

U.S. ARMY CORPS OF ENGINEERS

NEW ENGLAND DIVISION

PUBLIC SCOPING SESSION held at the JFK Federal  
Building, 55 New Sudbury Street, Conference Room C,  
Boston, Massachusetts on Wednesday, March 6, 2002,  
commencing at 1:30 p.m. concerning:

WIND FARM PROPOSAL  
ENVIRONMENTAL IMPACT STATEMENT

BEFORE:

Larry Rosenberg, as Moderator

Christine Godfrey, Chief, Regulatory Branch

Susan Holtham, EIS Project Advisor

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## P R O C E E D I N G S

MODERATOR ROSENBERG: Good afternoon.

Good afternoon and welcome to this National Environmental Policy Act Public Scoping Session for an Environmental Impact Statement that will lead to a decision by the federal government on a permit application submitted by Cape Wind Associates for their proposal to build a wind farm power generation field in Nantucket Sound in Massachusetts.

My name is Larry Rosenberg, and I'm the Chief of Public Affairs for the United States Army Corps of Engineers in New England, and I will be your moderator and facilitator today.

Before we begin, I would like to thank you for getting involved in this environmental review process. You see, we're here today to listen to your comments, to understand your concerns, and to provide you an opportunity to appear on the record, should you care to do so. This forum is yours.

Our scoping officer today is Mrs. Christine Godfrey, our Chief of the Corps New England Regulatory Division.

Should you need copies of the public notice, the scoping procedures, or any other pertinent information, that information is available at the registration table.

The agenda for today is following this introduction, Mrs. Godfrey will address the meeting. She'll be followed by the Corps Environmental Impact Statement Project Advisor, Mrs. Susan Holtham, who will discuss both the Environmental Impact Statement and the National Environmental Policy Act.

Following that short presentation, we will begin receiving your comments, according to our protocol.

Please feel free to bring up any topics that you feel need to be discussed on the record, and that will contribute to the scope. I assure you that all your comments will be addressed during this environmental review process.

It's very important that you know that no decision has been made by the Army Corps of Engineers with regards to the proposed wind farm.

Furthermore, the Corps is not here to defend any aspect of the proposed activity. We are here to listen to what's on your mind concerning

this proposed activity.

You should also know that before any decision is made, we must take into consideration both the environmental concerns, and the issues that are of concern to you.

You know, as a direct result of having this type of open process, we have been able to overcome many of these difficulties other agencies face during these public review comment periods.

Although we're here today to listen to your thoughts regarding the proposed activity, we need your input throughout the entire process.

Your involvement is not only requested -- your involvement is necessary -- especially those of you who feel impacted by the project. We need your assistance throughout this entire environmental review process.

Before we begin, I would like to remind you of the importance of filling out these little blue cards.

The cards serve two purposes. First, they let me know who is interested in this EIS, and we can keep you informed.

Second, they provide me a list of those

who wish to speak today. So if you did not complete a card, but wish to receive future information or speak here today, please do so.

One additional comment. We are not -- we are here to receive your comments. We are not here to enter into a discussion of those comments, or to reach any conclusions. Any questions you have should be directed to the record, for the scope, and not to the individuals.

Thank you very much.

Ladies and gentlemen, Mrs. Godfrey.

MRS. GODFREY: Good afternoon. I would like to welcome you today to this public scoping meeting, which is beginning the federal environmental review process for the Environmental Impact Statement, EIS, on the wind farm application.

I would also like to thank you for involving yourself in this environmental review process.

I'm Christine Godfrey, the Chief of the Regulatory Division for the New England District Corps of Engineers. My job is to oversee the environmental permitting for all applications in the six New England states. Our headquarters is in

Concord, Massachusetts.

Other Corps representatives with me here include, as Larry mentioned, Sue Holtham, who is our Environmental Impact Statement and NEPA advisor; Brian Valiton, who is the current Project Manager, in the corner here; Ms. Karen Adams, who is the Chief of the Permits and Enforcement Section, and she is a little bit in the back; and Mr. Richard Santino from our office of counsel.

Today's meeting is being conducted as part of the federal National Environmental Policy Act requirements, and the Corps of Engineers responsibility to seek out public input regarding the scope and content of the Environmental Impact Statement.

Our authorities for doing this are statutory and include: Section 10 of the Rivers and Harbors Act, which gives us the authority to regulate the construction of the structures in the water; and the National Environmental Policy Act, which would require us to consider the environmental impacts of this decision.

I would like to briefly review our responsibilities.

First, we received an application, a permit application from Cape Wind Associates in late November for a Section 10, which is Rivers and Harbors Act Individual Permit to install and operate 170 offshore wind turbine generators in federal and state waters off the coast of Massachusetts, in Horseshoe Shoals in Nantucket Sound.

This application has been more fully described in the Corps of Engineers Federal Register announcement, dated January 30, 2002, and in our public notice for this meeting, dated January 29, 2002. Copies of both of these are here today on the table when you came in.

The Corps of Engineers' regulatory authority for this permit application derives, again, from Section 10 of the Rivers and Harbors Act, which authorizes us to regulate structures and work in navigable waters of the United States.

As part of our regulatory responsibilities, a number of other federal laws apply, including the National Environmental Policy Act. Under NEPA, federal agencies must insure that environmental information is available to itself and to the public before it makes a decision.

For every permit application, the Corps must decide if an environmental assessment, or full-blown Environmental Impact Statement, is warranted.

In this case, after a detailed analysis of the application was completed in December, our District Engineer, Colonel Brian Osterndorf, determined that an EIS would be required for this project.

NEPA requires that we have early and open process for determining the scope of issues to be addressed in the EIS. This process is called scoping.

We're going to have two formal scoping meetings, this meeting today, and we will have another meeting tomorrow evening in Yarmouth, Massachusetts. They are being held as part of a scoping process that will continue throughout the development of the EIS by the Corps of Engineers.

However, in order to ensure that all relevant comments are included in the EIS, and the outline that we will prepare for what we will study in that document, I would like to request that comments be submitted to us within the next 30 days.

Our goals for this spoken process are threefold: First, we need to identify the affected public and agency concerns, that is what are your concerns with this proposal; what are the issues that you think we should be looking at in this EIS.

Second, to define issues and alternatives that we will study in the EIS. So in addition to this particular alternative that has been proposed, what are other alternatives you feel are reasonable for us to consider in the EIS.

And third, to facilitate identification of issues early, so that we can avoid backtracking later.

It's important for you to understand that the decision on the contents of the EIS, let alone the permit decision, have not been made yet. These meetings we're having today and tomorrow, and subsequent meetings that we will hold with agencies with other people, and input that is offered in writing, will help us decide what to evaluate in the Environmental Impact Statement.

So we need your help to do that. Toward that end, information on issues, on resources, on sites, on alternatives, on available studies, on

data, and maps will be most useful to us. This is not the time to be debating the merits of the proposal. There will be ample opportunity to give those comments later, once the Draft EIS is prepared and released for public comment. What we need right now is help us identify the issues to study in the EIS.

So by hearing from you, and meeting with state and federal agencies, our goal is to get a good road map for a solid EIS that evaluates all the issues - technical, environmental, economic, and social, describes a good range of alternatives, and displays impacts in a way that is useful for both agencies and citizens.

In addition to the federal EIS, the Massachusetts Executive Office of Environmental Affairs, EOEPA, is preparing an Environmental Impact Report under the Massachusetts Environmental Policy Act.

Since the EIS and EIR will study similar issues, and follow a similar process, we have decided with MEPA to join and prepare a joint EIS/EIR. The Corps of Engineers and MEPA are strongly committed to this joint process as a way to

avoid duplication and confusion, by conducting a coordinated comprehensive review of the proposal.

Now I will ask Ms. Sue Holtham to give you a brief understanding of the Environmental Policy Act and what its requirements are.

Thank you.

MS. HOLTHAM: Thank you, Chris, and again, good afternoon. Thank you all for being here this afternoon.

Again, my name is Sue Holtham, and I am working with Chris Godfrey as an advisor for the NEPA process in this permit application, and I'd like to take just a few minutes to discuss the EIS process that will be undertaken for this proposed project.

First off, what is an Environmental Impact Statement?

I have put up here a portion of the National Environmental Policy Act, as we term NEPA, which provides a basis for federal agencies to prepare EISes; and as you read the quote, you can make note of some of the language in there that notes the requirement for federal agencies to prepare statements for major federal actions that

significantly affect the human environment, and that the statements shall identify, analyze, and document the effects and issues associated with the proposed action, as well as reasonable alternatives.

Therefore, in brief summary, an EIS identifies and evaluates the potential environmental impacts, and at the same time ensures that the public and the agencies are involved in the process before any decisions are made.

Next slide, please.

Shown here are some of the specific elements of the -- of the EIS -- of the EIS process, and it's kind of hard for me to see from this angle, but as you can see, there is about six or seven key elements of the process.

One element I would like to note is the fourth bullet down on this slide, which states, "Integrates all environmental requirements." This means that the requirements of other environmental and applicable laws, such as the Endangered Species Act and the National Historic Preservation Act, must also be included in the EIS process.

So what does this document actually look like if it's -- it can sometimes be quite an

extensive document that has all the information that we hope is going to be useful to us in the permit decision process. And shown on this slide is a standard outline for an EIS that you would see and probably a typical EIS from several agencies.

As you can see, the document basically tells the story of why the project is being proposed. There is a description of the project, its purpose and need, alternatives, a description of the affected environment, and then an outlay of the impacts to environmental and socioeconomic resources. Extensive data and analyses are usually included in appendices to the document.

The alternatives section of the EIS has sometimes been termed as "the heart of an EIS." This chapter evaluates all the reasonable alternatives, as well as those alternatives eliminated from detailed study, and as required by NEPA of the no action alternative.

At this point, in this early stage of the process, we see -- we foresee the following alternatives for inclusion in the EIS:

The no action alternative, which I just mentioned;

Alternative wind park locations,  
including onshore and offshore locations;  
Alternative project capacities;  
Alternative renewable forms of energy;  
Submarine cable route alternatives;  
Alternative landfill and overland cable  
route locations; and  
Alternative connections to an NSTAR  
transmission line.

Finally, shown here are the five major  
milestones in the development of an EIS.

The first one is why we are here today  
is the scoping process, and we're kicking that off  
here today.

And as Chris mentioned, I'd also like to  
point out that, although we are asking for comments  
within the next 30 days to help us start scoping the  
document as quickly as possible, scoping does  
continue throughout the development of the EIS, and  
we will accept comments at any time during the  
process.

After the technical analyses and  
alternative evaluations are completed, a draft EIS  
is then released for public review and comment. The

availability of the document is published in the federal register, as well as in public notices and news releases.

There is a 45-day review period; and within that 45 days, a public meeting is held to hear comments on the document. Then a final EIS is prepared, which takes into consideration all the comments received during the public review.

The final EIS is then released for a 30-day comment period. At the conclusion of that time frame, a record of decision is prepared, which outlays the findings and conclusions of the EIS, and the Corps' decision on the permit.

Next slide, please.

I guess I will end with this slide. I thought there was another slide. Sorry about that.

I would like to finish with this statement. I know that we probably keep saying words that the public is informed, but it's really the key to the NEPA process. The steps built into the NEPA process allow for the public to be involved and informed throughout the process, and we would like to ensure you that you'll be fully informed as we undergo the preparation of the EIS.

Thank you.

MODERATOR ROSENBERG: Thank you, Sue.

For those that are interested, one of the handouts here is a time line and project purpose, or rather the permit process and the NEPA process time line. That is the slide that did not come up, and we have copies of it.

Ladies and gentlemen, it is crucial to this public process that your voice is heard, and we're here to listen, to listen to your comments, to understand your concerns, and to provide you an opportunity to put your thoughts on the record and into the scope, should you care to do so. You should be aware that any -- that subsequent to any decisions made by the Corps, we conduct a broad-based public interest review, as you just heard. As a direct result of our -- of our decision to require an Environmental Impact Statement, this scoping is indeed part of that review.

All factors affecting the public will be included in the EIS and in the evaluation. Your comments will help define the scope.

Furthermore, in order to make any decisions regarding this permit application, we, the

Corps of Engineers, need to have you involved yourself in this environmental review process, as I said earlier, not just today, but throughout the entire process.

This scoping will be conducted in a manner that all who desire to express their views will be given an opportunity to speak. To preserve the right of all to express their views, I ask that there be no interruptions.

When you came in, copies of the public notice and the procedures to be followed were available. If you did not receive these, they are still available at the registration desk. I will not read either the procedures or the public notice, but they will be entered into the record.

A transcript of this meeting is being prepared, and the record will remain open throughout the entire preparation of the EIS. All comments receive equal consideration, that is those here today or written and provided later. Anyone who cannot attend should send those written comments -- should forward them to the United States Army Corps of Engineers, Concord, Massachusetts.

Lastly, I would like to emphasize once

again that the Corps of Engineers has made no decision regarding this permit. It's our responsibility to evaluate both the environmental and the socioeconomic impacts prior to any decision. And in order to accomplish that, we need your input.

I will now dispense with the reading of the public notice of this scoping, and have it entered into the record.

\* \* \*

PUBLIC SCOPING MEETINGS  
ON WIND FARM PROJECT EIS

The New England District, Corps of Engineers, will hold public scoping meetings in Boston (March 6) and on Cape Cod (March 7) on an Environmental Impact Statement (EIS) being prepared in response to an application from Cape Wind Associates, LLC for a Section 10/404 Individual Permit. The application is for the installation and operation of 170 offshore Wind Turbine Generators (WTGs) in federal waters off the coast of Massachusetts on Horseshoe Shoals in Nantucket

Sound, with the transmission lines going through Massachusetts state waters. The scoping meetings are for the purpose of having interested agencies and the public provide input on defining the issues that will be evaluated in the EIS. The applicant's stated purpose of the project is to generate up to 420 MW of renewable energy that will be distributed to the New England regional power grid, including Cape Cod and the islands of Martha's Vineyard and Nantucket. The power will be transmitted to shore via a submarine cable system consisting of two 115kV lines to a landfall site in Yarmouth, Massachusetts. The submarine cable system will then interconnect with an underground overland cable system, where it will interconnect with an existing NSTAR 115kV electric transmission line for distribution.

