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January 11, 2011

Connecticut Siting Council
Attn: Hon. David Caruso, Chair
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 983, BNE Energy, Wind Project, Colebrook

Dear Judge Caruso:

FairwindCT, Inc., a Connecticut non-profit corporation run by Colebrook residents and comprised of residents of Colebrook, Norfolk, Winchester and other surrounding towns, opposes the siting of industrial wind turbine projects in close proximity to residential areas in Connecticut, and specifically opposes the two industrial wind turbine projects that are proposed for residential areas in Colebrook and are currently pending before the Connecticut Siting Council (the "Council").

BNE Energy, Inc. ("BNE") has filed two petitions with the Council asking for declaratory rulings approving two industrial wind turbine sites located less than one half mile apart on land that is zoned residential. The effects of these proposed industrial facilities will be dramatic and they will be cumulative. Despite the obvious scope of these petitions, which Judge Caruso acknowledged at a recent Council meeting, BNE asks the Council to consider its petition for Wind Colebrook South in a vacuum, based on only preliminary assessments on the project's impact on the environment and the health, safety and general quality of life of nearby residents. BNE also asks the Council to approve its petition in the complete absence of any applicable regulations. FairwindCT submits that the Council must consider the broader implications of not only the combined impact of the two petitions, but also of considering projects of this scope without any established regulations for guidance.

FairwindCT, Inc. hereby seeks party status in the Petition of BNE Energy Inc. for a Declaratory Ruling for the Location, Construction and Operation of a 4.8 MW Wind Renewable Generating Project on Flagg Hill Road in Colebrook, Connecticut ("Wind Colebrook South") dated December 6, 2010.

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I. Manner in which proposed party claims to be substantially and specifically affected

FairwindCT, Inc. ("FairwindCT"), is a Connecticut non-profit corporation formed and run by Colebrook residents for the purpose of promoting conservation and natural beauty, protecting the environment, personal health and biological values, preserving historical sites, promoting consumer interests and promoting the orderly development of Colebrook and the surrounding area. To accomplish its purposes, FairwindCT is educating the general public and the community about industrial wind energy projects, lobbying for wind energy regulations and advocating for the protection of the environment and the health, safety, and quality of life of Connecticut residents. FairwindCT's members live in Colebrook, Norfolk, Winchester and other Connecticut towns.

The proposed facility, Wind Colebrook South, will substantially and specifically affect FairwindCT because it will have an immediate negative impact on the area surrounding the planned site at Flagg Hill Road. Wind Colebrook South will be an industrial facility located in a residential area that abuts the first Nature Conservancy property in Connecticut, a sportsman's group with more than 600 members and several residences. The petitioner, BNE Energy Inc. ("BNE"), proposes to clear at least 2.69 acres of forested land and "disturb" more than 11 acres of land, build access roads over and adjacent to wetlands areas, and construct industrial wind

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turbines, which will be 200 feet taller than the Statue of Liberty and will have a blade diameter that will stretch nearly the length of a football field, in an area that is primarily preserved in its natural state.

These actions will harm the environment, destroy natural beauty and set back the conservation efforts that local residents and the State of Connecticut have worked to promote for decades. The industrial turbines will result in wildlife casualties, especially for the bird and bat populations. The bat population is particularly vulnerable to any additional casualties because it has been and continues to be decimated by White Nose Syndrome. The recommendations of the U.S. Fish and Wildlife Service Wind Turbine Guidelines Advisory Committee ("Wind Turbine Guidelines Advisory Committee"), submitted to the Secretary of the Interior in March 2010, state: "As with all responsible energy development, wind energy projects should adhere to high standards for environmental protection." BNE's proposed facility does not adhere to any standards for environmental protection, let alone high standards.

