

**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 15, 2011**

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

Pursuant to the Siting Council’s pre-filing deadlines 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. The Grouped Parties reserve the right to supplement this list as the hearing proceeds.

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](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](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](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](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](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. GE, Flexible Wind Services, available at [http://www.gepower.com/prod\\_serv/products/wind\\_turbines/en/downloads/Wind%20Services%20Brochure\\_GEA17817A\\_WindSvcSolutions\\_r2.pdf](http://www.gepower.com/prod_serv/products/wind_turbines/en/downloads/Wind%20Services%20Brochure_GEA17817A_WindSvcSolutions_r2.pdf).
15. GE Energy, Extreme Wind Speed – Risk and Mitigation, available at [http://www.gepower.com/prod\\_serv/products/tech\\_docs/en/downloads/ger4277.pdf](http://www.gepower.com/prod_serv/products/tech_docs/en/downloads/ger4277.pdf).
16. GE Energy, Ice Shedding and Ice Throw – Risk and Mitigation, available at [http://www.gepower.com/prod\\_serv/products/tech\\_docs/en/downloads/ger4262.pdf](http://www.gepower.com/prod_serv/products/tech_docs/en/downloads/ger4262.pdf).
17. Prefiled Testimony of Scott McClane, dated Jan. 12, 2011, filed with the Vermont Public Service Board in Docket No. 7628, available at

<http://vermontersforacleanenvironment.files.wordpress.com/2011/02/scott-mclane-prefile-testimony.pdf>.

18. Order re Motion to Exclude Testimony by the Vermont Public Service Board, entered on Mar. 3, 2011 in Docket No. 7628, available at

<http://psb.vermont.gov/sites/psb/files/orders/2011/7508OrderReMotionToExcludeTestimony.pdf>

19. American Society of Mammalogists, Resolution, Effects of Wind-Energy Facilities on Bats and Other Wildlife, available at

<http://www.mammalogy.org/committees/commresolutions/WindEnergyResolution.pdf>.

20. G. Jones et al. Scoping and Method Development Report: Determining the potential ecological impact of wind turbines on bat populations in Britain, Phase 1 Report Final (Bat Conservation Trust and University of Bristol, May 2009). Available at

[http://www.bats.org.uk/data/files/determining\\_the\\_impact\\_of\\_wind\\_turbines\\_on\\_british\\_bats\\_final\\_report\\_29.5.09\\_website.pdf](http://www.bats.org.uk/data/files/determining_the_impact_of_wind_turbines_on_british_bats_final_report_29.5.09_website.pdf).

21. Arizona Game and Fish Department, *Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona*, available at

<http://www.azgfd.gov/hgis/pdfs/WindEnergyGuidelines.pdf>.

22. New Jersey Department of Environmental Protection, *Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits*, available at

[http://www.nj.gov/dep/cmp/wind\\_monitoring\\_protocol.pdf](http://www.nj.gov/dep/cmp/wind_monitoring_protocol.pdf).

23. New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects*, available at [http://www.dec.ny.gov/docs/wildlife\\_pdf/windguidelines.pdf](http://www.dec.ny.gov/docs/wildlife_pdf/windguidelines.pdf).

24. Cape Cod Commission, *Approved Amendments to Enabling Regulations and Regional Policy Plan*, available at [http://www.capecodcommission.org/RPP/WECF\\_thresholdMPS\\_CCC021711.pdf](http://www.capecodcommission.org/RPP/WECF_thresholdMPS_CCC021711.pdf).
25. Draft Guideline Notice, 76 Fed. Reg. 9590-92 (Feb. 18, 2011), available at <http://frwebgate2.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=uY16x6/1/2/0&WAISaction=retrieve>.
26. Thorndike, Maine, Wind Energy Facility Ordinance, available at [http://penbay.org/energy/raggedmtn/ordinances/thorndike\\_wind\\_ord\\_2010.pdf](http://penbay.org/energy/raggedmtn/ordinances/thorndike_wind_ord_2010.pdf).
27. Setback regulations, rules, and ordinances from various jurisdictions across the United States. (These will be identified with more precision at a later date.)
28. 36 C.F.R. Part 800, *Protection of Historic Properties*, available at <http://www.achp.gov/regs-rev04.pdf>.
29. 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>.
30. 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>.
31. 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>.

32. 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>.

33. 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>.

34. 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>.

35. 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>.

36. 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>.

37. 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>.

38. 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>.

39. 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>.

40. 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>.

41. 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>.

42. 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>.

43. 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>.

44. 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>.

45. 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>.

46. 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>.

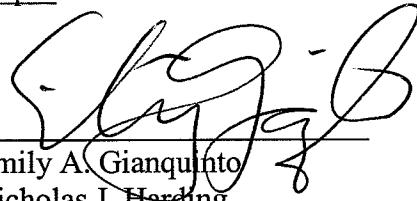
47. Minutes of the July 28, 2008 regular meeting of the Connecticut Clean Energy Fund Board. Available at [http://www.ctcleanenergy.com/Portals/0/board-minutes/07-28-08%20CCEF%20Board\\_WEB.pdf](http://www.ctcleanenergy.com/Portals/0/board-minutes/07-28-08%20CCEF%20Board_WEB.pdf).



48. Minutes of the Oct. 15, 2009 regular meeting of the Projects Committee of the Connecticut Clean Energy Fund Board. Available at <http://www.ctcleanenergy.com/Portals/0/10-15-09%20Projects%20Committee%20Minutes.pdf>.

49. Minutes of the Nov. 12, 2009 regular meeting of the Projects Committee of the Connecticut Clean Energy Fund Board. Available at <http://www.ctcleanenergy.com/Portals/0/11-12-09%20Projects%20Committee%20minutes.pdf>.

By: \_\_\_\_\_



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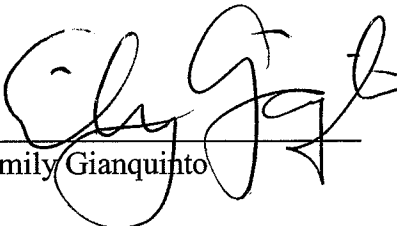
**CERTIFICATION**

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 15th 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