The proposed wind turbine array would occupy approximately 28 square miles in an area of Nantucket Sound known as Horseshoe Shoals between Nantucket Island and the Cape Cod mainland. The northernmost turbines would be approximately 4.1 miles from the nearest land mass (Point Gammon), the southeastern most turbines would be approximately 11 miles from Nantucket, and the

westernmost turbines will be approximately 5.5 miles from Martha's Vineyard. The estimated construction start date for the proposed project is 2004, with commercial operation starting in 2005.

Alternatives to be addressed in the EIS will include: The no action alternative; alternative wind park locations, including offshore vs. upland; submarine cable route alternatives; alternative landfall and overland cable route locations, and alternative connections to an NSTAR transmission line.

Significant issues to be analyzed in depth in the EIS will include impacts associated with construction, operation, maintenance and decommissioning of the wind turbines on the following resources: Recreational and commercial boating and fishing activities, endangered marine mammals and reptiles, birds, aviation, benthic habitat, aesthetics, cultural resources, radio and television frequencies, ocean currents, and land resources.

The public scoping meetings will be held on Wednesday, March 6, 2002 starting at 1:30 p.m. (registration to begin at noon) at the JFK Federal

Building, 55 New Sudbury St., Conference Room C, Boston, Massachusetts, and on Thursday, March 7, 2002 starting at 6:30 p.m. (registration to begin at 5:30 p.m.) at the Mattacheese Middle School, 400 Higgins Crowell Rd., West Yarmouth, Massachusetts. All interested federal, state and local agencies, affected Indian tribes, interested private and public organizations, and individuals are invited to attend these scoping meetings.

The Draft EIS is anticipated to be available for public review in the summer of 2003.

If there are any additional questions, please contact Mr. Brian Valiton of my staff at 978-318-8166 or at a toll free # 1-800-362-4367 if calling from within Massachusetts.

Karen Kirk Adams

Chief, Permits & Enforcement Branch  
Regulatory Division

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MODERATOR ROSENBERG: A transcript of this scoping session is being made available to assure a detailed review of all the comments. A

copy of that transcript will be available at our Concord, Massachusetts headquarters for your review. It will be on our website for your use, or you may make arrangements with the stenographer for a copy at your own expense. It is downloadable on the Internet, and it will take about three or four weeks to get it up there.

When making a statement, please come forward to one of the microphones. State your name and the interest you represent. As there are many here to provide comment, you will be provided five minutes to speak. No more.

The traffic signal here will indicate the following: The green light will come on indicating two minutes remain; the amber light indicates one minute left; and the red light indicates, of course, that the time has expired. I want to emphasize that all who wish to speak will have an opportunity to do so.

We will now receive your comments according to the hearing protocols. And before we do, I would like to welcome Richard Leavitt, who is here from Senator Kerry's office, and thank you very much for coming.

Our first speaker today is Senator Susan Fargo.

Madam Fargo.

SENATOR SUSAN FARGO: Thank you very much. For the record, my name is Susan Fargo. I'm Senator for the Fifth Middlesex District, which does not involve the Cape, but it does include Concord, so I'm happy to have you in my neighborhood.

I want to thank you for holding this meeting. This MEPA process and scoping process is incredibly, incredibly important, and does give a thorough opportunity for citizens to register their opinions and their comments in a very thoughtful and thorough way.

I view, as Senate Chair of the Joint Committee on Energy, this wind project to be a very exciting one. Massachusetts has always played a leading role in the nation on responsible environmental and energy policy, and never has that become so important since September 11th.

And we, in 1997, in the Electricity Deregulation Act, created a very generous funding mechanism to support investments in new technologies for renewable energy.

The project epitomizes the purpose and the intent of the Restructuring Act of 1997, providing affordable, clean, and efficient energy.

Soon the next phase of the Restructuring Act will begin. This is the renewable portfolio standard, as it goes into effect in 2002. Retail suppliers of energy will be required by law to have a minimum amount of their energy coming from new and renewable sources, and this 420-milliwatt wind turbine project could provide such a renewable energy source.

Wind energy is an expensive -- inexpensive source of renewable energy, and has been used in Europe with great success. The cost is low, about four to six cents per kilowatt-hour. Although it is low in cost, the by-products it achieves are even more remarkable. Wind produces zero emissions of harmful gases, greenhouse gases, when -- at a time when we need to be reducing our emission of those.

At a time when the issue of global warming is at the forefront of environmental and energy policy, at least in most parts of the world, the Cape Wind Project will help in the effort to

decrease the amount of greenhouse gases, the SOX and the NOX and carbon dioxide.

By investing in promoting alternative sources of domestic energy, we also decrease our dependence on foreign sources of energy. And if you follow the news stories stemming from Saudi Arabia, we can see that we have not only an environmental issue here, but one of energy security.

The events of September 11th are a clear signal that we must reduce our reliance on foreign sources of fuel and look inward to power our nation. Now is the time for the United States to explore domestic alternative sources of energy, and we have a responsibility to the future generations of the Commonwealth to handle their land and resources with care. Their future rests in our hands today.

The Cape Wind Project could well provide many jobs to the people of the Commonwealth. The installation and construction of the wind turbines will produce regional jobs, and the maintenance of the Cape Wind facilities would also employ numerous people year-round.

The environmental impact is low. Cape Wind Associates has assured me that studies will be

done on the possible impact of such a project to Nantucket sound and its aviary population. Indications state that there might not be a negative impact, but it's important for the EIS to include that in its scope. Nor would the marine life be impacted adversely. In fact, fish seem to be drawn to these structures, which serve as kind of a beacon.

We face an exciting time in our Commonwealth's history. We stand, as a state, to be a national model in terms of renewable energy and forging ahead with a New England and Massachusetts energy policy that we can all be proud of.

And I thank you for the opportunity to comment, and I will submit my comments in writing as well.

Thank you very much.

MODERATOR ROSENBERG: Thank you.

Our next speaker.

AUDIENCE PARTICIPANT: Look, can I have a point of order, a question, a clarification. I thought that we were not supposed to make any discussion issues, but we were supposed to address issues of the environmental impact that we wanted

included in the study.

MODERATOR ROSENBERG: Okay. As I said earlier, this is your meeting. We will accept any comments that you have to give us, for the record.

AUDIENCE PARTICIPANT: Thank you.

MODERATOR ROSENBERG: Thank you.

Our next speaker is Representative Atsalis.

Sir.

REPRESENTATIVE DEMETRIUS ATSALIS: I guess you didn't want to attempt the first name. I am Demetrius Atsalis, a member of the Massachusetts House of Representatives, and I represent mostly the mid-Cape area, which is directly affected, the Town of Barnstable, most notably the village of Hyannis, and half of Yarmouth, which happens to be the south side of Cape Cod, again, which is mostly affected.

I want to make it quite clear, none of us here in this room today, those who are against this project, and those who are for, are against renewable energy. Make it quite clear, we are not against renewable energy. We are not NIMBYs, not in my backyards.

My asking questions -- I believe it was

in December I met with the proponents of this proposal, and I asked them questions, what locations have you looked at, what are the alternatives. And the point that I heard was they could not do it anywhere else, except in this one spot. What piqued my interest was that it was Horseshoe Shoals, which happens to be one of the shallowest areas within Nantucket Sound that they could use. It also offered high winds for their wind generating plant.

I suggested why not south of Nantucket, or south of Martha's Vineyard. Can't do it. There is no technology. Lo and behold, this past January, a Texas firm put in a request for a wind generating farm 8 to 10 miles south of Nantucket.

And what I said from the beginning -- and again, first and foremost, I come from the business world. Everybody has the right to make the biggest bang for their buck, and this is what this is about. It's the biggest bang for their buck. We're talking four and a half miles off of Hyannis, four and a half miles off of Yarmouth. It's cost effective to build in shallow waters and to run the cable to the mainland.

What are the benefits to Cape Cod? This

electricity is going into the regional grid of New England. There is no direct benefits.

The Senator, who I have much faith in, mentioned the jobs. Sure, there will be jobs manufacturing these windmills, but once that is done, there will be approximately 36 positions, many of which are lower paying in general maintenance of these windmills. So there are some questions there.

The advocates will claim there is a boost to tourism. Well, you won't find a bigger area in New England that likes tourism than Cape Cod; and many people who are in the business of bringing tourists to Cape Cod are against this proposal. We don't see it happening. We are not Denmark. And I have been to Europe multiple times, and we have a lot more to offer on Cape Cod than the country of Denmark.

Let's talk about visual pollution. These are 400 feet tall, and I have been told by the advocates that if you put your arm out straight, and you look at your thumb, that is what you will see on the horizon. Well, you know what? I'm five feet eight. My thumb is a little small. But if you are a little bit taller, that visual pollution

grows. An example. I come back from Martha's Vineyard boating. What do I use as a visual guide to get back to the Cotuit or Mashpee? I use the water tower in Cotuit. It's roughly 200-plus-feet tall. These are 400-feet tall, taller than the highest points of the Sagamore Bridge and the Bourne Bridge. So I really don't believe that it will be a thumb on the horizon off of Kalmus Beach in Hyannis and Yarmouth.

I'll end just by reaffirming from the beginning. You mentioned you will direct or ask the developers to seek alternative locations. That's what I'm asking you here today. Keep in mind a Texas firm came in and said they could do it eight to 10 miles south of Nantucket. Obviously, it will cost more money, but what are we talking about, ruining Nantucket Sound forever? It's an historical gem. We have the whaling ports of Nantucket; we have the sailing races on Nantucket Sound; and environmentally we should not forget Nantucket Sound is also an environmental gem.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker is Robert Jones,

Barnstable Town Council.

ROBERT JONES: Thank you and good afternoon. My name is Robert Jones, and I am the Town Council in the Town of Barnstable.

The Town of Barnstable is probably the most heavily impacted town on the Cape and/or the islands. The Town Council, through a series of presentations that the Cape Wind folks have brought to us, workshops and panel discussions, have tried to educate ourselves as to what this wind farm is and the impacts that will be to our town.

After hearing the presentations, there is still numbers of questions that are still open, but the Town of Barnstable is on record in opposition to the wind farm, and we have sent an attested copy of that resolve to the Army Corps, which I trust you have in your possession.

As Representative Atsalis said, you know, the Town of Barnstable, and most anybody here in this room is not against renewable energy and green power. But one thing that was interesting, at one of the meetings, it was said by a gentleman, who is in the industry, that green power and clean power is not all black and white, and it's not black and

white, because sometimes there is very -- and there is detriments to areas that are trying to establish green power.

We have -- there is a number of questions that have come up from the MEPA report. It's about two inches thick, and I'm sure that you have seen copies of it. Within that report -- and I'll just go down some of the claims that I think need to be addressed in the spirit of the scoping session, and this is the -- first of all, that there is only going to be minimal visual impacts in the Nantucket Sound area. They say that we're not going to be able to visually see them clearly, because it's usually foggy around Cape Cod.

They have -- we talked about the industrialization of Nantucket Sound, and there will be lights, which are up lights and down lights, which they question about how far that they will be seen. They say there is fog horns that will only go for a distance of three miles, and they will hardly be audible; they say there is minimal navigational hazard; they say there is no impact to the fishermen; they say that it is not an impact to the tourist industry, but it's a boom.

In the MEPA studies, it says the Cape and islands will be more self-sufficient with the construction of this wind farm. They say 420 megawatts at excellent capacity, but admit there is only 170 on an average basis that they will be able to produce.

When they talked about the Horseshoe Shoals as being a minimal impact area, they said Tuckanut Shoals, the reason they can't do it there is because of visual impacts on Tuckanut Shoals. Interesting.

They say in Nauset, down on Monomoy Island -- excuse me -- they have bird problems down there, and potential navigational problems down there. And they say that when it comes to the -- to the jurisdiction of the waters out there, that even though there is thresholds that trip the MEPA, the MEPA's involvement, because it's in federal waters it doesn't matter. I think that is something that really, you know, gives me a lot of question as to why it doesn't matter in federal waters.

There is also a lot of questions right now that has been brought up as of late as to the Ocean Sanctuary Act in the Commonwealth of

Massachusetts, the ownership of that particular body of water. The Magnuson Act gives part of that body of water, from the 70th meridian, to the Commonwealth. It also, in the MEPA and in Chapter 132, which I'm sure will be brought up, in the Massachusetts General Laws, also says that body of water belongs to the Commonwealth. There is a lot of questions on that whole thing.

In conclusion, I would just hope that the Army Corps will take that MEPA report and go through it line item for line item. The report is laced with minimal impacts. There is lack of data. It's table talk analysis -- desktop analysis -- excuse me. And I would say to come back with a report that takes anything that says a minimal impact and quantify it, clarify it. And at the end of this results in the day's end, we have to weigh what the impacts are, and is there a need, and is there an overwhelming need.

Thank you for your time.

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker, Philip Dascombe from the Cape Cod Commission.

PHILIP DASCOTBE: Thank you. My name is

Philip Dascombe. I am a planner with the Cape Cod Commission, which is a regional planning and regulatory agency that serves Cape Cod.

The Commission has been jointly reviewing this project with the MEPA office since November of 2001, and we will be submitting our formal comments in writing soon; but rather than duplicate issues that were raised in that letter, I would just like to bring up one point that we think is a key issue for the EIS, and that is the alternative analysis.