The proposed industrial facility will also have adverse effects on natural and historic resources in the immediate area, including Rock Hall, which is on the National Register of Historic Places, and the Beckley Bog property (also known as the Frederick C. Walcott Preserve), which, as noted above, was the first property acquired by The Nature Conservancy in Connecticut and was designated as a National Natural Landmark in 1977. BNE is apparently unconcerned with those negative effects, since it not only failed to inform the Council of the existence of those sites in its petitions, but is also opposing the party status applications of the owners of Rock Hall in part on the grounds that "the issue of whether the proposed project will have an adverse effect on the [Rock Hall] property is irrelevant to the Council's decision making criteria." (See Objection to Request for Party Status, dated Jan. 5, 2011, ¶ 8 (filed in Petition Nos. 983 and 984).)

Wind Colebrook South also poses significant threats to the health and safety of residents who live in close proximity to the proposed sites. Studies of similar projects have shown that people living in proximity to industrial wind turbines suffer from ailments including headaches, tinnitus, nausea, sleep deprivation, dizziness, vertigo, ear pressure or pain, irritability, fatigue, memory and concentration problems, racing heartbeats, visual blurring and panic episodes. These symptoms have been attributed to the noise, vibration and shadow flicker caused by the industrial turbines. The shadow flicker may also impact drivers on nearby Route 44, which is traveled at all times of day. GE's own literature warns that the massive rotating blades of the industrial wind turbines can throw ice at least several hundred meters, and recommends that industrial turbines be sited "a safe distance from any occupied structure, road, or public use area." FairwindCT submits that the turbines proposed for Wind Colebrook South are not sited a safe distance from houses, roads or lands held in the public trust, and cannot be sited safely given the small size of the property.

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Industrial wind turbines also pose other safety risks. Similar turbines have caught on fire. If that occurred in Colebrook, the town's all-volunteer fire companies do not have either the fire safety equipment that could reach the top of the 328-foot turbine hub or the necessary training to suppress a fire at that height. Nor could the town alone control a fire that might spread through the heavily forested area surrounding Wind Colebrook South. Blades from similar turbines have dislodged and traveled several hundred feet from the hub. Turbines have collapsed. In BNE's petition, its wind assessment consultant states that the turbine model chosen by BNE "does not meet fall zone requirements from the project boundary." (See Petition No. 983, Ex. M, Colebrook, CT Wind Assessment, page 4.) These safety concerns show the need for appropriate regulation of the siting of these industrial projects and their incompatibility with residential areas.

Approval of BNE's petition to site an industrial wind turbine project on a property zoned residential with no regulation and in the absence of appropriate setbacks will also negatively impact the property values in Colebrook and the surrounding area. People choose to live in the northwestern corner of Connecticut for its peaceful, quiet way of life and beautiful, picturesque surroundings in historic towns. The residents of these communities, and of most of the Northwest corner of Connecticut, have spent decades conserving and protecting the natural beauty of the area, open space, and wildlife and game habitat. Industrial wind turbine projects, with their accompanying noise, visual impact and associated health and safety concerns, will depress real estate values in the area. The proposed project will also negatively impact the area's ability to attract tourists, who come to Colebrook and surrounding towns to enjoy quaint New England getaways in the Litchfield Hills. Much of the area's appeal to tourists stems from its natural beauty and peaceful surroundings. If the Council approves Wind Colebrook South, the tourism industry in Northwest Connecticut will suffer a dramatic downturn.

Based on these and other concerns, some of which are detailed below, FairwindCT asks the Council to deny BNE's petition. Alternatively, FairwindCT asks the Council to defer BNE's petition, impose a statewide moratorium on industrial wind turbine projects and adopt regulations providing for appropriate setbacks and other siting criteria, including environmental siting standards, that will protect the health and safety of Connecticut's residents and preserve its natural and historic resources.

II. Contention of the petitioner

FairwindCT contends that industrial wind turbine facilities are, as a general matter, inappropriate for residentially zoned areas. More specifically, FairwindCT contends that the BNE's proposed facility is fundamentally incompatible with the area surrounding Wind Colebrook South. FairwindCT's contentions regarding the Wind Colebrook South petition can be summarized as follows:

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Point I. The Council should not consider petitions for declaratory rulings before it has engaged in the rule-making process and adopted appropriate regulations that will balance the State's goal of increasing renewable energy resources with the interests of its residents and the goals of the State Plan for Conservation and Development. The Council has never before considered industrial wind turbine projects. The State has no law or regulation specific to this technology. BNE claims that its only burden before the Council is to "establish that the proposed project complies with air and water quality standards of the Department of Environmental Protection." (See Objection to Request for Party Status, dated Jan. 5, 2011, ¶ 8 (filed in Petition Nos. 983 and 984).) BNE is asking the Council to approve these petitions with no consideration of the environmental, health, safety and economic effects of the proposed industrial use.

