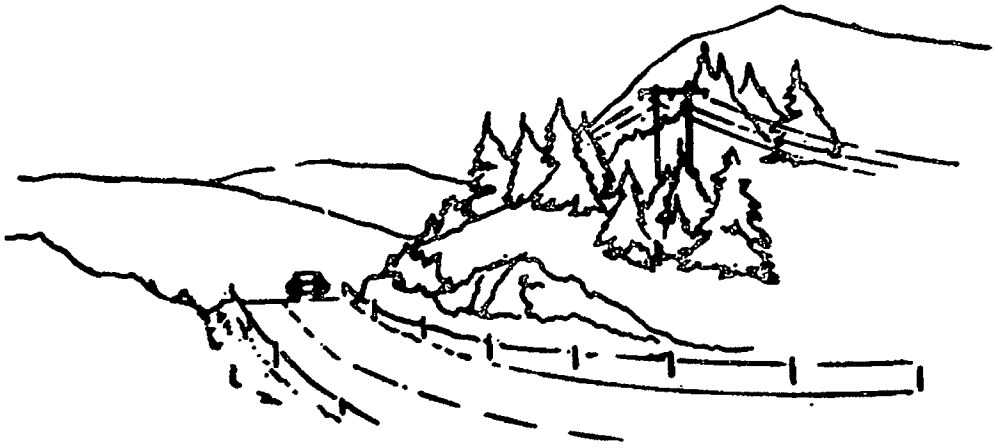
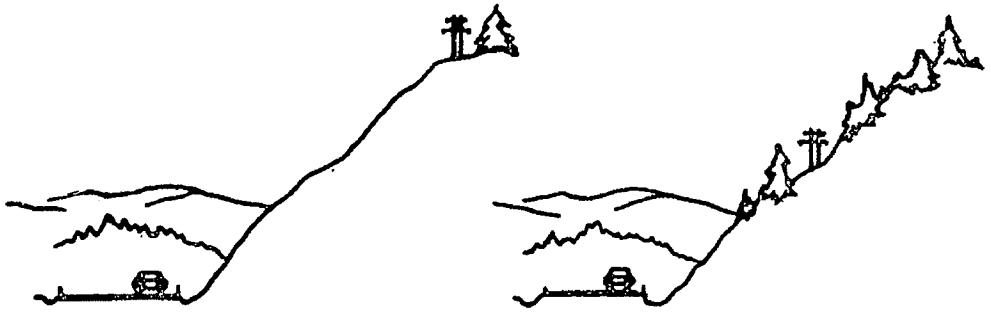
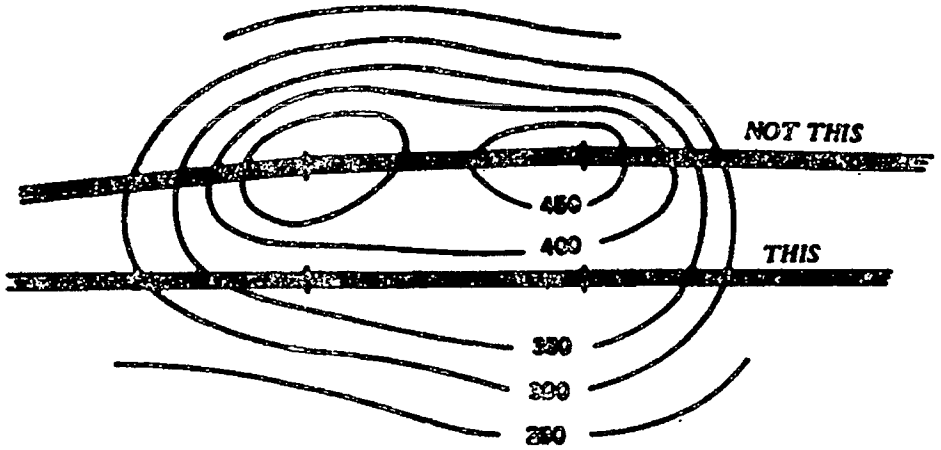


26. Where transmission facilities must be placed on slopes which parallel highways or other areas of public view, they should be located approximately two-thirds the distance up the slopes where feasible. With the slopes as background, the presence of the facilities would be less noticeable.