The applicants have presented an alternative analysis that focuses on offshore facilities within Nantucket Sound. Their analysis, however, fails to assess either terrestrial locations or offshore facilities outside of Nantucket Sound. It also fails to contemplate alternatives. There are different sizes, and they utilize different renewable technologies. And that alternative section is the heart of the EIS. We would request that the broadest range of alternatives possible be included, namely to inform the future decision-makers and provide a clear basis for choice. The reasonable alternatives should

include those that are both practical or feasible from a technological and an economic standpoint, rather than those that are desirable merely by the applicant.

So the reasonable alternatives that we believe should be included would be a variety of geographical locations, both on land and offshore outside Nantucket Sound, as well as assess those other technologies that could be employed to meet the stated project purpose of generating clean renewable energy.

So I would just like to finish by saying that the Commission remains committed to working cooperatively both with the Army Corps and MEPA in this process.

And thank you for the opportunity to comment.

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker, Jeff Trueblood. He will be followed by James Manwell.

Mr. Trueblood.

JEFF TRUEBLOOD: Hello. My name is Jeff Trueblood, and I'm a concerned citizen, and first I would like to thank the Corps for the time and for

the opportunity to voice my opinions.

My opinion is this project has to happen. It's a viable renewable energy source that is way overdue.

President Bush's plans for energy is to create domestic drilling and increase nuclear production. This course of action, I believe, is not the answer. For one, fossil fuels have way too many downsides, from destructive harvesting practices, which include oil drilling, and coal mining, the greenhouse gases they produce, fuel spill hazards, and oil hazards.

Number two, nuclear energy produces by-products that are -- that we are not even willing to store in our own state. They stay radioactive for over 100,000 years, and remain dangerous for over 10,000 years.

Wind energy is a clean renewable energy source with a proven track record, and in many cases studies drew information from them. Massachusetts needs to be a leader in renewable energy. This wind farm will not instantly solve all the energy needs for our country, but it's a first and necessary step to wean ourselves off the destructive energy sources

we have become dependent on. I urge the Corps to include environmental impact comparison of wind versus nuclear versus fossil fuels and take those into account.

Thank you very much for you time.

MODERATOR ROSENBERG: Thank you, sir.

The Next speaker, James Manwell. He will be followed by Lindsey Counsell.

JAMES MANWELL: Thank you very much. My name is James Manwell from the University of Massachusetts. I have been working in the field of wind energy for nearly 25 years, and my first offshore project that I was involved in was in 1981, before there were any real ones in the world.

I have a statement in writing, so I don't need to repeat the whole thing. I think the one point I would add beyond what I have here is that this state -- the offshore resource in Massachusetts, considering shallow water, by which I mean 60 feet or less, which current technology is able to -- is able to use fairly readily -- if all of that were developed, just to give a sense of context, essentially all of the electricity of the state could be produced from that. So the resource

could be significant.

I think the point is that -- also that, strictly speaking, if there were no environmental impacts anywhere, or any water off Massachusetts under 60 feet deep could be used, generally speaking, the wind resource is higher as you get farther from land. It is clearly more economically feasible to go into the shallower waters right now, which is why the proponents have picked the site they have. It is probably the best of the sites that are currently available, which is not to say other sites could not be available sometime in the future. The technology is not progressing to the point that -- that within a few years turbines will be deploying at depths of 100 feet, and technology is also being examined. It's not going to be available right away. Whether there be floating structures to support the turbines, such as used in the oil and gas industry for offshore drilling, and then we could go up to a 200-mile limit as long as the water depth is about 1,200 feet.

So the point is that there is a very large future use of offshore wind energy in Massachusetts, but it is quite understandable why

the site in Horseshoe Shoals would be picked now, because of its -- because its water depth is a good resource, and relatively good proximity to land. So otherwise, there is more in this report here that I can hand in.

That is all. Thank you.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Lindsey Counsell, followed by Wayne Kurker.

LINDSEY COUNSELL: Thank you very much. My name is Lindsey Counsell. I am the Program Manager for Three Bays Preservation in Osterville, Massachusetts. We're an environmental advocacy organization of 570 members, located in the Town of Barnstable.

The Three Bay area is an embayment system directly north of the proposed project. My Board of Directors has voted unanimously to oppose this project, and we are currently involved in our annual polling of our members, and right now the returns are about 90 percent opposed to the project, the ones that responded, and generally we receive about 20 percent response from our members, which we feel is a pretty good indication of where they are

coming from.

We have done a number of environmental projects in the Three Bay area in the five years of our existence. I have been a native Cape Codder and am fortunate to work with this group. We have really advocated for the environmental protection of our area in a number of ways, and I'll speak about a couple of them to you today.

First and foremost, we are quite proud of our relationship with the Mass. Audubon Society and the Coastal Water Bird Program where we have recreated six acres of nesting bird habitat on Dead Neck and Sampson's Island in the last five years, and we feel that's a critical component of our efforts in those areas. We were quite concerned about the information that has been submitted so far in the EIS, and the real lack of information in that document; and in general, in my searches on the Internet and elsewhere, of the lack of information, totally, on what the bird activities are out on Nantucket Sound. There have been no comprehensive studies that can be relied on for that activity out there, and we really feel that, from what I gather from the experts, you would need three years to

study this project to get migratory bird populations and their movements throughout the Sound.

Our effort is only one of many restoration projects that are going on around Nantucket Sound, and we feel that the impacts of this project will be significant on those restoration efforts.

The other area that we have worked extensively on is the issue of nitrogen loading in the coastal embayments. Some of you may have heard recently how the Commonwealth of Massachusetts has just committed to the Estuaries Project and their \$12 million effort at restoring the coastal embayments to their previous health, and I would like to make sure that any claims made by proponents of this project regarding nitrogen loading are thoroughly looked at, because our information shows that, in fact, the pollutants that are being generated are not airborne but are, in fact, as a result of wastewater, road runoff, and fertilizers, those types of activities, as opposed to wind generating, and anything that is brought in from the Midwest.

The other area that we feel that really

needs close looking at is the impact on fisheries. Many of our members use that area on a daily basis in season for various sport fishing activities, and it's unimaginable that a project of this scale would not have some impact on the fisheries out there. We feel that needs a very close looking at, as well as the effects on any bottom shoaling or sand migration that would be caused by the installation of these pilings.

The last area that I think really needs a close looking at is the effects on the property values of the abutting properties. This area is one of the most highly-valued real estate areas in the Commonwealth; and those of you who have been in Massachusetts for a while know that we in the Cape have been raising cane up here in Boston about the lack of funding for things like education and the misalignment of formulas. Because of those high values, we are required to support more of our school funding locally, and I would like to see the information come out about what a project of this nature would do to the property values of the people that are literally paying for the schools and the facilities and structures in the Town of Barnstable.

There has been no information about what the impact of that would be.

So with those points in mind, thank you very much for your time.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Wayne Kurker, followed by Thomas Palma.

WAYNE KURKER: Wayne Kurker. I'm one of the founders of the Alliance to Protect Nantucket Sound, and our function, initially, was to make the public aware of the proposal.

To date, we have received over 1,500 letters in protest to proposed construction in the Sound. We have also received the support of organizations and municipalities all over Cape Cod, including the towns that border the proposed construction, which, of course, are Mashpee and Barnstable, and the Chambers of Commerce, the large Cape Cod Chamber, and many of the small chambers, including even chambers from Nantucket and Martha's Vineyard. We have also received the support of environmental organizations and many fishing organizations, which I'm sure you'll hear from. You will also hear from a variety of constituencies

relative to how they are going to be affected by this novel project.

I just want to talk briefly about the economic impact on tourism. The developers claim that this will bring tourists to look at these objects out in the water. If the European experience is any guide, some people will come, and they will look, and then they will stop coming, and all of the tourists who traditionally come to Cape Cod for its natural beauty will stop coming. This will be an economical disaster to Cape Cod, and it will have dangerous impacts as well.

The public -- the Coast Guard, I know, has received over 1,000 letters from the public, because, of course, this project is in the middle of the traditional routes from the mainland to Martha's Vineyard and the mainland to Nantucket. And the Barnstable Airport Commission -- I'll read one letter from their -- one sentence from their letter which says, Because of the potential lethal effects the proposed wind farm would thrust upon the aviation community, we vehemently oppose the construction of this wind farm in Nantucket Sound.

Personally, I work in the marina

industry, specifically Hyannis Marina, and I know the reason people come to Cape Cod. It has nothing to do with industrialization, especially of what we consider to be our national park.

This is a world-famous boating and recreational area and tourist attraction, and that is why the Massachusetts marine trades and the Cape Cod marine trades, as well as the surrounding townships and the Chambers of Commerce are also opposed.

The proponents say that this will create 36 jobs, but that doesn't even come close to offsetting the economic destruction that will result if the Corps allows this project to go forward.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Thomas Palma, followed by Neal Costello.

THOMAS PALMA: Good afternoon. My name is Thomas Palma. I am from Groveland, Massachusetts. Groveland is, for those of you who don't know, is about 15 or 20 miles southwest of the Seabrook Nuclear Plant, on the north side of Massachusetts. I am a member of HealthLink, which

is in Marblehead, and I worked on their one megawatt wind turbine project. I am an engineer and an attorney, and I've done some permitting myself. I support all alternative energy projects, such as wind, solar, biomass, fuel cells, as well as energy conservation.

I wholeheartedly support this Cape Wind Project. This project will put Massachusetts in the forefront of wind energy and alternative energy.

Massachusetts, New England, and the United States need alternative energy projects like this Cape Wind Project for the following reasons:

1. Our supply of energy. Massachusetts economy and the population of the United States continues to grow. Our supply of energy needs to increase to avoid the problems that California had in the last couple of years;

2. Fossil fuel plants give off pollution and emit greenhouse gases. Wind energy doesn't. Wind energy is clean;

3. Nuclear plants, such as the Seabrook plant -- potential problems with terrorists and security, radioactive waste, which was mentioned earlier, and potential accidents of a malfunction

nature, which wind energy projects will have no impact on those three areas;

4. Lastly is foreign policy of the United States and its oil policy. Wind energy can reduce our dependence on foreign oil. As a result, our foreign policy would be less oil-centered and involved in unstable regions of the globe, such as the Middle East.

I would like to speak briefly about the impact on tourism. If you have ever been to Hampton, New Hampshire, which is just north of the Massachusetts border, there is one big nuclear reactor you can see from just about anywhere out there, and it's the Seabrook plant. That Seabrook plant has really had no impact on tourism in that area. If you try to drive up there on a Sunday, or a Saturday in the summer, the traffic is fairly steady and horrendous.

I don't see how the tourism will be impacted on the Cape either. I think the people will come from other parts of the world and from other parts of the country to look at this project.

From a scientific standpoint and an engineering standpoint, and just other alternative

energy, enthusiasts could increase tourism slightly on the Cape, and people taking these ideas back to their home countries and states could create a ripple effect, which could lead to more wind energy, alternative energy projects around the globe.

Lastly, I have three requests of the Army Corps of Engineers. You have an enormous task at hand, and we all know that this project can get caught up in red tape and stall. I ask you to prevent this. I ask three things:

One is that you allocate the proper resources in people and other areas for proper analysis of the project;

Second, that you're efficient in your evaluation;

And, third, that you are expeditious and you expeditiously approve of the requisite permits and work with the Cape Wind people to correct any deficiencies.

Thank you for your time.

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker, Neal Costello, who will be followed by Ronald B-O-R-J-E-S-O-N.

NEAL COSTELLO: Thank you. By way of

introduction, my name is Neal Costello. I am General Counsel for the Competitive Power Coalition of New England. CPC is a trade organization, and it represents the overwhelming majority of electric generating companies in New England, not only the existing installed capacities, but all the new generation that's coming on line, roughly 85 to 90 percent of the energy companies in the generating capacity within New England.

CPC would like to be recorded enthusiastically in favor of this proposal. We do that not only because we would -- we would ask that the Corps do a thorough review, as we did in front of the Cape Cod Commission and the MEPA, not only because that is the appropriate thing to do from a public policy standpoint, but because the people that work at Cape Wind -- it's an exceptional company that we think can meet any standard and would do an exceptional job with this project.

I would like to just state that since deregulation in New England, electric generating companies are independent of integrated utilities, and what that means is they are competitors in the marketplace. So it may beg the question why

competitors would come up here as a trade organization and endorse a project that one of their competitors are proposing. And the reason, I would say, is fuel diversity is critical to New England. Fuel diversity is critical, both from a reliability standpoint and a cost standpoint. You do not want to become dependent upon any single fuel source. CPC members represent the gamut as far as fuel sources.

The overwhelming majority of our members are developing natural gas, and that's a great thing, both from an environmental and an economic standpoint, but we also have hydro; we have energy with coal; we have oil; we have nuclear; and we have renewable, and it is our position that fuel diversity is critical to this region, and a critical component of our energy mix in New England is renewable resources, and renewable resources along the lines of what the Cape Wind Project is proposing. It has to be a significant piece of that puzzle, and so that's why we would support it, because CPC has been involved politically over the last ten years. We took the lead on pushing for deregulation; and in that respect, we have vested in

the success of deregulation in the energy market, so we recognize that, to use a cliché, that you need everybody. You need companies; you need all fuels; you need the proper balance. And as I said, the Cape Wind Project and renewable resources are a critical component to the success for all of us for the energy deregulation in New England. I would like to say that we also were very involved in deregulation.

