

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.

Connecticut

Siting

Council

June 2, 2011

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a 4.8 MW wind renewable generating project (known as Wind Colebrook South) in Colebrook, Connecticut would not have a substantial adverse environmental effect, would meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Environmental Protection (DEP) Ambient Air Quality Standards and Water Quality Standards; and therefore, would not require a Certificate of Environmental Compatibility and Public Need.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and is subject to the following conditions:

1. The Petitioner shall provide a copy to the Council of all required final decisions and/or permits issued by the DEP, Army Corps of Engineers, and all other applicable federal or State regulatory agencies concerning the proposed project, when available. If there are provisions in any regulatory decision that are inconsistent with the Council's record in this matter, the Petitioner shall notify the Council immediately.
2. The Petitioner shall not commence construction activities until securing Council approval of a Development & Management Plan (D&M Plan). The D&M Plan shall be served on all parties and intervenors as listed in the service list for comment, and submitted to and approved by the Council in one or more sections prior to the commencement of facility construction and shall include, but not be limited to:
 - a. A detailed site plan showing the placement and/or extent of vegetative clearing, grading, wetland buffers, access roads, turbine foundations, building specifications, equipment and material laydown and staging areas. The Southern Turbine shall have a location and/or rotor diameter that ensures rotating turbine blades would be confined to the host property;
 - b. Provision for the establishment of open space and/or a conservation easement on the 29 Flagg Hill Road parcel that is protective of the site's natural resources and restricts development for the life of the project or in perpetuity;
 - c. Details for the modification and restoration of Town infrastructure affected by the project including a pre-construction survey, protections during construction, post construction survey, and restoration plan to render affected infrastructure to pre-project conditions or better;
 - d. An erosion and sediment control plan, consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (E&S Guidelines), as amended. The plan shall contain a narrative that specifies how the plan complies with the E&S Guidelines;
 - e. Stormwater Management Plan, consistent with the 2004 DEP Stormwater Quality Manual;
 - f. Drainage Calculations for site development consistent with the Connecticut Department of Transportation Drainage Manual;
 - g. Provisions for crossing Wetland 1, including details that allow the stream portion of the wetland to maintain a natural substrate, and the utilization of vernal pool best management

- practices in accordance with the Metropolitan Conservation Alliance Technical Paper No. 5 (Calhoun and Klemens, 2002);
- h. Wetland and Wildlife Restoration plan to include provisions for habitat restoration, invasive species control over a three-year period, and the maintenance of permanent meadow areas on the property in accordance with the Herpetological Assessment dated April 20, 2011 (Klemens);
 - i. Ice Safety Management plan that includes provisions to mitigate the potential for ice throw and ice drop. The Petitioner shall submit an evaluation of the feasibility of installation of the optional Winter Ice Operation Mode;
 - j. Establishment of a post-construction noise monitoring protocol describing locations, frequency and methods to be employed for a post-construction noise study. Upon review of the subsequent noise study, the Council, in consultation with the DEP, will evaluate and determine if any mitigation measures should be employed, including turbine operations management, to ensure the project complies with DEP noise regulations;
 - k. Provision for an independent third party monitor to evaluate on-site construction erosion and sedimentation controls and to ensure establishment of appropriate environmental safeguards protective of amphibian and reptile species; and
 - l. Project Decommissioning Plan.
3. The Petitioner shall attempt to reach a Host Community Agreement with the Town of Colebrook prior to the submission of the D&M Plan. Any agreement that is reached between the Petitioner and the Town shall be submitted to the Council.
 4. The Petitioner shall continue and submit ongoing bird and bat studies and perform post-construction monitoring of bats and birds to document any mortality from project operations. The extent of monitoring shall be coordinated with the DEP Wildlife Division. An annual summary of the study results shall be submitted to the Council and DEP for a period of three years with the first report due one year after commencement of operation. At the end of the three-year study period, the Council, in coordination with the DEP, will evaluate and determine if any mitigation measures should be employed to reduce bat and/or bird mortality.
 5. The Petitioner shall provide the Council with written notice of commencement of site clearing, foundation construction, turbine installation, completion of site remediation, and commencement of site operation.
 6. The Petitioner shall submit a first year operating report within three months after the conclusion of the first year of operation that includes a discussion of the number of hours of operation, wind speeds, and the amount of generation produced by the facility.
 7. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within four years of the effective date of this Decision and Order or within four years after all appeals of this Decision and Order have been resolved.
 8. The Petitioner shall provide the Council with not less than 30 days written notice that the facility plans to cease operation.