POOR EXAMPLE *PREFERRED*

27. Transmission line rights-of-way should not cross hills and other high points at the crests and when possible should avoid placing a transmission tower at the crest of a ridge of hill. Towers should be spaced below the crest to carry the line over the ridge or hill, and the profile of the facilities should present a minimum silhouette against the sky.



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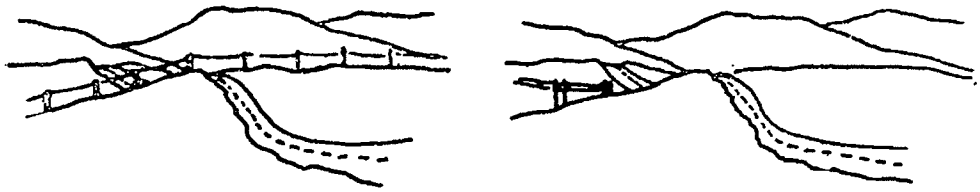
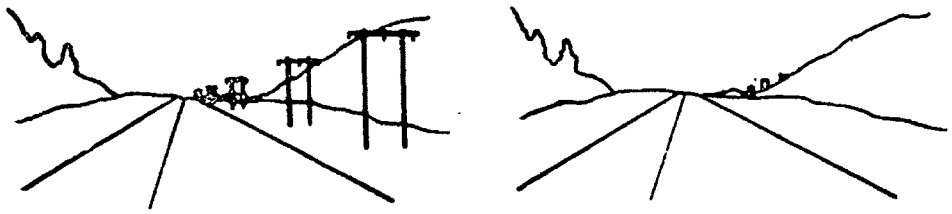
28. Transmission lines should not cross highways at the crest of a road.



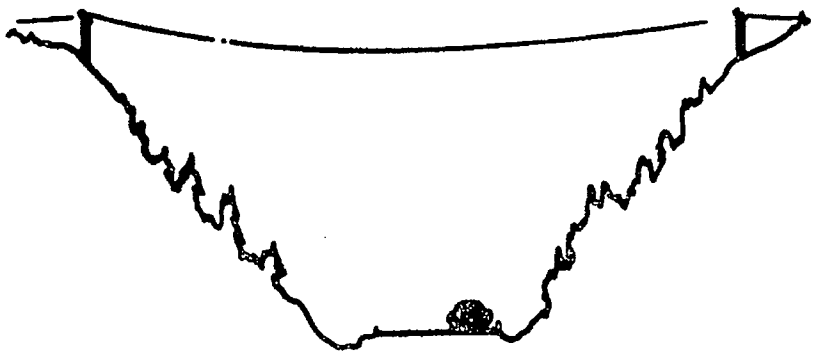
POOR EXAMPLE *PREFERRED*

29. Long views of transmission lines parallel to highways should be avoided where possible. This may be accomplished by overhead lines being placed beyond ridges or timber areas.



POOR EXAMPLE *PREFERRED*

30. Transmission lines should cross canyons up slope from roads which traverse the canyon basins if the terrain permits.



31. When crossing canyons in a forest, high, long-span towers should be used to keep the power lines above the trees and to eliminate the need to clear all vegetation from below the lines. Only as much vegetation as is necessary to string the line should be cut.