BNE Energy has never before constructed an industrial wind turbine project. BNE's inexperience with these projects is of particular concern given its lack of attention to detail in proceeding with its agenda of siting industrial wind turbines throughout Northwest Connecticut. BNE failed to inform the Council that Wind Colebrook South is within 1.5 miles of Rock Hall, a historic residence that is on the National Register of Historic Places, and is adjacent to the Beckley Bog, a National Natural Landmark. State and federal agencies are required to give special consideration to the potential adverse effects of projects funded by state and federal money on historic and natural resources. BNE's apparent disregard for the adverse effect of its activities on natural resources is echoed in its recent clear-cutting of 2.3 acres of state forest in North Canaan, where it is preparing to install a meteorological tower.

In light of these facts, FairwindCT asks that the Council either reject or defer BNE's petition until such time as the Council has had time to consider all aspects of siting nearly 500-foot tall rotating structures in residential areas. The residents of Colebrook and the surrounding area should not be used as guinea pigs in BNE's experiment. To proceed in the absence of any regulation at all is to risk the health, safety and welfare of the State's citizens. Moreover, all of Connecticut's citizens deserve the opportunity to be heard on these issues, which will only happen if the Council denies or defers BNE's petitions and initiates rule-making.

Point II. The Wind Colebrook South petition should be denied because industrial wind turbines should not be sited in proximity of residences. The experiences of other communities in the United States and in Europe, where industrial wind turbines have been sited for decades, show that this technology and residences are incompatible with each other. Living in proximity to industrial wind turbines endangers residents' health and safety and infringes on their property rights. Residents living in proximity to similar projects are subjected to constant audible noise, measurable infrasound noise and what is known as a shadow flicker, which results from the sun passing through the rotating blades of the turbines. Documented effects on residents include sleep deprivation, headaches, tinnitus, lapses in concentration and memory, nausea, dizziness,

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vertigo, ear pressure or pain, irritability, fatigue, racing heartbeats, visual blurring and panic episodes.

Resident safety is also an issue, as BNE proposes to site its massive structures close to property lines, in violation of the manufacturer's own recommended "fall zone requirements." (See Petition No. 983, Ex. M, Colebrook, CT Wind Assessment, page 4.) If a fire starts in the hub of one of BNE's turbines, no firefighting equipment in the area can reach it – basically, the fire must burn itself out, which may result in the collapse of the entire structure and may cause fire as burning debris falls. Massive industrial wind turbines are known to throw ice hundreds of feet from their blades. Those blades, each of which is more than 160 feet long, have been thrown hundreds of feet from turbine hubs. These safety risks have prompted turbine manufacturers to recommend safety zones of more than 1000 feet from each turbine. The turbines proposed for Wind Colebrook South do not meet even that minimum, manufacturer-recommended safety setback requirement.

In short, BNE's brief and detail-free description of why its project is "fully expected" to "be reliable and safe" and will "meet or exceed all health and safety requirements applicable for electric power generation" is contradicted by past safety incidents with similar industrial wind turbine projects and by GE's own safety recommendations. (See Petition No. 983, page 12-15.)

Point III. The Wind Colebrook South petition should be denied because the project contradicts both the State Conservation and Development Policies Plan and Colebrook's Plan of Conservation and Development. (See id., page 15.) The project also violates Colebrook's local zoning and inland-wetland regulations.