9. This Declaratory Ruling may be transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

By this Decision, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.



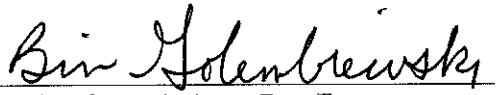
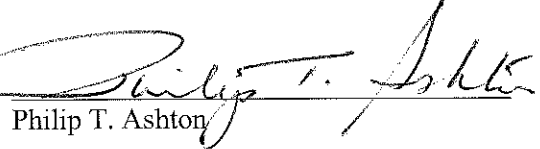
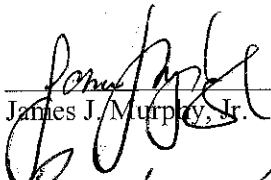
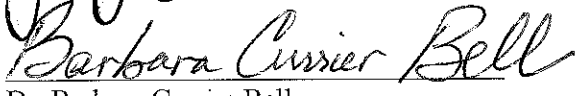
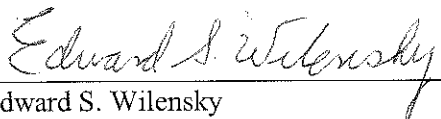
The parties and intervenors to this proceeding are:

Petitioner	BNE Energy, Inc.	Lee Hoffman, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 Paul Corey, Chairman BNE Energy Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107
Party	Robin L. Hirtle	Richard T. Roznoy, Esq. Attorney at Law 11 School Street P.O. Box 850 East Granby, CT 06026
Party	Stella and Michael Somers FairwindCT, Inc. Susan Wagner	Nicholas J. Harding Emily A. Gianquinto Reid and Riege, P.C. One Financial Plaza, 21 st Floor Hartford, CT 06103
Party	David R. Lawrence, MD	David R. Lawrence, MD Jeannie Lemelin, LPN 30 Flagg Hill Road Colebrook, CT 06021
Party	Town of Colebrook	The Honorable Thomas D. McKeon First Selectman Town of Colebrook Town Hall 562 Colebrook Road P.O. Box 5 Colebrook, CT 06021 David M. Cusick Howd, Lavieri & Finch, LLP 682 Main Street Winsted, CT 06098

Party	Kristin M. Mow Benjamin C. Mow	Richard T. Roznoy, Esq. Attorney at Law 11 School Street P.O. Box 850 East Granby, CT 06026
Intervenor	The Connecticut Light and Power Company	John R. Morissette Manager – Transmission Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 Joaquina Borges King Senior Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270
Party	Walter M. Zima Brandy Grant	Walter M. Zima 12B Greenwood Turnpike Colebrook, CT 06021 Mailing: 12B Greenwood Turnpike Winsted, CT 06098 Brandy Grant 12B Greenwood Turnpike Colebrook, CT 06021 Mailing: 12B Greenwood Turnpike Winsted, CT 06098
Party	Eva Villanova	Eva Villanova 28 Flagg Hill Road Colebrook, CT 06021 Mailing: 134 Forest Avenue Winsted, CT 06098

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **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, and voted as follows to approve this petition:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Robert Stein, Chairman	Yes
_____ Colin C. Tait, Vice Chairman	Abstain
 _____ Commissioner Kevin M. DelGobbo Designee: Larry P. Levesque	Yes
 _____ Acting Commissioner Dan Esty Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	No
_____ Daniel P. Lynch, Jr.	Abstain
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, June 2, 2011.