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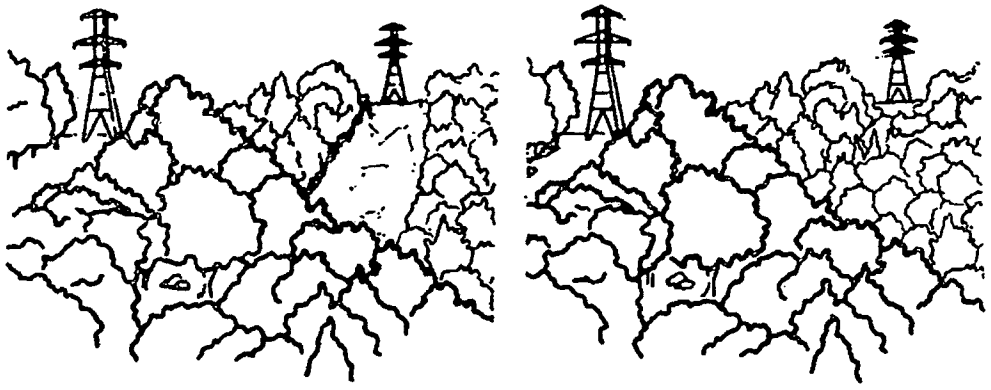
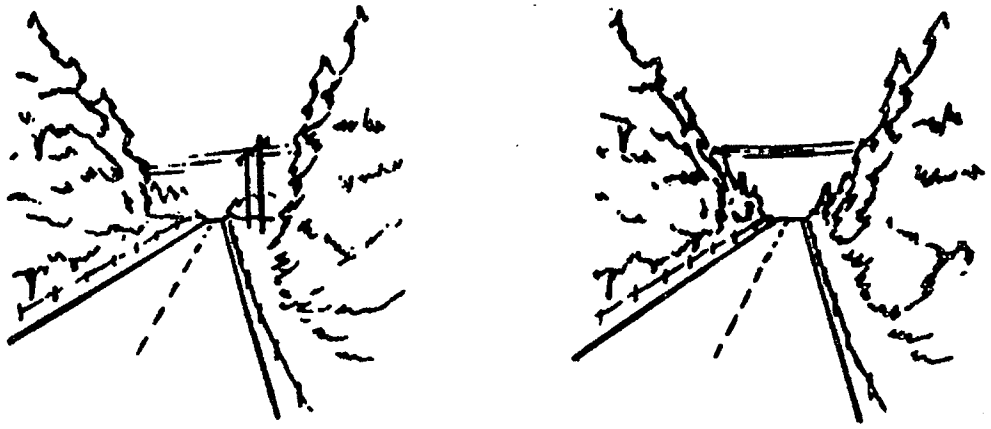


POOR EXAMPLE *PREFERRED*

32 Where ridges or timber areas are adjacent to highways or other areas of public view, overhead lines should be placed beyond the ridges or timber areas.

33. In forest or timber areas, high, long-span towers should be used to cross highways in order to retain much of the natural growth along the highways.



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34. Native shrubs and trees should be left in place or planted at random, with the necessary allowance for safety, near the edges of rights-of-way adjacent to roads.

POOR EXAMPLE *PREFERRED*

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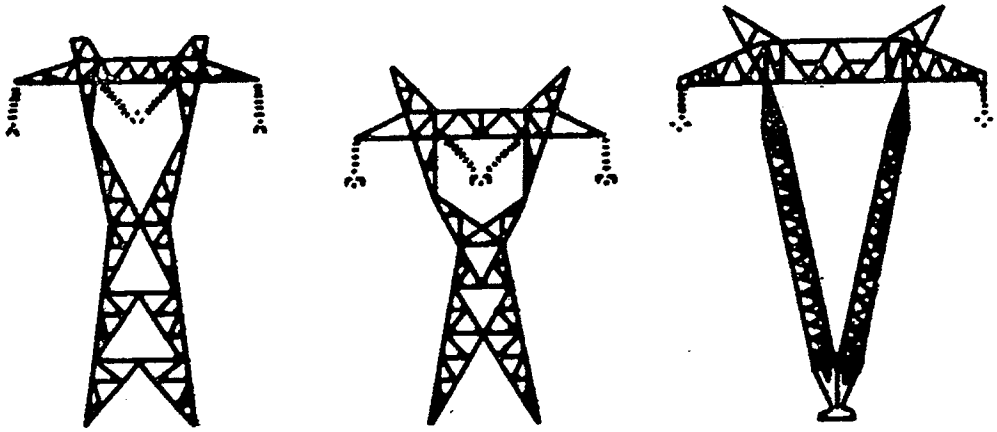
35. Transmission lines should not be located or cross at road intersections or interchanges where possible.