BNE claims that Wind Colebrook South is consistent with the State Conservation and Development Policies Plan because the area of Colebrook in which BNE wants to site its industrial wind turbines is "either a 'conservation area,' a 'preservation area' or 'rural lands.'" (Petition No. 983, page 16.) According to BNE, Wind Colebrook South complies with State policies associated with such land because its industrial facility will be a use "compatible with the identified conservation value," is "directly consistent with the preservation value" and will "[p]rotect the rural character of these areas." (Id., pages 16-17.) BNE believes that its industrial use of residential, rural conservation land is more consistent with State goals than "the development of multiple residences that could be approved on the Property." (Id., page 17.)

The development of "multiple residences" has not been proposed for that area, a fact acknowledged by BNE. (See id., page 19 ("BNE has consulted with the Town of Colebrook and the Project will not interfere with any existing or future development plans known in the area.")) In fact, under present zoning designation, the two lots comprising the Wind Colebrook South site could only accommodate two houses, one of which is already built on the site. Moreover, were a subdivision proposed for the property, the town of Colebrook, not the Siting Council, would

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have authority to approve or deny those plans. BNE insists that local officials have no such control over Wind Colebrook South, which will include not only three massive turbine structures, but also an “electrical collector yard,” “[a]dditional equipment” to be installed “as needed,” an “ancillary building” to include storage space, office space, an “education” area and restroom facilities, a septic system, a new driveway and multiple new access roads. This type of industrial development is not consistent with either rural, conservation or preservation designations.

Wind Colebrook South is likewise inconsistent with Colebrook’s Plan of Conservation and Development. BNE acknowledges that the town’s Plan “recognizes the rural character of Colebrook” and “emphasizes the importance of controlled growth and protecting environmental resources including forest land and habitat” – but then makes the incredible statement that this large-scale industrial facility, which will involve construction of a road over a wetland, will kill birds and bats, will likely have adverse effects on soil and habitat and will require the permanent clear-cutting of at least 2.69 acres and the “disturbance” of more than 11 acres of land, satisfies those goals. (See Petition No. 983, pages 17-19 & Ex. I, page 17.)

Wind Colebrook South also violates local zoning and wetlands regulations. The industrial project is proposed for property that is zoned R-2, which means that it is zoned for residential use and that lots must be a minimum of two acres to permit the construction of single-family residences, and must meet certain frontage, access and additional lot size requirements, in the case of interior lots. The permitted uses of R-2 zone not only do not include wind turbines, but they also do not include any electrical generation or industrial use at all. Thus, the siting of this industrial project in an R-2 zone would expressly violate Colebrook’s zoning regulations. BNE’s claim that it satisfies the regulations because its project would comply with the minimum setback requirements applicable to residences is ludicrous. The 50- and 30-foot setbacks detailed for R-2 zones are applicable to homes and related residential structures. They do not permit the siting a 492-foot tall industrial wind turbine only 50 feet from a property line in a residential area, and for BNE to suggest that it should be permitted to put such a massive structure only 50 feet from a property line is simply irresponsible, and yet another reason for the Council to deny or defer this petition and initiate the rule-making process to establish appropriate setback guidelines for industrial projects of this type and scope.

Wind Colebrook South would also violate Colebrook’s wetlands regulations. BNE acknowledges that its project involves “Regulated Activity” and will “permanently impact” more than 4700 square feet of wetlands and will “temporarily impact” more than 200 additional square feet of wetlands, but does not describe how those impacts satisfy Colebrook’s wetlands regulations. In fact, they do not. Although details of BNE’s plans for construction in and around the wetlands areas on its property are not clear in the petition, it is clear that BNE proposes to construct a wetlands crossing – what appears to be either a paved or gravel road – over the largest wetlands on the site. That is a Regulated Activity that will have a “Significant Impact”

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on a wetland. Under Section 6 of the wetlands regulations, BNE is required to obtain a permit from the Colebrook Inland-Wetlands Agency in order to conduct a Regulated Activity. It has not obtained such a permit, nor has it applied for such a permit. BNE has therefore not complied with Colebrook's wetlands regulations.