The authors of the Restructuring Act, the chairs of the Energy Committee, the chairs of the Governing Rate Committee that handle energy issues in Massachusetts support this project. They have done so in writing. They will do so in this proceeding. And they have done that because they want the economic environmental benefits to be felt in Massachusetts, and that they did not want a project to be developed in Malaysia and someone get credit for it here. They wanted to encourage entrepreneurs with their own money and their own vision to develop projects to the extent we could in Massachusetts, and that the Cape Wind Project -- their words, not mine -- is the poster child of what they envisioned when they put the RPS

component in the Massachusetts Restructuring Act; and the RPS component is the key environmental component of the Restructuring Act that they wanted to encourage and incentivize companies like Cape Wind to do this very type of project here in Massachusetts so we can get the economic and environmental benefits. And so that is why CPC supports it; and as I said, I don't speak for them, they will speak for themselves, as we saw the good Senator from Concord, but those chairs will be here to support the project.

With that, I thank you for the opportunity to speak.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker is Ronald Borjeson, and he will be followed by Susan Scolles.

RONALD BORJESON: Good afternoon. I am Ronald Borjeson. I am Vice President of the Massachusetts Commercial Fishermen's Association, also a Commissioner for the Massachusetts Fisheries Recovery Commission. I also sit on the Board of Directors of the Massachusetts Fishermen's Partnership, which is a combined group of 19 distinct fishing groups throughout the State of

Massachusetts, and I would like to read into the record this letter, which the Board of Directors has orchestrated.

Dear Sirs:

The Massachusetts Fishermen's partnership represents more than 3,000 fishermen throughout the state, and supports the development of alternative energy sources. We strenuously object to the plan to construct an electric generating plant in the heart of Nantucket Sound.

Our objections, which also apply to the proposed direction of the new test tower over Nantucket Sound, are thus:

It will eliminate prime fishing ground. The windmill plant, composed of 170 40-story towers would completely block off a 28-square-mile resource that for generations has served as a prime fishing ground for local fishermen. At the height of the season, as many as 40 boats work these waters daily. Simply put, the local fishermen would not be able to maneuver their gear around these enormous windmill structures.

Furthermore, placement of the towers, producing vibration and constant noise on and near

essential fish habitat, would likely disturb spawning fish, and may violate federal law. That's a big concern of ours.

Navigational hazards. Placement of the 170 gigantic towers in the body of water that are routinely sees fog represents a significant hazard to navigation. This hazard applies both to commercial fishermen and recreational fishermen that could be caught up in this massive towers in a foggy situation.

Economically. Any local fishermen make up to 60 percent of their annual income in this particular part of Nantucket Sound. This project would eliminate that income and bring hardship to hundreds of local fishermen and their families. At the time -- at a time when fishing grounds throughout the Northeast are being closed, and government regulations are restricting catches in local waters, this project would amount to an economically devastating blow. It is unacceptable for a small group of private investors to make millions of dollars by taking over a public resource, and in the process, jeopardize the livelihood of fishermen, who have been working these

waters for many, many years.

Massachusetts Fishermen's Partnership supports community-based alternative energy projects to generate electricity, but this project represents a very real threat to an important part of our local culture and economy, as well as the ecological health of the sensitive habitat, and the production of fishing grounds.

If we, as a society today, are interested in seeing our fishing legacy preserved, we must recognize this threat and reject any attempt to privatize such a valuable public resource.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker is Susan Scolles, followed by Allen Goddard.

SUSAN SCOLLES: Hi. My name is --

MODERATOR ROSENBERG: Could you come forward to the mike.

SUSAN SCOLLES: Thank you. My name is Susan Scolles, and I am a citizen. I live in West Yarmouth, Massachusetts, on Mill Creek, which lets into Lewis Bay.

I very much believe in finding

alternative forms of energy, and I think that we need to look at other things besides wind power. I think we need to look at solar power and whatever else there might be.

Although I'm concerned about the visibility of these turbines, the cost, the noise, those are all very real concerns, but what I care about the most is the environmental impact. I care very much about the roseate terns, the piping plovers, the osprey that have just come back, resurged from getting over DDT. I have done a lot of research on the Internet, and I have read about some of the wind farms out west.

Lots of condors have been killed by the turbines that are in the Altamont Pass, and those have just been brought back from the brink of extinction. I find it strangely ironic that we are working so hard to bring these back from the brink of extinction, only to chop them up in turbines.

There has also been a loss of many golden eagles that I have read about on the Internet. Those are the things that I care about the most, also the fish, the mammals, the Ripley turtles that have all been mentioned in the Audubon

documents. Some of these are endangered species. The loss of even one is unacceptable. We have done a lot of work on the Cape to bring back piping plovers; and again, with the roseate terns, loss of one is loss of one too many.

I like to sail. I like the Figawi. I would hate to see sailors or fishermen caught up in these turbines, in the maze of turbines.

How would the Coast Guard help them if they were caught up?

I don't know that that could be managed.

Also, everybody is talking about September 11th; and, of course, we need to find alternative forms of energy. I think we need to make wise choices, not the first choice. And I'm afraid that that's where people are going. They just want to jump on this and say, you know, we're doing something to help, but let's do the right thing, not just the first thing.

I'm not a lawyer, but I have seen that this -- that Cape Cod is an ocean sanctuary, and I think we need to take that into consideration, and I do trust that the Army Corps of Engineers is going to do the best that they possibly can.

I have also read that there is a Migratory Bird Act that states that migratory birds cannot be harmed, destroyed, killed, or molested during migration. I can't see how that could possibly be prevented.

We need to think about other things besides just the money in back of all of this, and thanks for your time.

MODERATOR ROSENBERG: Thank you, ma'am.

The next speaker, Allen Goddard, who will be followed by John -- I'll spell it -- S-P-I-L-L-A-N-I, I believe it is.

ALLEN GODDARD: Good afternoon. My name is Allen Goddard. I'm from Hyannis.

The Hyannis Civic Association asked federal and state authorities to subject this proposed power plant in Nantucket Sound to the most comprehensive and rigorous review possible.

Please give particular thought to local conservation values. After 400 years of increasingly intensive use, Nantucket Sound still remains remarkably pristine, an expanse of the planet marred only by a handful of navigational aids. We should not now fundamentally violate its

unspoiled nature with industrial development of any kind, let alone of 170 42-story turbines and a 15,000-square-foot helipad. This goes beyond visual impact, as irreparable as that visual impact will be.

A power plant, even one out of view, would be unacceptable in Yosemite or Central Park. Located in the midst of the East Coast megalopolis, one of the most densely populated regions on the planet, Nantucket Sound's highest value to this country is as an open-space learning sanctuary, not as the site of an opportunistic scheme to make profit. I ask the authorities to deliberate the wisdom of putting the entire Sound under sanctuary status.

The proponents have targeted the Sound to evade as much jurisdiction as possible. By appropriating public property, they hope to maximize their private profit. The authorities should require the maximum financial extraction possible for the right to appropriate public resources.

Environmental impact documents should address the following economic impact. This electric generating station would be surrounded by

some of the most expensive real estate in the country. Put class resentments aside. What happens to town finances and our individual tax burdens in Mashpee, Barnstable, and Yarmouth if millions of dollars in property values evaporate due to this project? All this devaluation will require is the perception of depreciation by buyer and seller. Residents will pay far more than the pennies they may or may not save on their electric bills.

This proposal demonstrates the lengths to which this country will go to avoid a sensible and sustainable energy policy. Rather than confront a multibillion dollar automobile industry driven by SUV profits, or require meaningful fuel conservation, we now debate wrecking Nantucket Sound with the same suburban sprawl which disfigures our landscape.

In their report, Cape Wind identifies three potential sites in Nantucket Sound. If these first 170 turbines are approved, and I sincerely hope they are not, I ask the authorities to place a permanent injunction on any further expansion of wind power in the Sound.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, John Spillane,  
S-P-I -- followed by Fred Schlicher from Medford.  
Sir.

JOHN SPILLANE: Mr. Rosenberg,  
Ms. Godfrey, and Ms. Holtham, I am Attorney John W.  
Spillane. I represent and I am General Counsel for  
the Massachusetts Marine Trades Association. My law  
offices are in Worcester, Massachusetts and Hyannis,  
Massachusetts.

I appear before you here today in  
opposition, on behalf of my organization. And I'm  
so pleased to have this opportunity to be in the  
JFK Building, and the reason is, particularly for  
this project, is that back in 1960, I had the great  
privilege of being an advance man for John F.  
Kennedy in his ascendancy to the Presidency of the  
United States; and during that brief period, to know  
John Kennedy, I had an opportunity to know how much  
he enjoyed his leisure time on Cape Cod, and also  
his ability to sail, and to race, and to compete  
right on the horseshoes of Nantucket Sound, which we  
are talking about here today.

And as you know, Mr. Chairman, right

after his ascendancy as President of the United States, he formed the Cape Cod National Seashore, the park, and that was testament to his great dedication to Cape Cod, and to all its natural resources.

My association has submitted to you several communications as a prelude to this, and I would respectfully ask that my letter to Karen Kirk Adams of December 24, 2001 be read into the record, my communication to her of February 1, 2002, which also contained a very significant communication, a copy of it, which was to Myron Gildesgame, the Director and Coordinator of the Cape and Islands Sanctuaries.

Mr. Chairman, and the ladies that grace your presence here at the podium, my remarks are directed toward jurisdiction, and I am concerned about jurisdiction. I certainly concede that you have jurisdiction relative to Section 10 of the Harbors Act, but I am concerned that there are no real guidelines for this particular project. There are no serious regulations that scope out the kind of regulatory disciplines that you must have here in this area. And I'm also very concerned, and I have

addressed them by communication, that the scoping tower that you propose, where there is no public hearing, and where you said is open season here today, that you do not go forward with that until you have an opportunity to hear and to scope this entire program. And I say that respectfully, because I received -- I put a request in to have that hearing and the scope of that extended until June 1st; and I had a very nice communication from your Brian Valiton stating that under his regulations, yours, too, that he could not do that. So I am concerned, and I ask -- I plead that that is a structure that comes, I feel, within the domain, sincerely not only of your jurisdiction, but of the Commonwealth of Massachusetts.

The second area that I want to emphasize is that the laws of the Commonwealth of Massachusetts, General Laws, Chapter 1, Section 3, defines Nantucket Sound as part of a water sheet of the Commonwealth; and Section 13A of Chapter 132A also defines that Nantucket Sound is part of the water sheet of the Cape and Islands sanctuary hearing. And I know from my experience with the Corps of Army Engineers that they have always been

very careful in asserting jurisdiction and in cooperating with state agencies, particularly here in Massachusetts; and I'm delighted that you are going to have a NEPA and a MEPA coordination here with respect to the Secretary of Environmental Affairs and your office. But absent in your articulation of your scope here today, you have failed to include the Chapter 91 program, which has been on our books since 1867, and that regulates structures and my -- and the applicants have conceded that Chapter 91 does apply to their line going out to the place. I see my red light is there, and I'll try to wind it up. I do believe that you should defer to the Chapter 91 program, and in that regard, go along a parallel route and work closely with the Cape and Islands Sanctuary people and their jurisdiction, which would absolutely prohibit this project, and the Chapter 91 people.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

Thank you.

Well, I had promised that we wouldn't be taking questions or responses.

Sir, the Corps of Engineers has made a

determination regarding the single tower, and there will be a public hearing, hopefully in April, just on that single tower.

Our next speaker will be Fred Schlicher. He will be followed by Mark Rodgers.

FRED SCHLICHER: Good afternoon. My name is Fred Schlicher. I am a resident of Medford, and a member of the Northeast Sustainable Energy Association in the Boston area, a solar energy association. I am also an independent oil and gas producer with 25 years experience in the energy industry.

I'm speaking in strong support for the Cape Wind Associates' proposal at Horseshoe Shoal. This project is not only an important project relative to Cape Cod, but it's a critical one as far as energy for the State of Massachusetts, and also for our nation.

I would like to emphasize here that because the Corps -- the Army Corps of Engineers reviews this project, it's truly looking, when it looks at this project, at the future of renewable energy. It will be a private enterprise, not state or federal government, that will provide the

capital, the expertise, and the brain power to move our society beyond our current dependence upon hydrocarbon energy-based economy that we have now. Your responsibility in this regard, whether fortunately or unfortunately as you may look at it, is immense, because there has been so much publicity generated by Cape Cod residents opposed to the project, and it has evolved, I think, to what in the industry people would refer to as a classic NIMBY rhetoric. It often doesn't -- which often doesn't reflect the true facts and merits of this project, I recommend you do the following:

1. That you comprehensively and impartially address all relevant issues raised, and ensure that adequate personnel and resources are dedicated to this effort;

2. That you complete your work, and I cannot emphasize this enough, expeditiously, because delay of this process is a real disservice to American taxpayers, along with it provides an unfair advantage for opponents to this project.

The final thing would be to publicize your findings that it challenges, therefore, your agency to work hard to set the record straight after

you do finish your studies, as to what your review actually found.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Mark Rodgers, followed by Chris Granda.

MARK RODGERS: My name is Mark Rodgers. I am Communications Director of Cape Wind Associates.

We very much look forward to the Army Corps incorporating the many legitimate concerns that you will hear today and tomorrow; that the scoping be very comprehensive; and that your review be very thorough, and we look forward to working with you in each stage of that process.

There has been mention today of the initial Draft EIS that we filed as being not comprehensive, or skimpy, and I would just say that the purpose of that document really was just to provide a very initial scoping on some of the issues, and that we -- we look forward to the rest of this process to do a very thorough and comprehensive review with a number of scientific studies.

I think that the context for the scoping you're looking at for this project has never been more important than it is now. Just in the newspapers today, the Globe, the New York Times, and others, documents yet another study showing a direct link between the air pollution and the air we breathe right now from burning fossil fuels, and from people's death and disease. The latest link goes beyond the already established link to respiratory disease and heart disease to now include lung cancer.

