



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

October 26, 2012

Regulatory Division: CENAE-R-PEB
Corps Permit Number: NAE-2011-779

John Fowler
Advisory Council of Historic Places
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

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Thomas D. McKeon
First Selectman
Colebrook Town Hall
562 Colebrook Road, PO Box 5
Colebrook, CT 06021

To All Concerned:

This letter is to replace our previous version dated October 24, 2012 in order to correct a typographical error. The 30 day comment period will commence today, October 26, 2012.

The purpose of this letter is to inform you that the U.S. Army Corps of Engineers, New England District will review Wind Colebrook North and Wind Colebrook South as two, single and complete projects. Each will continue to be reviewed under our Connecticut General Permit. We would also like to inform you of our determinations for each project relative to Section 106 of the National Historic Preservation Act.

The Connecticut General Permit (Condition #5) states that, "*[f]or non-linear projects, a single and complete project must have independent utility. Portions of a multi-phase project that depend on other phases of the project do not have independent utility. Phases of a project that would be constructed, even if the other phases were not built, can be considered as separate single and complete projects with independent utility.*" By having separate utility interconnects into the Connecticut Light and Power (CL&P) distribution system, the applicant has demonstrated that the proposed Wind Colebrook North project and Wind Colebrook South project have independent utility. Also, consistent with Condition #5, the applicant has stated that Wind Colebrook South and Wind Colebrook North are each separate projects that would be constructed, even if the other was not built.

Therefore, the Corps has determined that based on all information received to date, Wind Colebrook North and Wind Colebrook South are two separate single and complete projects with independent utility and will be treated as such for the remainder of the Corps' review under our CT General Permit.

In addition, under 33 CFR Parts 325 (Appendix C) of Corps regulations, the District Engineer must review a project under Section 106 of the National Historic Preservation Act if the proposed undertaking will have an effect on a designated historic property. The following determinations have been made for Wind Colebrook South and Wind Colebrook North:

Wind Colebrook South

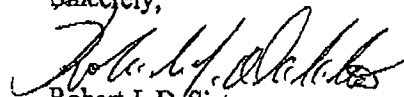
- 1) Rock Hall Inn was listed on the National Register of Historic Places by the Connecticut State Historic Preservation Office in 2010 due to the signature architectural style and historic significance of the architect, Addison Mizner. As such, we have determined that Rock Hall Inn meets the criteria for a "designated historic property."
- 2) Under *Appendix C to 33 CFR Part 325, Section 1(f)*, an undertaking is defined as "the work, structure or discharge that requires a Department of the Army permit pursuant to the Corps regulations at 33 CFR 320-334." In accordance with these regulations, the undertaking for Wind Colebrook South will be limited to the area of fill in wetlands for the gravel access road crossing required to build Turbine 3.
- 3) In addition, under the Advisory Council of Historic Preservation regulations *36 CFR Part 800.16(d)*, the "[a]rea of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." In accordance with these regulations, and points #1 and #2 above, Rock Hall Inn is within the Area of Potential Effect (APE) for Wind Colebrook South.
- 4) Furthermore, *Appendix C to 33 CFR Part 325, Section 1(e)* states that, "[a]n 'effect' on a 'designated historic property' occurs when the undertaking may alter the characteristics of the property that qualified the property for inclusion in the National Register. Consideration of effects on 'designated historic properties' includes indirect effects of the undertaking. The criteria for effect and adverse effect are described in Paragraph 15 of [Appendix C]." Based on the evidence provided to us, we find that the Wind Colebrook South project will not alter the characteristics of Rock Hall Inn that qualified it for inclusion in the National Register, as described in paragraph 15 of Appendix C. Therefore, we have determined that Wind Colebrook South will have no adverse effect on Rock Hall Inn.

Wind Colebrook North

- 1) Rock Hall Inn was listed on the National Register of Historic Places by the Connecticut State Historic Preservation Office in 2010 due to the signature architectural style and historic significance of the architect, Addison Mizner. As such, we have determined that Rock Hall Inn meets the criteria for a "designated historic property."
- 2) Under *Appendix C to 33 CFR Part 325, Section 1(f)*, an undertaking is defined as "the work, structure or discharge that requires a Department of the Army permit pursuant to the Corps regulations at 33 CFR 320-334." In accordance with these regulations, the undertaking for Wind Colebrook North will be limited to the area of fill in wetlands for the gravel access road crossing required to build Turbine 2 and Turbine 3.
- 3) In addition, under the Advisory Council of Historic Preservation regulations 36 CFR Part 800.16(d), the "[a]rea of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." In accordance with these regulations and points #1 and #2 above, Rock Hall Inn is within the Area of Potential Effect (APE) for Wind Colebrook North.
- 4) Furthermore, *Appendix C to 33 CFR Part 325, Section 1(e)* states that, "[a]n 'effect' on a 'designated historic property' occurs when the undertaking may alter the characteristics of the property that qualified the property for inclusion in the National Register. Consideration of effects on 'designated historic properties' includes indirect effects of the undertaking. The criteria for effect and adverse effect are described in Paragraph 15 of [Appendix C]." Based on the evidence provided to us, we find that the Wind Colebrook North project may alter the characteristics of Rock Hall Inn that qualified it for inclusion in the National Register, as described in paragraph 15 of Appendix C. Therefore, we have determined that Wind Colebrook North will have an adverse effect on Rock Hall Inn.

Please submit any comments regarding our determinations of both projects under Section 106 of the National Historic Preservation Act within 30 days from the date of this letter. Please refer all correspondence to project manager, Lindsay Flieger, at Lindsay.Flieger@usace.army.mil or (978) 318-8656.

Sincerely,



Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

Copy Furnished: Bob Gilmore, CT DEEP - via email