Point IV. The Wind Colebrook South petition should be denied because the project will have significant adverse effects on the environment. BNE claims in its petition that its project "will result in significant environmental benefits," "offers significant . . . environmental . . . benefits to the citizens of the Town of Colebrook and the State of Connecticut" and offers "[s]ignificant environmental benefits with minimal impact to the land." (Petition No. 983, pages 2-3, 11-12.) That claim is likely absurd, but the paucity of data provided by BNE in support of its petition makes it nearly impossible to assess its validity.

As a whole, the studies and data provided by BNE in its attempt to establish that Wind Colebrook South will have no adverse impact on the environment are preliminary and therefore inadequate. For example, the bat acoustic study submitted as Exhibit K is only an "interim report" – the study was apparently to continue through October 2010, but BNE has not provided a final report to the Council. BNE's consultant, Western EcoSystems Technology, Inc. ("Western EcoSystems"), expressly states in its report that the results reported are subject to change. The bat study is not only preliminary, however, but likely significantly flawed, since Western EcoSystems notes that "substantial differences" in bat detection rates between different recording stations require "further investigation of detector functionality . . . to ensure differences are not the result of equipment malfunction." (Ex. K to Petition No. 983, page 13.) In short, BNE's own expert is unsure of the validity of the data it collected, but BNE asks the Council to rely on that data to assess environmental impact. Moreover, Western EcoSystems did not conduct any mist netting to actually capture and record the species of bats in the area. Instead, Western EcoSystems relies solely on the results of its sound recordings, which it acknowledges do not identify individual bats or even individual species of bats.

BNE's breeding bird study suffers from similar flaws. Western EcoSystems spent a total of three days in very late June and early July 2010 making observations on the Wind Colebrook South property. The timing of Western EcoSystems' "final report," late in the birding season, means that its observations lack value because (1) the vegetation would have been very dense, preventing effective identification at the observation points located in deciduous forest dominated areas, and (2) many birds would have already been in nesting mode, particularly given the extremely hot summer Connecticut experienced. Western EcoSystems' surveys were conducted after the peak birding season. Although there were 12 survey points occupied on each day, a biologist was located at each survey point for only 5 minutes each day – meaning that the total observation period for this study was approximately three hours. The superficial nature of this "study" explains its sparse findings of only 39 species of birds and 461 unique individuals. It also explains the significant percentage of unidentified birds recorded by Western EcoSystems.

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Furthermore, Western EcoSystem's biologists reported no raptor observations in an area known to be frequented by birds of prey. (See Ex. L to Petition No. 983, page 1.) The Council cannot rely on such a preliminary and incomplete study to determine the effect of Wind Colebrook South on the bird population.

Another example of the preliminary nature of BNE's data can be found in its terrestrial wildlife habitat and wetland impact analysis. BNE's environmental consultant, VHB, conducted one of its two wetland delineation report field studies in late January, when the snow depth was 2 to 6 inches and the frost depth was zero to 3 inches. The second field study was conducted in mid-March, when snow depths of up to 3 inches were reported. Both field studies were conducted before the vernal pool season, so VHB's statement that no vernal pool habitats were identified on the Wind Colebrook South property is hardly surprising. (See Ex. I to Petition No. 983, page 4.) Nearly all of VHB's discussion of wildlife on the property is based on a "desktop wildlife evaluation" instead of actual observation – which explains VHB's extensive discussion of wildlife species that "may" live on the property or are "likely" to live on the property. (See id., page 8.) VHB's analyses may be adequate for a preliminary feasibility or planning level study, but do not provide the Council with the data necessary to analyze the actual wildlife and habitat impact of BNE's proposed industrial sites.

Point V. BNE's petition should be denied based on its failure to provide the Council with reliable and accurate information. These failures can only be seen as part of BNE's attempt to get the Council to "rubber stamp" a project of unprecedented scope with little to no scrutiny. Among BNE's failures and misrepresentations are the following:

- Failure to file a single petition for both Wind Colebrook South and Wind Colebrook North. The Council cannot decide the individual petitions without consideration of the other. Instead, it must assess the cumulative impact of all six industrial wind turbines on the area. Any representations by BNE about visual impact, noise, safety, vibration, environmental effects and other impacts of Wind Colebrook South are at best disingenuous and at worst deliberately misleading. The recommendations of the Wind Turbine Guidelines Advisory Committee stress the importance of reviewing such cumulative impacts and state that "[c]onsideration of cumulative impacts should be incorporated into the wind energy planning process as early as possible to improve decisions." Federal agencies are required to include cumulative impact analyses in their NEPA reviews of projects. The Council should similarly require BNE to provide maps and studies of the cumulative impact of both of its Colebrook petitions on the surrounding area, including the increased environmental effects, noise levels, visual impacts, economic impacts and safety risks.

