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April 10, 2012

Via e-mail to: Janice Podsada (jpod sada@courant.com)

Janice Podsada
Hartford Courant
285 Broad Street
Hartford, CT 06115

Re: More than one Golden Eagle at risk.

Dear Ms Podsada:

I enjoyed your article of April 7, 2012, Flight of Eagles May Alter Wind Farm's Path, which points up some major deficiencies in the Siting Council and Department of Environmental Protection review processes for wind farms.

During the hearings last year before the Siting Council, Fairwind and others characterized the bird and wildlife impact studies submitted by BNE Energy as insufficient for a decision, but the BNE reports were enough for our Siting Council and DEP. Fairwind's complaints fell on deaf ears.

At the hearings Fairwind's wildlife biologist expressed the opinion that BNE's report on the wildlife impacts did not comply with accepted methods. The BNE report was based on bird observations made on June 29, July 6 and July 15, 2010, all made at the South site and all surveys ended by 10 AM. Just three summer days. No nighttime surveys were made for nighttime species.

No search for state listed species that live in the habitat found at both sites was conducted. The Northern site was never surveyed for birds or bats. No raptor specific surveys were admitted into evidence at the Siting Council hearings or sent to DEP for review. There was no winter season wildlife study.

Later, after the hearings were over, BNE reported that additional studies would be completed in April 2011, August, September to mid-October 2011 (for Spring and Fall raptor migration), April, May, June and September 2011 (songbird survey), April 15-October 31, 2011 (bat survey); field studies would end on October 31, 2011. According to a BNE submission to the Siting Council, a report was anticipated by December 31, 2011.

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No such report has been submitted to the Siting Council. To our knowledge the Siting Council has yet to protest or demand a complete report.

BNE submitted a Draft Interim Report, Spring Raptor Migration Survey to the Army Corps of Engineers, dated May 23, 2011. The draft reports observations made once a week from March 5 through April 21, 2011, on raptors in Colebrook. BNE reported the existence of eight state and federal endangered, threatened and special concern species in or around the sites, including sightings of bald eagles (5 observations). Golden eagles (5 observations) and Osprey (2 observations) were observed in the spring study as well.

Professor Katzner's study adds to Fairwind's observation that a complete year's worth of study is required.

Our Connecticut DEP submitted comments to the Siting Council on the BNE applications. The DEP was critical of the timing of the wildlife studies and the short observation time but DEP did "not anticipate significant negative impacts" to birds by the projects. DEP did not provide a basis for the statement and did not comment on the lack of study on the Northern site.

Fairwind subpoenaed the drafter of the DEP comments to appear before the Siting Council for cross-examination. Many questions come to mind: how could DEP know there would not be significant impacts? Why not require 365 days of observation? Or if that was not cost-effective how about 52 days, say, every Wednesday for a year? Is it good practice to draw conclusions about wildlife based on three partial days of observation in the summer, etc? The list was endless.

The DEP objected – it did not want its work examined; BNE objected. The Siting Council refused to allow cross-examination of the author of the DEP comments.

Recently, again after the close of the hearings, BNE submitted a Study Plan for Post Construction Fatality Monitoring and Bat Acoustic Monitoring for the sites to the Siting Council. The plan covers bat and bird kills post construction and will be conducted every April over a three year period. Will the Siting Council or DEEP¹ make BNE shut down 1 to 6 turbines during bird or bat kill season? Will the same DEEP that is slow to respond to the clear cutting of state forest by BNE in Canaan, Connecticut, be the steward of bat and bird kills by the Colebrook wind farms?

¹ I use DEP for actions before the agency name change, DEEP after the protectors of the environment became part of the Department of Energy.

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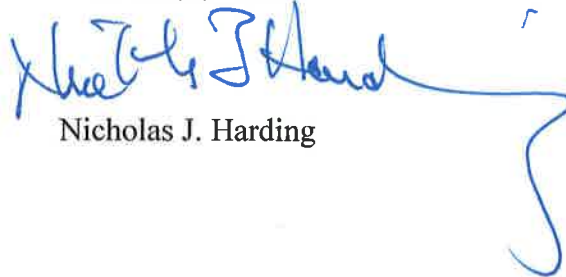
Wind farms should have the same level of scrutiny expected for gas or oil fired generation facilities. But in the rush to have six turbines in place our Siting Council and DEP failed to fulfill their obligations to protect our natural resources, including wildlife.

Will the Colebrook wind farms become Exhibit A as to why Energy and Environmental Protection do not belong in the same department?

If you like I can point you to places in the record before the Siting Council where each of my statements above is supported.

Thank you for bringing Professor Katzner's work to our attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nicholas J. Harding", with a long, sweeping flourish extending to the right.

Nicholas J. Harding