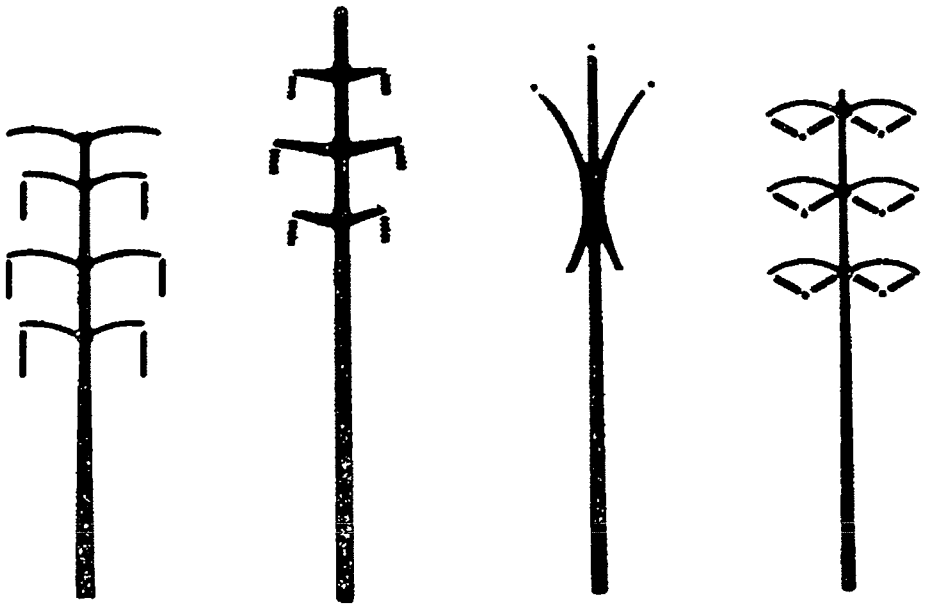
36. The Federal Highway Administration and the State Highway Department should be consulted with respect to any applicable guidelines or regulations that they might have to govern transmission lines which cross highways.

The Design of Transmission Towers

37. The size of transmission towers should be kept to the minimum feasible.



STANDARD TOWER DESIGNS



NEWER TOWER DESIGNS

38. Simple, but functional, designs of towers and poles should be used. Illustrations of these kinds of structures can be found in the book ELECTRIC TRANSMISSION STRUCTURES, sponsored by the Electric Research Council.