Again, we look forward to working with the Army Corps, as well as concerned citizens in the months to come.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Chris Granda, followed by Michael Egan.

CHRIS GRANDA: Hello. My name is Chris Granda. I'm a resident of Arlington, Massachusetts, and have 17 years of experience as an energy and environmental consultant. I have also been going to the Cape and islands for vacation my entire life and highly value the natural environment of the area,

but I'm speaking today as a private citizen in support of the Cape Winds project.

Last Friday, Acting Governor Swift signed House Bill 4006 extending the systems benefit charge that funds energy efficiency programs in Massachusetts. As our previous speaker also alluded, Massachusetts made a significant investment in renewable energy resources.

Last month, President Bush also came out with a new national climate change mitigation strategy; and through the mechanism of computer protocol, the entire world is moving slowly towards a coordinated approach to reduce greenhouse gas emissions.

These developments are to be applauded, but according to the best estimates of the international community of climate scientists, all of these efforts will be inadequate to mitigate the effects of human-caused emissions on the local environment.

It is my hope that the combined EIS/EIR will fully incorporate projected effects of global warming and higher sea levels on the economy of the Cape and the islands.

It is incumbent upon us, as citizens of the Commonwealth and as human beings, to start shifting our society away from activities that cause lasting damage to the environment. Horseshoe Shoal may or may not be the only, or even the most cost-effective, site in Massachusetts waters that is suitable for wind power development.

As an engineer and as an environmentalist, when I look at the range of power generation options that are available to us for the future, and their associated costs and benefits, I believe we will need to consider all potential sites for wind power development in the Commonwealth.

The Cape Wind Project, when properly reviewed and evaluated, can be an important first step towards developing this important local renewable resource. Developers of the Cape Wind project should be applauded for the considerable financial risk that they are taking in pursuit of this project.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Michael Egan. He will be followed by Michael Leon.

MICHAEL EGAN: Good afternoon. My name is Mike Egan. I am a private citizen, and I'm also on the Board of Directors of the Three Bays Preservation in Osterville.

I would like -- in terms of keeping my comments restricted to the scoping of the EIS, we would like the Army Corps of Engineers to consider this project in the context of -- the context of a heavily residential area in which it is -- which it surrounds Nantucket Sound, including the Vineyard, Nantucket, and the south part of the Cape; and in the context of how this project would have been evaluated should it have been a land-based project, from a local zoning point of view, structures 400-feet high exceed all known zoning laws I know of, including downtown Boston and New York City.

Noise has been mentioned before. I struggle with even not having to repeat what was said before, but the fog horns and lights at night should be factored into the socioeconomic equation of this project, as it reduces the property values of the area, and creates a tax to the existing population now and for the life of the project.

Alternative sites should be taken into

account, almost any 25-square-mile area, or perhaps even smaller. There is no reason why that particular size is appropriate, and both off the water, and on the land and on the water, this might include the Mass. military reservation, perhaps No Man's Island south of the Vineyard, any rift over the horizon, including Rose and Crown Shoals, Bishops and Clerks.

And I would like to wrap up by saying that while I'm personally in favor of alternative energy, it's the location that I think is concerning, and we are all in favor of wind versus oil and nuclear, nuclear power.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker will be Michael Leon; and at that point, at the request of our stenographer, we will take a 15-minute break.

MICHAEL LEON: Good afternoon. My name is Michael Leon. I am an attorney at Nutter, McClennen & Fish, and I am here today to represent the Alliance to Protect Nantucket Sound.

The Alliance is a consortium of interested stakeholders, including environmental

groups, business interests, property owners, commercial and recreational fishermen, aviation interests, boating interests and others that are very concerned with protecting the resources of Nantucket Sound.

We appreciate the opportunity today to provide an introduction to our comments with respect to a proposed scope for the Environmental Impact Statement for the Cape Wind Project. Our remarks are intended to highlight some procedural issues of concern to us, as well as touch on those issues we will raise in written form during the comment period. We have engaged the consulting firm of EarthTech to work with us to provide comments to the Corps, as well as to the Massachusetts MEPA Unit and to the Cape Cod Commission for their consideration.

Now, it's important to note at the outset that the Alliance supports the notion of developing wind power projects in New England. These projects may constitute a potentially valuable addition to our regional energy resource base. However, we are very concerned with many aspects of the proposal, as described in the Expanded ENF/Notice of Intent, which will seriously endanger

the environmental resources that the Corps' regulatory programs are intended to protect. We believe that tremendous environmental and other adverse social and economic effects of the project greatly outweigh any potential public benefits of the proposal. Indeed, it is our preliminary view that the identified public benefits of improved air quality and lower energy prices are very illusory, while the total direct and indirect impacts on the region are very substantial.

We also want to point out that the proposed federal and related state and local permitting processes are very premature and perhaps futile at this point, since the project proponent has received no property rights or interests from the United States to construct and operate the proposed facility on the outer continental shelf. We recognize that the Corps views its permitting responsibilities to be separate and distinct from any issues associated with a permittee's rights to conduct activities on public or private lands, yet it is very clear that public agencies have and will continue to expend great public resources in evaluating this proposal without any assurances that

the developer has any rights whatsoever to occupy the public seabed.

It is our view at this time that the proponent does not possess any lease, license or easement from the United States to occupy any portion of the continental shelf for this project. We urge the Corps to consult with other federal agencies on this issue immediately before proceeding to issue the scope to determine whether any marine sites can even be considered for a wind farm project at this time. It is, however, not our intent to focus our comments on this concern today, but only to raise this issue now to put the Corps on notice that it is a matter that we will pursue vigorously in the weeks and months ahead.

It is our intent to provide you with a set of written comments from our consultants at EarthTech during the comment period, and Doug Cotton of EarthTech will provide some introductory comments today. I would like to make several suggestions with respect to the NEPA procedures, which we urge you to consider as you move forward in this process.

First, the proponent has indicated its desire to prepare a consolidated EIS/EIR/DRI

submittal to satisfy impact assessment requirements under NEPA, MEPA and the Cape Cod Commission Acts. We urge the Corps to issue an expansive scope which will integrate the various review requirements of the agencies to help the public properly evaluate all of the project's impacts under each regulatory program. This means that the Corps' process should accommodate the public's role in a major and complicated project under MEPA, including provisions to allow a Citizens Advisory Committee to participate in the identification and evaluation of alternatives to the project. This has been done for other complex projects, and will result in a better process.

Second, we urge the Corps to carefully examine the myriad of data requirements necessary for full federal, state, regional and local review of this proposal. This means that detailed consideration must be given to the inland and coastal wetlands environments, as well as the marine environments in which the project is proposed. The Corps should be informed of these types of questions and issues which must be addressed to satisfy the requirements of the Massachusetts Wetlands

Protection Act, the Public Tidelands Statute, the State Historic Preservation Programs, endangered species concerns, coastal zone management requirements, as well as those of the Cape Cod Commission, and the Towns of Barnstable and Yarmouth. This is particularly important since the Corps' public interest review must give significant weight to the evaluations and conclusions reached by local and regional bodies as a reflection of local factors of the public interest.

Third, we believe that the alternatives analysis requirements developed for the project are critical. It is our view that the Corps is compelled to apply the LEDPA analysis to the entire project, and must consider a broad array of alternatives, including a matrix of upland site combinations. It is important to recognize at the outset that this is not a water-dependent use, and there is no inherent need to occupy 25 square miles of water sheet to conduct this private-for-profit venture.

The developer has implied that the benefits of the proposed project inure to the New England region. It is not clear, however, that the

power generated at this facility would not be sold to utilities throughout the entire Northeast grid. Further, it is not clear that any air quality improvements would be realized in New England. Accordingly, we recommend that upland sites, or combinations of sites throughout the Northeast be considered, including scattered sites in the farmlands and mountains of New England, each of which may be capable of hosting 10 or 20 turbines near the transmission grid, and which could, in the aggregate, generate the equivalent amount of power for our system needs without the need to use our coastal and marine resources in the future for this venture. Although it is our view that the continental shelf resources are not appropriate for consideration as alternative sites for the reasons we have already mentioned, if the Corps of Engineers or Citizens Advisory Committee determines it to be appropriate, locations along the Northeast seaboard should be considered to compare the relative economic and aesthetic impacts of each area.

And I have one final comment.

Finally, it's our belief that a thoughtful analysis of the direct and indirect

economic impacts of a project of this nature on our coastal economy will demonstrate that the costs to the public far exceed the benefits. This analysis, which will be central to the Corps' public interest standards under Section 320 of your regulations, should provide part of the framework for the scope requirements. In this case, a thorough economic impact analysis should consider the direct and indirect impacts of the project on tourism, coastal property values, waterfront hotel and motel revenues, the fishing, boating and marina industry, and the public's enjoyment of the coastal marine environment in hedonic terms. The quality of the environment of Cape Cod is the basis of the Cape's economy. We cannot afford to impair this valuable public environmental and economic resource to allow a private-for-profit venture to undertake a non-water dependent activity.

We appreciate the opportunity to introduce these issues to you and urge you to give special consideration to the requirements of the Cape Cod Commission and Massachusetts regulatory agencies.

Thank you for your time.

MODERATOR ROSENBERG: Thank you very much. We will take a recess until 3:15.

(Whereupon, at 2:56 p.m., there was a short break taken.)

MODERATOR ROSENBERG: Ladies and gentlemen, we're getting ready to start. Okay. We're back. Once again, a reminder that oral or written statements will receive equal consideration in making our decision; therefore, if you cannot stay and make comment, please send us some written comments, and we'll add them as part of the scope.

And a reminder that we will be on the Cape tomorrow with another -- with part two of the scoping.

Our next speaker is Douglas Cotton, and he will be followed by John O'Brien.

DOUGLAS COTTON: Good afternoon. My name is Doug Cotton. I work with EarthTech in Concord, Massachusetts. As was mentioned by the previous speaker, EarthTech has been retained by the Alliance to Protect Nantucket Sound to conduct a technical review of the Cape Wind Project.

EarthTech is an environmental engineering company, which has been providing

environmental services to New England for over 100 years now. In recent years, we have been heavily involved in the energy business, and the environmental review of marine facilities. These projects that we have been working on included a number of the new merchant energy generating plants, both permanent and built in the Northeast. We have worked on a number of electrical transmission lines, including the Nantucket submarine cable. We have worked on a number of natural gas pipelines and submarine telecommunications projects, including the recent Hibernia telecommunications cable from Lynn, Mass. to Nova Scotia. Through these projects and other projects that we have worked on, we think we have got a pretty detailed understanding of the regulatory and technical issues that are presented by this particular project.

In my remarks today, I'm going to summarize some of the comments that we're going to be providing to you later regarding what we see as some of the key technical and regulatory issues that are presented by this project. We'll be providing more detailed comments in writing and written form later in the scoping process.

First, I would like to start with some of the regulatory and procedural issues that this project raises.

First, the construction of the wind park will result in placement of structures in US waters that will essentially result in filling of waters of the US, similar to the way a dense pile field is considered filled, as opposed to a structure. As fill, and considering the nature of the proposed activity, we believe it is appropriate that the project be reviewed under the Section 404B1 guidelines.

Second, an important question to be answered during the review is whether these wind turbine generators are considered water-dependent facilities. The literature suggested there might be an advantage for the turbines to be located next to or over the water, but does that make them water-dependent?

Certainly, wind turbines exist in an upland environment and seem to be doing -- functioning fairly well there as well. This is an important issue as the 404B1 guidelines presume that practical alternatives are available

that don't involve filling of wetlands or special aquatic sites.

Number three, another key issue that must be addressed during the EIS is providing a clear definition of what the project purpose and need is. What is the purpose to be served by this project? Is it to provide a source of renewable energy to the regional transmission system with the benefit of displacing existing or future fossil fuel generation, or is it to provide a source of renewable energy to the Cape Cod load pocket?

Again, this question is important, as it will frame the range of alternative methods and locations for providing this energy that must be studied in the EIS. In other words, are there other geographic locations and interconnect points where this facility can be developed that may allow for a fulfillment of the project purpose with lesser impact on the aquatic environment?

Fourth, along with the project purpose, the project deed must also be defined. What are the established needs for renewable or nonrenewable power within the New England ISO or Cape Cod transmission network? How much demand is there?

Defining the project need provides the basis for answering questions concerning the proposed size of the facility and for determining the project's benefits and costs.

Once the purpose and need have been established, a full range of alternatives that also fulfill that project purpose can then be defined and analyzed. Again, if the purpose is to provide renewable energy to the New England grid, then other sites throughout New England may also need to be evaluated. If the purpose is to serve the Cape market, then only those alternatives that provide power to the regional grid would need to be analyzed.

The final and perhaps most important regulatory issue for this project will be the public interest review. Once a proposed alternative has been identified that will have the least damage to aquatic resources, the Corps will then have to determine whether the issuance of the permit is in the public interest. According to Corps' guidance documents, the expected benefits are to be weighed against reasonably foreseeable detriments. All relevant factors are to be weighed including, but

not limited to, economics, aesthetics, cultural values, energy needs, recreation, and the needs and welfare of the people.

At this time, I would also just identify some of the key technical issues that we also think are very important and must be carefully examined in the EIS, and I'll just list these for the sake of time: Impacts on marine mammals and reptiles; fish and shellfish resources; noise and vibration; light and shadow; benthic resources; aviation; and impacts on navigation. I'd also like to identify hydrodynamics as an important issue. The dynamic nature of the Nantucket Sound may result in the sea floor shifts, which might result in the cables which were once buried, or initially buried, being exposed at a later date.

With that, I will conclude my remarks; and as I said, we will be submitting comments later.

Thank you.

MODERATOR ROSENBERG: Thank you very much.

The next speaker, John O'Brien, followed by Susan Doliner.