- Failure to identify a historic residence on the National Register of Historical Places within less than 1.5 miles of Wind Colebrook South. The residence, known as Rock Hall, is within the Area of Potential Effect ("APE"), which is a minimum standard established by the

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Federal Communication Commission for use in assessing the impact of stationary towers on nearby historic structures. The APE is effectively a presumption that towers more than 400 feet tall have an adverse effect on such structures, and was adopted pursuant to Section 106 of the National Historic Preservation Act. BNE cannot rebut the presumption that its massive rotating football field-sized industrial turbines will have a substantial adverse effect on Rock Hall. Michael and Stella Somers, owners of Rock Hall, have separately filed for party status in this petition and in Petition No. 984.

- Failure to amend its petition following the State Historic Preservation Office's letters informing BNE and the Council of the existence of Rock Hall in proximity to both of BNE's proposed facilities. The SHPO has requested that BNE's consultant provide it with "photographic views, photosimulations, and a visual analysis for Rock Hall, 19 Rock Hall Road in Colebrook, so we may have an opportunity to revise our comments." BNE's "no effect" stamp from the SHPO for this project is therefore subject to revision.

- Failure to expressly inform the Council of the proximity of a National Natural Landmark. The Nature Conservancy property adjacent to the western border of Wind Colebrook South was designated a National Natural Landmark in 1977 because it includes the Beckley Bog, also known as the Frederick C. Walcott Preserve. According to the National Park Service, the Beckley Bog is "the most southerly sphagnum-heath-black spruce bog in New England. It is a rare relic of the early post-Pleistocene. Peat moss underlies the quaking, floating bog mat to a maximum depth of 50 feet." The nature of this landmark, which is naturally unstable and constantly moving, and the types of birds and other wildlife it attracts renders it especially vulnerable to both the blasting that BNE is likely to need to do to install its industrial turbines and to the infrasound noise and vibration caused by industrial wind turbines. A three-sentence discussion of this natural resource is buried in a nearly 100-page exhibit to the petition.

- Misrepresenting its relationship with the local community. BNE told the Council that it has established a "good relationship with the Colebrook community" through a "multi-faceted communications approach" that allegedly included regular discussions with local officials, an informational filing at the Town Hall and public access to information on BNE's website. (Petition No. 983, page 5.) BNE has not established any relationship with the Colebrook community, let alone a good relationship. Until the public information meeting BNE held in town on November 10, 2010 (less than one month before filing this petition with the Council), the majority of Colebrook residents, including those living in proximity to the proposed projects, were unaware of BNE's plans to site six 1.6 MW turbines standing 492 feet tall as close as 800 feet to several homes. Even at the public meeting, BNE's representatives provided no detail of its plans. Colebrook's First Selectman, who supported BNE's proposal as a way to bring in tax revenue to the town, was not even aware that BNE was planning to build

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turbines on two sites in town until days before that meeting in November. BNE has not at any time provided a forum for Colebrook residents to voice their opposition to this project.

- Failure to provide approval from the Federal Aviation Administration for the larger turbines that BNE is asking the Council to approve. In fact, BNE has not even finally selected the turbine model it plans to use at this site, yet asks the Council to approve its project by declaratory ruling.

- Failure to adequately measure and predict noise levels. The noise study provided by BNE's consultant establishes sound levels in Colebrook based on two days of data in the spring of 2010. That data is not adequate to provide an accurate picture of the average noise level in the surrounding area. BNE's noise analysis is also devoid of any consideration of the cumulative noise caused by siting six industrial wind turbines within less than one half mile of each other.