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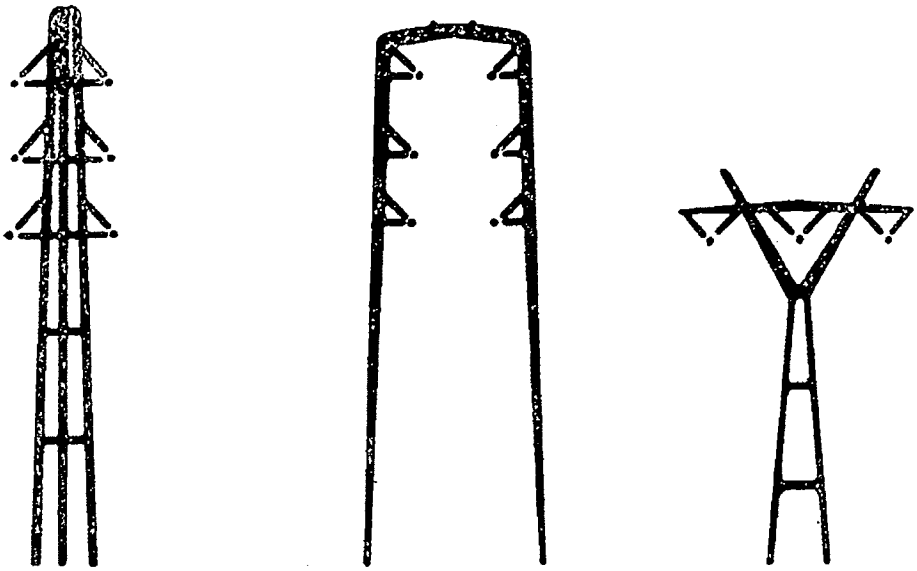
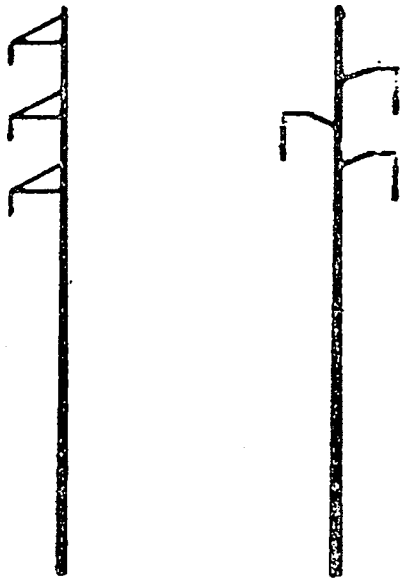


39. The use of poles designed without cross-arms for electric transmission lines of 138 kv and below and communications cables should be considered.



40. The materials used to construct transmission towers and the colors of the components of the tower should comport with the natural surroundings.

41. In addition to steel and aluminum transmission towers, the use of towers constructed of fiberglass, reinforced plastic, laminated wood, concrete, and other materials should be considered.

42. The use of treated single or double wood poles should be considered in forest or timber areas.

43. The use of weathered galvanized steel structures should be considered when transmission towers are to be silhouetted against the sky.

44. The design and color of the insulators should be compatible with the design of the tower.

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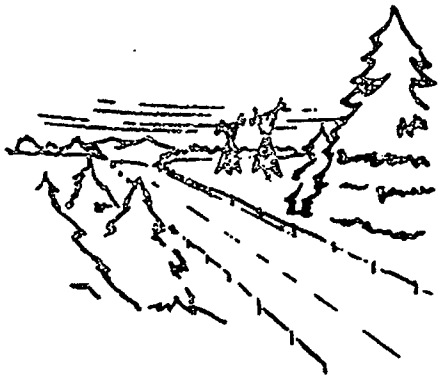
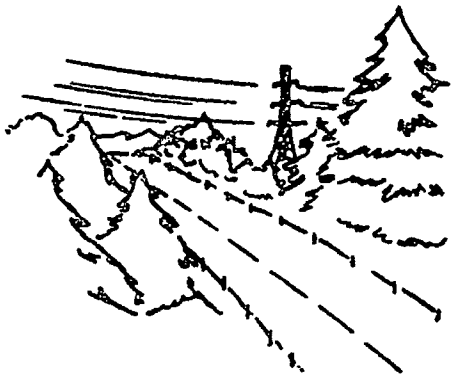
45. Where two or more circuits are required at high crossings, the use of multiple circuit towers should be considered where it is consistent with adequate reliability.



POOR EXAMPLE



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46. Once a cover of vegetation has been established on a right-of-way, it should be properly maintained.

47. Chemicals, when used, should be carefully selected to have a minimum effect on desirable indigenous plant life. Selective application should be used wherever appropriate to preserve the natural environment. In scenic areas, the impact of temporary discoloration of foliage should be considered; and where this factor is critical, either mechanical means of vegetative control should be used, or the work should be scheduled in early spring or late fall. It is essential that chemicals be applied in a manner fully consistent with the protection of the entire environment, particularly of the health of humans and wildlife.