JOHN O'BRIEN: Members of the Corps, my

name is John O'Brien. I am the recently retired Chief Executive Officer of the Cape Cod Chamber of Commerce. I'm also now associated with the Alliance to Protect Nantucket Sound.

What I wanted to briefly talk about today is the actual Cape Cod economy and our concern about the potential impact of this industrialization of Nantucket Sound would have on this economy.

As many of you know, the Cape is basically a tourist-visited destination, but not many people realize that tourism is basically about a billion, 500 million dollar industry on Cape Cod. And through our research early in the '90s, when we had -- just coming off a very vicious recession when unemployment rates on average were somewhere in the 15 to 16 percent range, in many of the lower Cape towns the employment rates in off-season were as much as 30 percent. The Chamber embarked on a research mission to take a look at why people came to Cape Cod, what they wanted to do when they arrived there, and essentially, how many people were really dependent on this industry. The results were essentially that we have about 100,000 person labor force on Cape Cod at the moment, and then it spikes

to about 125,000 in the summer months, but the -- the economy has changed abruptly over the last ten years, and so that it now is much more of a year-round economy; and basically, the second homeowner, who visits there throughout the year has impacted the cyclical seasonal nature of the economy.

People come to Cape Cod, obviously, for the beaches, and for the salt water, for the villages, for the cultural artistic activities that go on there. They like the quaintness; they like the solace; they like all of the things that people seek when they -- when they want respite from the workday world. Our research shows that most of our visitors come from 20 zip codes around Massachusetts. So culturally, it's part of our eastern part of the state's heritage, and we feel strongly that anything that impacts, that has a potential for disrupting this economic relationship with -- with the environment, with the land, with the water, with the villages and so forth. So when we looked at this project, the Public Policy Committee of the Chamber felt strongly that the negatives of this 25-square-mile essentially

generating plant in our backyard, which is Nantucket Sound, has the potential to impact severely this economy. We think that people don't want to sit on the beaches there and look at structurally -- look at structures that are visually evident; and we take great issue with the proponents' thrust that these things are not visible; they are thumb high on the horizon. We don't believe that at all, because we know from talking to sailors, and fishermen, and so forth that structures that are presently on Cape Cod are readily visible from eight to ten miles. And so we feel strongly that the Corps should look -- look at the economic impact of this proposal as it affects employment, as it affects our fundamental industry there, and we would be happy to submit our own documentation of the numbers that I just talked about.

Cape Cod is a place of small businesses. There are some 11,000 businesses on the Cape and the islands. Two-thirds of this workforce work in service and retail jobs, and the other third is probably indirectly connected to this industry. So whatever affects this industry, affects the livelihood of a significant number of people on

Cape Cod. And we would be happy to submit these numbers and this information to you within this period.

So thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Susan Doliner, followed by Nancy Hamlin.

SUSAN DOLINER: My name is Susan Doliner, and I am a property owner on Shore Road in West Yarmouth. My property directly abuts the proposed landfall location for the cabling involved at 43 Shore Road.

My neighbors and I appreciate your commitment to exploring alternatives, and your efforts to secure specific detailed and satisfactory answers to the human, environmental, and personal property impact questions raised in the scoping review. I ask that you review the following five concerns, and I'll try to limit them to the landfall site.

If the cabling, or pipeline they are calling it, is power drilled across Lewis Bay at the proposed depth of six feet below sea level on to Shore Road, there will be significant impact on

boating on the bay, as well as activities near the Shore Road shoreline. At low tide, the sandy bottom is exposed up from 50 to 75 feet offshore. Digging a trench and inserting a cabling pipeline will allow -- and calling for the sand to fill in after it has been power drilled on its own is what is proposed in the ENF report. There is no time line for how long it would take for that to fill in, and could cause some danger -- danger to boats that are on the bay, particularly in the shallow areas of the bay. It could take several years or longer for the sea floor to return to normal levels due to the very light currents in the bay, and dozens of boats are also moored along Shore Road where this proposed landfall is located.

Secondly, the development of a retaining wall at 43 Shore Road will redirect more water at high tide into both the marshland and towards other homes on Shore Road, both to the west, on both the north and south sides of the road, as well as those residents that abut the marsh on the west side of Vermont Ave. The marsh area floods daily at high tide, and there are, obviously, lots of children that play. The proposal calls for this

vault to be waterproof, or at least the cabling to be waterproof, but there appear to be significant dangers to put this in an area that floods on a regular basis.

Thirdly, the landfall is proposed for one of Cape Cod's most populated summer residential neighborhoods. Running a high voltage electric wiring through an area where roads, as I said before, flood, and children play is a great concern. Englewood Beach area is one of the only boat ramps on that part of Cape Cod and West Yarmouth, unless you go to Bass River or to Hyannis Harbor, and so it's a very congested area to be tearing up the roads, and there is no call for any maintenance schedule that we have seen at this time.

And next, the preliminary ENF report did not report any details on frequency of maintenance, as I just mentioned. Especially over the past 10 years, there has been development of some private wetlands in a land trust that abut the property that is proposed, and we would need to see the impact on those wetlands.

And, lastly, we need to find out more about the electronic magnetic imaging radiation that

could be a part of this. It's my understanding, just through some preliminary layman's research, that when the cabling makes its links, whether it's as it comes ashore, or turns the corner on the roadways, that that is where the radiation, magnetic radiation becomes a concern.

Thank you.

MODERATOR ROSENBERG: Thank you, ma'am.

The next speaker, Nancy Hamlin, followed by Lynn Nadeau.

NANCY HAMLIN: Hello. My name is Nancy Hamlin. I am from Marblehead, Massachusetts. I'm with HealthLink.

Where -- I work with the wind project, and we just installed an anemometer in our town, and we hope that some day we will have the privilege of having a wind turbine in our beautiful Town of Marblehead.

I love Cape Cod. I was one of the first female lifeguards in Yarmouth in 1966. I appeared in Cape Cod News. I did look like that once (laughter), and I spent my summers -- I was married in Provincetown. I spent my summers in Provincetown and Nantucket as a visitor. I still have relatives

living on the Cape. I appreciate the work of the Corps. My dad was a civil engineer with the Army Engineer Corps when it was based in Waltham. He retired from there, and I know the hard work that you do.

I would encourage you to act swiftly on this project. It is critical, as a nation, for us to have wind energy. We are behind all the other industrial countries of the world.

As I said, I spend my summers on the Cape, and I look forward to the beautiful sleek and quiet turbines as we go out to Nantucket.

I'm a bird watcher, and I produced a film called Birding Nantucket. It was given to the Moriah Mitchell Museum in Nantucket. This film looked at the migration patterns of birds coming through the Cape to Nantucket, and on to South America every year. Those birds were banded, sexed, and let free. This has been going on for years.

Edith Anderson is an ornithologist graduate of Cornell, residing on Nantucket, and has been there her whole life. The National Audubon Society and I believe that these new quiet wind turbines will not -- will be safe for birds.

I'm excited about the wind farm and look forward to the enhanced view on Nantucket Sound. I would encourage you, again, to work on this project swiftly, and to approve the wind farm project. We all need to have clean energy. We need to protect our health and our life -- and our way of lives.

Thank you.

MODERATOR ROSENBERG: Thank you, ma'am.

The next speaker, Lynn Nadeau, followed by Jody Howard.

LYNN NADEAU: Hello. I'm Lynn Nadeau. I'm here in the bigger context, I guess, of my concern for clean air.

Before I dedicated my years of retirement to clean up the Salem Power Plant, I used to wonder why, when looking out at the window of my shorefront home in Marblehead, there were many days when there was a yellow brown cloud sitting on the horizon. Weekdays, weekends, it didn't matter. It's an ugly thick band separating sea and sky. Now I know that this pollution comes from local automobiles, and from coal and oil burning plants, both locally and in the Midwest. These plants are exempted by the Clean Air Act from meeting modern

standards.

The Army Corps of Engineers should consider the health effects from these plants. In today's Globe, on page 3, that was mentioned earlier, there is an article about -- in today's Journal of the American Medical Association, which states that long-term exposure to pollution significantly raises the risks of lung cancer, and that this pollution is caused by fine particulate matter created by combustion in coal-fired plants, factories, and, of course, our vehicles.

Almost a year ago, acting Governor Swift signed regulations that made Massachusetts a leader in the United States, ending these exemptions to the smoke-belching dinosaurs. I am here today, inspired by a vision of Massachusetts leading the country in a future of clean renewable energy.

Besides being downwind of smoke-belching dinosaurs from the entire US, Cape Cod also hosts -- is near a nuclear power plant that could be the target of terrorist attack, could result in radiating its neighbors, and doesn't know what to do with its spent fuel. Let me read you just one statement from HealthLink, of which I founded three

years ago with others.

HealthLink is a nonprofit, Massachusetts-based organization with 1,500 members. It strongly endorses the Cape Wind project.

Since forming in 1997, HealthLink has been dedicated to protecting people from disease-causing pollution by informing citizens of the connections between their environment, their health, and their use of energy.

The toll taken by our nation's reliance on burning coal and oil to make our electricity is severe:

30,000 - 50,000 premature deaths in the United States, just from two pollutants;

Worsening respiratory and cardiac health;

Documented infant mortality and birth defects;

Mercury poisoning of our fresh and saltwater fish stocks. All this applies for birds also;

Lung and other cancer risks from carcinogenic and fine particulate emissions;

Acid rains;

Regional haze;  
Atmospheric nitrogen deposition;  
Global climate disruption.

These public health and policy issues are of particular importance to the people of Cape Cod, where ozone levels are even higher than in Boston. Cape Wind's proposal to build our nation's first offshore wind park in Nantucket Sound does not single-handedly solve all of these problems, but it does represent a significant step forward to a safer, more sustainable energy future.

It only takes a quick glance at New England's wind resource map to see that offshore Cape Cod is one of the best areas to harness the wind to produce clean renewable energy for the region.

We ask our federal, state, and local permitting authorities to carefully review the project to make sure the project can be a good neighbor to existing uses of Nantucket Sound. We also ask the agencies to work together effectively and efficiently to bring this clean safe energy on-line as soon as possible.

Some of these people living in the

neighborhood want you to do an awful lot of work. I wonder if they are willing to spend an enormous amount of taxpayer money to look for 27, 38 different sites, which company is going to decide that they are going to put the wind farm there. I think they are asking for a lot of distractions that I hope the Army Corps won't go down that path.

Thank you.

MODERATOR ROSENBERG: Thank you, ma'am.

The next speaker, Jody Howard, will be followed by Frederick Wrightson.

JODY HOWARD: Hello. I'm testifying today as a member of HealthLink, also of the North Shore, as a sailor, and as a wind power advocate.

As Nancy Hamlin said, the Marblehead Light Department, HealthLink, and UMass have just installed an anemometer on top of a cell tower to test the suitability of a one megawatt wind turbine in Marblehead. It will be visible from my backyard, and I'm working very hard to see it happen. Some suggest that I'm an IMBY.

There are several points that favor building a wind farm on Horseshoe Shoals. We know the wind speeds there are among the best on the East

Coast; the shallowness of the water simplifies the construction; the shipping lanes are outside of the shoals, therefore, not a navigational hazard to larger boats; the turbines will naturally be marked on charts when they're built; the underwater structures will attract fish, because of the marine life that will attach itself to them, barnacles, seaweed, and so forth, providing potential spawning areas as well as shelter.

Visually, I have heard the new turbines in Spain described as breathtakingly beautiful, like graceful long-legged cranes taking flight. Cape Wind has also shown in pictures the small visual impact they will make from land, obviously it's debatable, especially given the haze produced by emissions from power plants.

Finally, and probably most important, wind power will provide clean electricity at no cost to the environment after installation or to people's health. I urge you to expedite this process as quickly as possible so as to provide the New England grid with clean power as soon as possible.

Thank you.

MODERATOR ROSENBERG: Thank you, ma'am.

The next speaker, Frederick Wrightson, followed by Grant Kelly.

FREDERICK WRIGHTSON: Thank you. My name is Frederick Wrightson. I am a resident of the village of Osterville in the town of Barnstable, and I appreciate the opportunity to speak our concerns here.

I have a peripheral involvement with an alternative energy company, which eight years ago did a study on wind farms, and what they found was that they were not economically viable unless there was some kind of government subsidy. So I guess I would hope that the Army Corps would get some study to the impact of the tax implications to the taxpayers to subsidize someone else's private enterprise.

I would hope that you would look at the -- the impact to the migratory bird population. It's nice to know that some people think that they won't be hurt by them, but we should look at the facts. And I think the existing wind farms that are land-based have shown that many birds do fly into them. I did read that the Scottish Power Company was willing to pay something like 3.5 million

pounds, which would be about \$5 million to relocate two nesting eagles in Scotland, because they were in the area of where they wanted to put up some wind farms.

I would hope also that you would look at the impact of such a large number or large cluster of fog horns on the native fish and bird populations. It might sound like a symphony to some people, but it might feel a little differently to these wildlife people.

Also, I would hope that you would look at the impact of the wind farms on the -- on the pristine natural resources known as Nantucket Sound.

And, finally, I would like to say that I think some consideration should be given to the impact of a nonremoval of these windmills, should they be -- the project be permitted and subsequently abandoned. I know that for oil rigging drilling rigs, in order to put an oil drilling rig up, they have to post a bond for the removal of this structure, should the oil company abandon it. I believe that a similar proposal should be required of these people.

And, finally, I would like to say, I am

in favor of alternative energy. I just think that, someone said, the first choice is obviously not the best.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

Our next speak is Grant Kelly, followed by Robert Bothwell.

GRANT KELLY: Thank you, Larry. Good afternoon. My name is Grant Kelly. I am a resident of Norton, Massachusetts, and I'm here today as a private citizen.