- Inaccurate representation of the project site as not supporting state-listed species. In fact, BNE's data documents the actual presence of the Red Bat, Hoary Bat, and Northern Leopard Frog at the site, as well as the potential presence of the Silver-haired Bat and Indiana Bat on the site, and the confirmed presence of Great St. John's Wort immediately adjacent to the site.

- Failure to conduct on-site surveys for mammals, reptiles, amphibians, or plants.

- Reliance on data collected on a snow-covered site to support the representation that no vernal pools or significant amphibian habitat is present at the site.

- Failure to conduct a fish survey at the site, despite the presence of at least a semi-permanent pond.

- Failure to provide a Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements of the CT DEP's Stormwater General Permit. Specifically, the SWPPP suffers from significant defects, including the following: it was not designed by a registered Professional Engineer licensed in Connecticut; it lacks a site map showing location of major structural and non-structural controls areas that will be vegetated following construction, or pre and post construction locations of stormwater discharges; no phasing plan was submitted; it contains inaccurate information with respect to wetland permitting requirements; no construction sequence was submitted; it does not include a description of the controls and measures that will be performed for each major activity identified in the sequencing; the timing of such controls and measures; it does not include post construction measures designed to remove 80% of the suspended solids and floatables or velocity dissipation devices necessary to maintain non-erosive flow velocities and protection of the natural physical and biological characteristics of the

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receiving watercourse.

III. Relief sought by the petitioner

FairwindCT requests that the Siting Council deny BNE's petition for a declaratory ruling regarding Wind Colebrook South. It further asks the Council to impose a moratorium on all industrial wind generation projects in areas zoned residential or which are located within 1.5 miles of historic structures or National Natural Landmarks until appropriate laws and regulations may be put in place by the State, the Council and local regulatory bodies.

IV. Statutory or other authority therefore

FairwindCT is entitled to party status in this proceeding pursuant to Sections 4-177a, 16-50l, 16-50n, 22a-19 and 22a-20 of the Connecticut General Statutes and Sections 16-50j-13 through 17 of the Regulations of the Connecticut Siting Council.

V. Nature of the evidence that the petitioner intends to present

FairwindCT will present evidence including but not limited to:

- studies, surveys and expert opinion regarding the deleterious visual and noise effects of siting wind turbines in close proximity to residential buildings, including but not limited to negative health effects such as headaches, sleep disturbances, nausea, dizziness and tinnitus;
- studies, surveys and expert opinion regarding the preliminary and incomplete nature of the evidence provided by BNE regarding the environmental effects of its proposed industrial wind turbines on nearby wetlands and other natural resources, wildlife including but not limited to rare wetland plants, amphibians, bats and birds;
- studies, surveys and expert opinion regarding the deleterious safety effects of siting wind turbines in residential areas, including the potential for fire, ice throw and turbine collapse;
- studies, surveys and expert opinion regarding the deleterious economic effects of siting wind turbines in residential Colebrook, including the adverse effects on real estate values and the local tourism industry;
- studies, surveys and expert opinion regarding the inefficiency and unreliability of industrial wind power;

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- testimony by residents living in proximity to the proposed sites about the adverse effect the industrial wind turbines will have on their lives;
- testimony by Michael and Stella Somers regarding Rock Hall, a property on the National Register of Historic Places, including its historic status, their work restoring the property, their investment in the property and the expected impact of siting industrial wind turbines in proximity to their property on their business and the continued commercial viability of Rock Hall.

VI. Other comments for the Siting Council's consideration

FairwindCT asks that the Council hold public hearings on BNE's petition for declaratory ruling in Colebrook or one of the surrounding towns, so that local residents will have the opportunity to voice their opinion on the proposed industrial facilities. Industrial wind projects do not belong in residential areas, and the residents who will be affected by BNE's proposed industrial projects deserve to be heard on this important issue.

Very truly yours,

REID and RIEGE, P.C.



Emily A. Gianquinto

cc: Carrie L. Larson, Esq.
Paul Corey
Richard T. Roznoy, Esq.