48. Access roads and service roads should be maintained with suitable natural cover, water bars, and the proper slope in order to prevent soil erosion.

49. Aerial and ground maintenance inspection activities of the transmission line facility should include observations of soil erosion problems, fallen timber and conditions of the vegetation which require attention. The use of aircraft to inspect and maintain transmission facilities should be encouraged.

Possible Secondary Uses of Rights-of-Way

50. One of the potential benefits of transmission line routes is that clearings at safe distances adjacent to transmission facilities may be used for secondary purposes. Consistent with general safety factors the following should be considered as possible secondary uses of rights-of-way to the extent permitted by the property interest involved:

Cultivation of Christmas trees, elderberry and huckleberry bushes, and other nursery stock
Parks
Golf courses
Equestrian or bicycle paths
Picnic areas
Game refuges
Hiking trail routes
General agriculture
Winter sports
Orchards

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The Location of Appurtenant Aboveground Facilities

51. The proposed designs and locations of electric substations, and other aboveground facilities, including communication towers, should be made available to local agencies which have jurisdiction over these matters sufficiently in advance of construction deadlines to permit adequate review.

52. Unobtrusive sites should be selected where possible for the location of substations and like facilities.

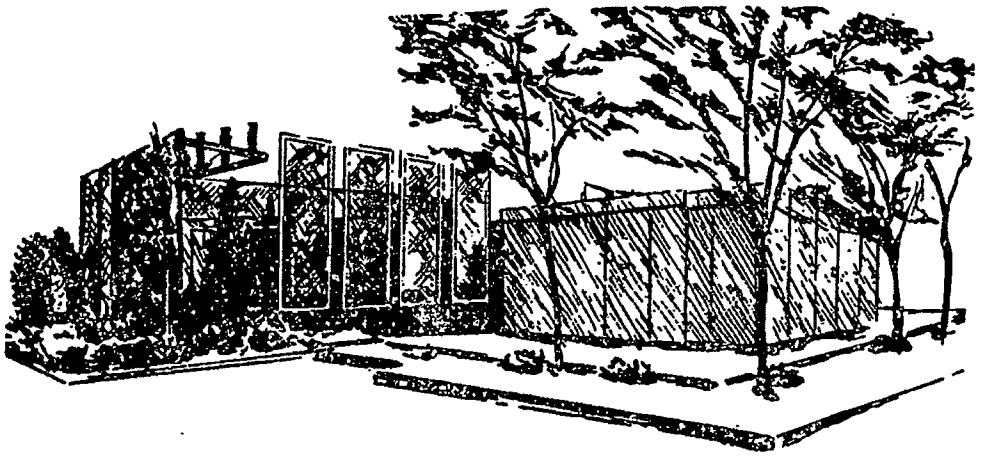
53. Potential noise should be considered when the locations for turbines, substations and like facilities are being determined. Such facilities should be located in areas where sound will not be resonated.

54. The size of substations and like facilities should be kept to the minimum feasible.

55. The designs of the exteriors of substations and like facilities should comport with the surroundings and other buildings in the area all in keeping with local control and applicable local zoning ordinance. For example, if a substation is to be located in a residential area, its design should comport with the designs of nearby residences.

56. If substations are located in residential and/or scenic areas, the appurtenant transmission conductors and distribution conductors adjacent to the substations should be placed underground where economically and technically feasible.

57. Trees and other landscaping appropriate to the site should be placed around substations to present a pleasing view to the public.



58. Storage tanks in scenic areas should be placed below ground where feasible. If storage tanks must be placed above ground, they should be concealed in part by appropriate plantings of trees and shrubs.

59. The materials used to construct substations, storage tanks and like facilities and the colors of these materials should comport with the surroundings.

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