Having said that, I think it's important to point out that I'm also something else. I'm every permit applicant's favorite kind of regulator, a retired one. I come here today with no legal authority; however, in my years working as a project manager in the regulatory division of the Corps in New England, I had an experience with a project, and I think looking at that experience might be instructive to the case in hand.

The project involved a proposal to deploy moorings and nets in conjunction with an aquaculture, salmon aquaculture facility in the Gulf of Maine. The footprint of the project was

approximately 30 square miles. It was about 50 miles off of Gloucester in the Gulf of Maine.

Clearly, there are dissimilarities in that the project at hand has no marine organisms that it is introducing into the environment; however, the similarities are notable, and I would like to talk to you briefly just about three of them.

The first is the newness or unprecedented nature of the projects. In both cases, it's my understanding that there is no such thing extant in the federal waters of the United States at this time.

Secondly, was the scope of the project. They are both rather large in terms of the footprints in federal waters.

And thirdly, both projects had the potential of having adverse impacts to the marine environment and marine uses.

Nothing gives regulators more heartburn than projects that are big and new. Quite simply, there is nothing to fall back on in the way of old studies, old reports, to get a handle on just what kind of effect this is liable to have on an

environment.

Consequently, regulators get very nervous when they see these things. The approach that we took at the Corps on this project, on the aquaculture project, was to try and convince the applicant to produce a demonstration project that was substantially scaled down in terms of its scope, the number of modules to be deployed, to have him attempt to seek a permit for a scaled-back project. He would then have that reviewed; and if that permit were granted, there would be a period under which a monitoring requirement would be imposed to gather data; and at the end of this demonstration period, the regulators, we felt, would then be in a much better position, looking at some period of data, to make a judgment on a further build out of a project.

I'm perfectly aware of the economics of these situations that drive a one-time deployment. It's much cheaper to do that than just once; however, the proponents must understand that on projects that are big, new, and unprecedented, regulators get nervous, and I think it's in everyone's interest to consider a demonstration-type approach.

I would urge the Corps, in conjunction with the applicant, to develop an alternative that proposes a demonstration project, a monitoring plan, a temporary permit, some period of time for review of the impacts of this; and then finally, assuming that nothing untoward occurred during this demonstration period, a subsequent application for further build out. I think it serves all interests here to have something smaller to start with, and have everybody take a deep breath and have a look at this thing before you go to some rather large footprint project.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

The next speaker, Robert Bothwell, followed by Pat G-O-Z-E-M-B-A.

AUDIENCE PARTICIPANT: Excuse me. She broke her ankle this morning, and asked me if I could read this for her, but I won't if you don't think so.

MODERATOR ROSENBERG: If you would please submit that for the record. Thank you.

WRITTEN STATEMENT BY PATRICIA GOZEMBA

I am a member of HealthLink, a

grassroots environmental organization on the North Shore of Massachusetts, that struggles to clean up the pollution caused by oil and coal burning power plants. I remain committed to supporting all sources of renewable energy that will deliver us the power that we need in an environmentally sane and safe manner. The Cape Wind project is a sterling example of such an effort.

My family has had a sixty-year connection with Cape Cod. We have been drawn to this place because of its enormous natural beauty. My parents lived out the last years of their lives on the Cape between 1970-1999, savoring the beautiful vistas that the ocean has to offer. The Cape Wind project will preserve those vistas keeping them free of polluting smog and offer a challenge to the rest of our country to develop clean, renewable energy sources.

The proposed wind farm, similar to many of those now functioning in Europe, will be an aesthetic addition to our ocean views. The sleek turbines of this generation of wind turbines will be an attraction to visitors rather than the blight on the landscape that the opponents of the project

claim. Would that the Salem Harbor that I live so close to could have such wind turbines generating power rather than the polluting oil and coal-burning plant owned by P G & E.

I encourage the Army Corps of Engineering to do a thorough study of the proposed Cape Wind project and to do it in an expeditious manner. We count on you to preserve the integrity of the wildlife in the area and assure its protection. Please do not let the opponents of this project bog it down with unnecessary delays. It is in the interests of those of us who love the Cape and the Islands that you act quickly to preserve the natural beauty of the area. The wind farm will be an addition to its beauty, and it will preserve that beauty from the devastating effects of pollution caused by fossil fuel generating plants.

Sincerely, Patricia A. Gozemba.

MODERATOR ROSENBERG: Next speaker, John Driscoll, from One International Place.

AUDIENCE PARTICIPANT: He just left.

MODERATOR ROSENBERG: Okay. Franklin from Framingham. I'm not even going to try.

FRANKLIN GRYNKIEWICZ: How are you? I

don't blame you.

My name is Franklin Gryniewicz. I work with Jay Cashman, Incorporated in Boston, Massachusetts here. We are a major marine and heavy contractor in town.

We have been involved with this job in the -- in the edges for a long time. We have been following offshore construction as part of our business plan for years and years. This Cape Wind project came up, and we have been assisting them in some constructability reviews and looking at some cost issues associated with it.

Just as a matter of background, what Cashman has witnessed in the last few years, we have witnessed the renewal of THE Boston Harbor Project, when we installed the offshore diffusers nine miles offshore as part of the tunnel project to get rid of all this dirty water that was dumping into the harbor.

We have now witnessed the renewal of downtown Boston as part of the Central Artery Project.

And I guess what this project really represents is now another opportunity at

renewal -- to have renewable energy. And a lot of these projects were heavy construction projects. The only way that you can get this type of infrastructure built is by having a champion; and in the instance of the Boston Harbor Project, it was the legal system, which forced the State of Massachusetts to do it. In the instance of the Central Artery Project, it was one Fred Salvucci, a wonderful guy, with the help of another wonderful guy, Tip O'Neil, who got the money to build the thing.

In this instance, this project needs a champion, and I guess I don't want it to be the court system. I don't want it to be Saudi Arabia. I think that it is an important thing for America to get this project built.

In terms of scalability, you can't build a scaled version of Deer Island; you can't build a scaled version of the Central Artery Project; you can't build a scaled version of a wind farm offshore. The costs just don't permit it. The project will never happen if that happens.

In Europe, I visited part of the enormous program in the Republic of Ireland. This

public/private partnership programs some 40-odd-billion dollars worth of construction planned over the next 10 to 15 years to get them into the 21st century. The offshore farm that they are building there, wind farm there, is very similar in scope. And I guess if there are any questions about feasibility and environmental impact that has been done to date, that's probably one of the better examples to use, and I would suggest that you look at that in your review.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

At this point, we have no other individuals signed up to speak. If you have not spoke, and you wish to provide comment, the floor is yours.

Is there anybody there that would like to provide comment?

(No response.)

Thank you. Ladies and gentlemen, Mrs. Godfrey, our scoping officer.

MRS. GODFREY: Well, we have heard a lot of very good, thoughtful comments today, and I can assure you that all of them will be considered as we

move ahead to decide what to study in detail in this Environmental Impact Statement.

The record will be open through the preparation of the Environmental Impact Statement; but again, in order to make sure that we can have a complete outline as we move forward, we would encourage you to provide your comments to us within the next 30 days. All written comments will receive equal weight to any verbal testimony that we receive today or tomorrow. So if you think of something else later, and want to send it in, please do that.

And, finally, before I conclude this session, I would like to extend my appreciation to the JFK Federal Center for allowing us to use this facility, and to all of you for taking time to come to this meeting and let us know what you think.

Thank you very much.

(Whereupon, at 3:55 p.m., the public scoping hearing was adjourned.)

## STATEMENTS

MICHAEL TELLER: My name is Michael Teller, T-E-L-L-E-R, and I'm at 22 Bradford Avenue, in Hull, Mass.

I am a member of the American Institute of Architects, Boston Society of Architects, and the Northeast Sustainable Energy Association.

I'm here to register my support for this project and urge the Army Corps of Engineers to act quickly on this decision.

I'm a resident of Hull, Massachusetts where we just installed the largest, single, individual windmill on the East Coast.

This one piece of equipment will power all the lights in the town and more. It has 1.5 kilowatt hours -- or excuse me -- 1.5 million kilowatt hours per year without creating any pollution or by-products. It is quiet and unobtrusive and is located at the end of our little peninsula.

The Cape Project is five miles off the coast, virtually unseen from shore and will have less impact than the boats that work in that area.

We need to break our dependency on foreign oil and reduce pollution in our environment. This project should lead the way.

Such a large percentage of population of our country lives near the ocean. This could be an example to prompt other communities to implement a sustainable energy source.

Please approve this project and do it quickly.

ROBERT BOTHWELL: My name is Robert Bothwell, B-O-T-H-W-E-L-L. My address is 252 Clamshell Cove Road, in Cotuit, Massachusetts.

I'm a resident of Cotuit, Massachusetts. I'm also an avid boater and fisherman.

I spend many days with my family, fishing on Horseshoe Shoals as well as crossing it to get to other destinations such as Nantucket and Monomoy.

I've spent many days, in addition, on Loop, L-O-O-P, Beach in Cotuit with my family. Loop Beach looks directly out on Horseshoe Shoals.

I support the project and believe the benefit of clean, reliable power is of major importance to Cape Cod and the country.

I will look forward to sharing Horseshoe  
Shoals with the Cape Wind Project.

Thank you.

W R I T T E N   S T A T E M E N T S

Written Statement of John J. Clarke

February 22, 2002

Brian Valiton  
US Army Corps of Engineers  
New England Division  
696 Virginia Road  
Concord, MA 01742-2751

Re: Cape Wind Draft Scope of Avian Studies

Dear Mr. Valiton:

MassAudubon staff have reviewed Cape Wind Associates' draft scope for avian field studies as outlined in the letter from ESS to you, dated January 30, 2002, and offer the following comments.

The "scope" as presented in the ESS letter is an extremely sketchy outline. So little detail is provided that we find it difficult to comment on the adequacy or inadequacy of the studies that are proposed. Additional information is needed regarding the specific protocols, location of transects, time duration of each aerial or visual survey, or other details on methodology.

In spite of this lack of detail, we are able to provide general feedback regarding the proposed scope of work. Below we have provided suggestions for additional studies that are needed in order to gather adequate data upon which to base the avian risk assessment for the project.

General Comment:

We are generally concerned that both the frequency and the types of sampling proposed are not adequate. We recommend that at least one type of bird survey should be conducted on a frequency of at least one day per week throughout the year, with specific methodology aimed at gathering information during breeding, migrating, and wintering seasons, as well as during varying times of day, meteorological, and tidal conditions.

We encourage the proponents to proceed with survey work they already have planned for this winter and spring of 2002. While it may be necessary to expand upon the proposed scope of work, we do not want to see all avian survey efforts held up while the plans for the full scope of study are clarified.

Specific Comments and Suggestions:

Winter Waterbird Aerial Survey, January-April 2002

We support the inclusion of waters surrounding Horseshoe Shoals and roosting areas south of the Shoals in these studies, as this will provide important information regarding winter waterbird activity in the project vicinity. However, without more information on proposed transects, amount of flight time per day, height of plane flights above water, and criteria for selection of the dates when observations will be made (e.g., weather conditions), it is difficult to know whether or not these flights will adequately document winter waterbird activity in the area. Six over flights over a four-month period does not seem adequate to fully gauge bird use and activity during this time frame. We support the proposal of supplementing the winter 2002 information with further aerial flights in the autumn/winter of 2002-2003, but are uncertain whether 10 flights next winter will be sufficient. The timing of the flights is also important in order to assure that data are not biased and to provide samples that account for seasonal patterns of feeding, use, weather patterns, et cetera.

Observations of birds during inclement weather are needed as well as fair weather observations. Since aerial surveys are not very useful in this regard, they must be supplemented by visual observations from boats during a variety of weather conditions.

#### Spring 2002 Songbird Migration Study

Radar: We support the use of radar observations but request more information on methodology, such as the proposed location of the radar device(s). Radar recordings during peak migration periods should be continuous. It is important to record migratory bird patterns during various weather conditions as well as during the day and at night. The raw radar imagery should be preserved and made available for independent technical analyses. Interpretation of radar imagery of birds is a highly specialized skill with few people qualified to undertake such work. The proponent should present information on the skills and experience of the party selected to conduct this analysis.

Direct Visual Observations: The proposed methodology would not be the best suited

for documenting migratory songbirds passing through the project area. Most of the species in question migrate at night, and so observations made from dawn to midday would not coincide with the time when most land birds are migrating. Those migrants that did occur there during daylight hours would most likely arrive accidentally as a consequence of inclement weather. Therefore, it would be difficult or impossible to observe (let alone identify to species) most of the passerine species involved. This work would be better accomplished by other methods such as radar and sound recordings. Also, note below our comments regarding the importance to document autumn bird migration.

Sound Recordings are a more reliable method than visual spotting for identifying species and numbers of migratory birds passing over a particular location, especially at night when songbirds are communicating using "chip" notes. The use of sound recordings, in addition to visual observations, should be considered for both spring and fall passerine migration documentation. One concern with use of sound recordings in an off-shore location is interference from water and wind noise,

especially during inclement weather. This may be addressed in part through placement of recording devices well away from the water surface (e.g., on the proposed test tower or onshore to detect birds moving toward or from the Shoals). Sound recordings should be utilized, with careful placement and consideration for noise interference issues.

#### Summer 2002 Tern Foraging Study

Tern surveys should be conducted in late July and especially throughout the month of August in addition to the times proposed. We are concerned that preliminary conclusions have already been reached regarding tern activity in the project area, based on very sparse information that did not include August surveys. We do not feel that these conclusions provide adequate evidence of tern presence or absence in the project area, and urge that more intensive survey effort be conducted. Terns may be present in the project area during the time when young birds are fledging and when both the adults and their young are moving from their breeding sites to their Monomoy staging areas in August. Newly fledged birds making their first flights may be particularly vulnerable to collisions

with structures, and therefore it is important to know the extent to which such birds pass through the project area, even if it occurs only for brief periods of time. Visual observations during that time will be particularly important to identify species, numbers, patterns of movement, and feeding behaviors of terns.

