

**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

February 25, 2011

**PRELIMINARY 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. (“FairwindCT”), Stella and Michael Somers (the “Somers”) and Susan Wagner (collectively, the “Grouped Parties”), the Grouped Parties hereby submit their preliminary request for administrative notice. This list is subject to revision at any time.

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:

1. *Connecticut General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities*, published by the Connecticut Department of Environmental Protection, available at http://www.ct.gov/dep/lib/dep/Permits_and_Licenses/Water_Discharge_General_Permits/storm_construct_gp.pdf.

2. *2004 Connecticut Stormwater Quality Manual*, published by the Connecticut Department of Environmental Protection, available at http://www.ct.gov/dep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654.

3. *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, published by the Connecticut Department of Environmental Protection, available at http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654.

4. *Form 816, 2004 Standard Specifications for Roads, Bridges and Incidental Construction*, published by the Connecticut Department of Transportation, available at <http://www.ct.gov/dot/cwp/view.asp?a=3609&q=430362> (scroll down to multiple links concerning supplements).

5. *2000 Drainage Manual*, published by the Connecticut Department of Transportation, available at <http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116&dotPNavCtr=#40139>.

6. Federal Communications Commission, *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-222A1.pdf.

7. Pearce-Higgins, J.W., L. Stephen, R.H.W. Langston, I.P. Bainbridge, and R. Bullman. 2009. *The Distribution of Breeding Birds around Upland Wind Farms*. *Journal of Applied Ecology* 46(6):1323-31.

8. Bibby, C.J, Burgess, N.D, Hill, D.A, and S.H. Mustoe. 2000. *Bird Census Techniques*, Second Edition. Academic Press.

9. *2005 Connecticut's Comprehensive Wildlife Conservation Strategy*, published by the Connecticut Department of Environmental Protection, available at http://www.ct.gov/dep/cwp/view.asp?a=2723&q=329520&depNav_GID=1719.
10. *Description of the Forest Interior Bird Survey Program*, conducted by the Connecticut Department of Environmental Protection, available at <http://www.ct.gov/dep/cwp/view.asp?A=2723&Q=325722>.
11. Dettmers, R and K. Rosenburg. 2000. *Partners in Flight Bird Conservation Plan for Southern New England (physiographic area 9)*. American Bird Conservancy.
12. Connecticut Siting Council proceedings in Petition No 980, BNE Energy, Wind Project, Prospect.
13. GE Energy, *Setback Considerations for Wind Turbine Siting*, available at <http://documents.dps.state.ny.us/public/Common/ViewDoc.aspx?DocRefId=%7BF6A567D4-3F56-4125-968F-28CBF62BD6F6%7D>.
14. Setback regulations, rules, and ordinances from various jurisdictions across the United States. (These will be identified with more precision at a later date.)
15. 36 C.F.R. Part 800, *Protection of Historic Properties*, available at <http://www.achp.gov/regs-rev04.pdf>.
16. Sections 19-13-B103 and 19-13-B104 of the Connecticut Public Health Code, available at <http://www.ct.gov/dph/cwp/view.asp?a=3118&q=397982>.
17. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Senator Richard Blumenthal,

dated February 3, 2011. Available at <http://www.cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-US%20Senator%20Richard%20Blumenthal-TMY.PDF>.

18. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Barbara Bell, dated February 3, 2011. Available at <http://www.cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Barbara%20Bell-CT%20Siting%20Council-TMY.PDF>.

19. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Nicholas Harding, dated February 3, 2011. Available at <http://www.cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Nicholas%20Harding,%20FairWindCT-TMY.PDF>.

20. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Michael Libertine, dated February 3, 2011. Available at <http://www.cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Michael%20Libertine,%20South%20Windham-TMY.PDF>.

21. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Annette Smith, dated February 3, 2011. Available at <http://www.cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Annette%20Smith,%20Vermonters%20for%20a%20Clean%20Environment-TMY.PDF> and <http://www.cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Vermonters%20for%20a%20Clean%20Environment-TMY.PDF>.

22. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Jeffrey Tinley, dated February 3,

2011. Available at <http://www.cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Jeffrey%20Tinley,%20Counsel%20for%20Save%20Prospect%20Corp.-TMY.PDF>.

23. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Darcy Anderson-Abbott, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Darcy%20Anderson-Abbott,%20New%20Hartford-TMY.PDF>.

24. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Helen Higgins, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Helen%20Higgins,%20CT%20Trust%20for%20Historic%20Preservation-TMY.PDF>.

25. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Joyce Hemingson, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Joyce%20Hemingson,%20FairWindCT-TMY.PDF>.

26. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Kristin Mow, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Kristin%20Mow,%20Colebrook-TMY.PDF>.

27. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Manuel Cords, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Manuel%20Cords,%20Colebrook%20Land%20Conservancy,%20Inc.-TMY.PDF>.

28. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Michael Klein, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Michael%20Klein,%20FairWind%20CT-TMY.PDF>.

29. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Richard Roznoy, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Richard%20Roznoy,%20East%20Granby-TMY.PDF>.

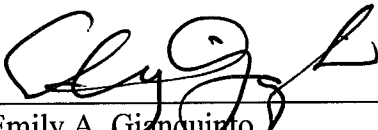
30. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Stella and Michael Somers, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Stella%20and%20Michael%20Somers,%20Colebrook-TMY.PDF>.

31. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Susan Wagner, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Susan%20Wagner,%20Colebrook-TMY.PDF>.

32. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by William Riiska, dated February 3, 2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-William%20Riiska,%20Norfolk-TMY.PDF>.

33. Written testimony offered to the Energy and Technology Committee of the Connecticut legislature regarding House Bill 6249 provided by Chuck Moran, dated February 3,

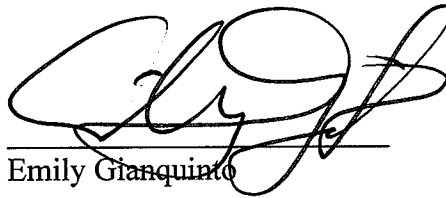
2011. Available at <http://cga.ct.gov/2011/ETdata/Tmy/2011HB-06249-R000203-Chuck%20Moran,%20Connecticut%20Lodging%20Association-TMY.PDF>.

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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 25th day of February, 2011:

Carrie L. Larson
Paul Corey
Jeffery and Mary Stauffer
John R. Morissette
Christopher R. Bernard
Joaquina Borges King
Thomas D. McKeon
David M. Cusick
Richard T. Roznoy
Kristin M. and Benjamin C. Mow
David R. Lawrence and Jeannie Lemelin
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