It will be difficult to identify terns to the species level when conducting aerial overflights. This should be accounted for in a more specific explanation of aerial survey methodologies, particularly since the federally endangered Roseate Tern is one of the species of greatest concern in this study.

Visual Observations from boats/barges should be conducted during the summer months for terns and other birds. If funding for visual studies is limited, summer observations of terns and other birds active over the water sheet are a higher priority than attempting to monitor migrating passerines from boats in the spring. Visual observations should document bird behaviors (e.g., passing through versus feeding, or resting on water surface). Visual observations made from boats

running transects through the site would provide more information than observations from a single fixed point such as a barge anchored on the water, or likely from aerial surveys.

It would be useful to compare results from aerial surveys and boat transect surveys for degree of accuracy and bird displacement or disruption from boats versus small aircraft.

The Cape and Islands provide significant stopover habitat for an abundance and diversity of shorebird species. This area supports nesting habitat for 384 out of the 495 total of the state's breeding population of federally listed Piping Plovers (over 1/4 of the total Atlantic Coast population). Summer and fall observations should include information on shorebirds that may move through the site even if they are not present there for long periods of time. We acknowledge that it may be difficult to document shorebird movements through the project area, but the avian studies should include some efforts in this regard.

Autumn/Winter 2002-2003

Migratory Birds: During the course of any given year, a much greater number of migrants are likely

to pass through the Sound during fall migration than are likely to pass during the spring. Therefore, autumn songbird migration studies are essential to the understanding of the use of the area by migrants, and should be added to the scope, using both radar and sound recordings.

We concur that aerial surveys and direct visual observations should be made of waterbirds during the 2002/2003 autumn/winter seasons, but think that more than ten overflights and two visual surveys may be needed. Additional visual observations from boats may be needed to document waterbird activity patterns during inclement weather and low cloud conditions when aerial surveys cannot be employed. This information is crucial, because birds tend to fly at lower altitudes during inclement weather. An understanding of bird behavioral patterns in the project site during all weather conditions is necessary for risk assessment, especially during inclement weather when the greatest likelihood for collisions exists.

Conclusion:

We request that a more extensive amount of field research be undertaken in support of the

environmental assessment of this project. A great deal of presently unavailable information is essential in order to properly assess the avian risks of this large-scale wind farm project. The methodologies for these studies need to be carefully crafted to obtain information on all categories of birds in and around the project site, during all seasons, times of day, and weather conditions.

Thank you for considering these comments.

Sincerely,

John J. Clarke,  
Director of Advocacy,  
Massachusetts Audubon Society

cc: Terry Orr, ESS

Mike Amaral, USFWS

Vern Lang, USFWS

Tim Timmerman, US EPA

Brad Blodget, MA DFW

Arthur Pugsley, MEPA

Tom Skinner, Coastal Zone Management

Cape Cod Commission

\* \* \* \* \*

Written Statement of John J. Clarke

January 3, 2002

Brian Valiton  
U.S. Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

Re: File No. 199902477, Cape Wind Associates  
Scientific Measuring Tower

Dear Mr. Valiton:

On behalf of the Massachusetts Audubon Society, I submit the following comments on the above-referenced application under Section 10 of the Rivers and Harbors Act of 1899.

The particular application is for a scientific measuring tower that is proposed as a preliminary data-gathering platform for a larger project, the Cape Wind Project. Massachusetts Audubon's recent comments on the Environmental Notification Form (ENF) submitted under the

Massachusetts Environmental Policy Act (MEPA) for the entire wind farm project are attached. As you can see from those comments, Massachusetts Audubon has requested that the proponent gather substantial additional information on bird use and activity in the project area in order to perform an adequate avian risk assessment for the overall project. The proposed scientific measuring tower provides an opportunity to gather some of the data that is needed for the avian aspects of the environmental assessments for the overall project. This tower/platform should be utilized to gather information about bird activity in the area, through a variety of techniques including radar, sound recordings, and direct visual observations. We urge that the scientific measuring tower be designed to accommodate all of these types of monitoring. Data gathered at the scientific tower site should be used to supplement other information such as bird surveys conducted from airplanes and boats.

The entire Cape Wind Project is the subject of another Section 10 application to the Army Corps. Massachusetts Audubon requests that a full Environmental Impact Statement be required for

the overall wind farm project.

Permit conditions for the proposed scientific monitoring tower should include provisions for minimizing and monitoring potential bird collisions with the structure, as well as financial assurances for future removal of the tower.

Thank you for considering these comments.

Sincerely,

John J. Clarke,

Director of Advocacy,

Massachusetts Audubon Society

cc: Terry Orr, Environmental Science Services, Inc.

Richard Delaney, Urban Harbors Institute, UMass

Boston

Michael Amaral, U.S. Fish & Wildlife Service

Brad Blodgett, MA Div. of Fisheries & Wildlife

Tom Skinner, Coastal Zone Management

Margo Fenn, Cape Cod Commission

\* \* \* \* \*

Written Statement of John J. Clarke

December 13, 2001

Bob Durand, Secretary

Executive Office of Environmental Affairs

Attention: MEPA Office

Arthur Pugsley, EOE #12643

251 Causeway Street, Suite 900

Boston, MA 02114

Re: Cape Wind Project, Nantucket Sound

Dear Secretary Durand:

On behalf of the Massachusetts Audubon Society, I submit the following comments on the Environmental Notification Form (ENF) for the Cape Wind Project. The main focus of these comments is on the potential risks of the project to birds, particularly the federally-endangered Roseate Tern and threatened Piping Plover, wintering sea ducks, and migrating passerine species. The ENF indicates that the proponent intends to file a full Draft and Final Environmental Impact Report (EIR) for the project. Although the wind turbines will be located in federal waters outside of state jurisdiction, we

urge the proponent to include a detailed avian risk assessment in the EIRs. We also urge the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife to undertake careful and detailed review of the project's potential risks to birds.

The project consists of approximately 170 tower-mounted wind turbines, arrayed in a grid over an approximately 25-square-nautical-mile area over Horseshoe Shoals in Nantucket Sound, along with a platform for gathering the generated electricity, and two underwater cables to transmit the power to Cape Cod. The towers would be spaced approximately one-third to one-half mile apart. The maximum height of the structures (tip of turbine blade) would be about 425 feet above mean sea level. The project would generate approximately 420 MW of power. Each tower would be mounted with FAA approved aviation obstruction warning lights.

The Massachusetts Audubon Society generally supports development of alternative, renewable energy resources. Indeed, we believe that development of renewable energy resources is essential for environmental protection as well as

for a host of other public interests. We do, however, have some serious concerns about the scope of this particular project, especially because of the many unknowns regarding the level of risk to birds.

General Comments:

Site selection is important in minimizing the avian risks of wind farms. This particular project site is an area with one of the highest concentrations of sea ducks and terns on the Atlantic seaboard. The shoals at this location provide ample feeding opportunities for birds. The site is also located along a major migratory bird flightway. We do not agree with the ENF's unsupported conclusions that avian risks are small or that bird use in the area is low.

Tall, lighted structures have been documented to present a collision hazard to many species of migratory birds. Millions of birds are killed nationwide each year in collisions with communications towers and other tall, lighted structures<sup>1</sup>. The blades of wind turbines may further increase this hazard compared to stationary structures.

While the likelihood of any particular wind turbine being struck by an individual bird may be low under daytime conditions with good visibility, the risk to birds may be increased at night and during foul weather or foggy conditions. The avian risks of greatest concern for this particular project fall into three main categories:

- \* Rare species, especially Roseate Terns and Piping Plovers
- \* Wintering sea ducks; and
- \* Migrating land birds and passerines.

There are a few offshore wind farms worldwide (and none of this large scale) from which to gauge the potential impacts of this project on birds in Nantucket Sound. Available studies on interactions between birds and wind farms do not include any comparable studies of large scale arrays located in an offshore environment along a major migratory bird pathway.

More information is also needed on actual bird usage of the project area. Massachusetts Audubon suggests that further studies of bird activity in the project area should be conducted before the project is permitted. The Society also

recommends that a smaller scale project be constructed and intensively monitored before the full-scale project proceeds, in order to more accurately assess the actual risks to birds and potential design refinements to minimize those risks.

Construction of a smaller scale project for experiential purposes could include intensive monitoring for effects such as direct bird mortality, bird avoidance or attraction to the towers, and effects on marine life. Different lighting and painting arrangements (e.g. painting the blades in contrasting colors to enhance bird avoidance) could be experimented with to optimize the system before the larger scale project is built. We are concerned that if the entire project proceeds to full construction before reduced-scale studies are done, the financial commitments will be so extensive that it will be difficult to stop or remove the project if unacceptable levels of environmental impact emerge. Building reduced-scale facilities first may well have long-term benefits for the viability of wind power throughout the region, whereas avoidance of an experimental phase

might doom a full-scale project to failure due to inability to obtain permits and a general lack of public support.

In any case, the EIR should include thorough documentation of existing bird usage patterns in the area to enable adequate evaluation of the project's risks. Because large numbers of birds utilize the area regularly, we are concerned that the risk may be unacceptable. Because of the difficulties and uncertainties involved with monitoring the full-scale project for bird collisions, detailed pre-construction evaluation of avian activity patterns in the area is important.

Bird Use of Project Area/Avian Risk Assessment:

Millions of birds traverse Nantucket Sound each year. Usage varies from migratory land birds that pass through the Sound in a transient manner during migration, to seasonal use (e.g. by large numbers of sea ducks that overwinter in the Sound), to year-round residents. Nantucket Sound holds one of the largest concentrations of waterfowl anywhere on the Atlantic Seaboard - rough estimates are anywhere from a quarter to a half a million birds, for half the calendar year, every year.

Long-tailed Ducks (formerly known as Oldsquaw) are one of the primary sea duck species of concern in relation to this project.

The Roseate Tern is listed under both the federal and state Endangered Species Acts as an endangered species. A large percentage of the northwest Atlantic (North American) population of Roseate Terns nest in Buzzards Bay. Roseate Terns spend significant amounts of time feeding in the Sound and staging in the area in preparation for migration.

The Piping Plover is listed as threatened under both federal and state Endangered Species Acts. The proposed wind farm is centered in the heart of the Piping Plover population in Massachusetts. Piping Plovers may be at risk of collision with the structures when flying through the project area.

There are many unknowns concerning:

1) actual habitat and feeding use by various birds within the project area and; 2) difficulties associated with assessing the risks that the project may pose to various bird species.

The ENF (p.7-25-26) states that the

project will not be likely to result in "significant population impacts to birds." "Known and suspected risk factors for potential avian community impacts are, for the most part, lacking at this Project. The probable absence of high use by birds is most important. Few species will be present or present long enough in the Project Area for significant risk to occur." This conclusion is not supported by sufficient data on: 1) interactions between birds and large scale offshore wind farm arrays; or 2) actual bird usage of this section of Nantucket Sound. The Massachusetts Audubon Society strongly disagrees with this unfounded, premature conclusion and urges that more information be developed in the EIR. Further research and monitoring are needed prior to proceeding with the project.

#### Population Level Impacts

The ENF refers to measurable impacts at a population level as a yardstick for risk assessment. We have concerns regarding the methodology and appropriateness of this measure of impact.

First, for some avian species such as the Roseate Tern or Piping Plover, a single death

as a result of the project could be regarded as an unacceptable level of impact under the U.S. Endangered Species Act.

Second, it is unclear what is meant by "population" in relation to species such as sea ducks. If it refers to birds within the Sound in any given winter, a single storm-related mass-collision with the wind turbines could impact a measurable percentage of the total numbers of ducks in the area. If it refers to a population in the strict sense (i.e. a discreet group of breeding individuals, into and from which gene flow is limited), there is no way of knowing what the potential impacts would be without knowing where the birds breed and the size of their respective breeding populations. Due to their high mobility and the likelihood that they mix quite readily on their wintering grounds, it is hard to define a population of sea ducks in the strict, ecological sense.

Third, comparing mortality that might result from this project to other, existing causes of avian mortality does not necessarily translate into acceptable levels of impact. Population

modeling might be helpful in determining what level of additional mortality would likely cause a problem. Cumulative impacts and overall population trends and sustainability also should be considered.

Population Status of Roseate Terns and Piping Plovers:

The following information on population status of these two rare species gives some indication of how small these populations are and why loss of even a few individuals or any adverse impacts on their habitat is of great concern.

Roseate Tern: The Roseate Tern is listed as endangered by both the federal and state governments. This year, the numbers of breeding North American Roseate Tern pairs was down 14 percent compared to the year 2000. Historical data indicate a downward trend in this population. The Roseate Tern has declined from 2,300 pairs in 1972 in Massachusetts to 1,826 pairs in 2001.

In 2001, 1,826 pairs of Roseate Tern, representing half of the entire North American population of this species, nested in Buzzards Bay. During the breeding season the adults of this species are known to forage heavily between Wood's

Hole and Nantucket. From July to September even a higher percentage, perhaps as much as 75 percent of the entire North American population stages at the following beaches in Nantucket Sound - South Beach, Chatham; Monomoy National Wildlife Refuge, Chatham; Great Point, Nantucket; Cape Pogue, on Martha's Vineyard, and a variety of smaller beaches between Hyannis and Mashpee<sup>2</sup>.

Piping Plovers: The Piping Plover is listed as threatened by both the federal and state governments. There were 496 breeding pairs of Piping Plovers in Massachusetts in the year 2000, representing 37 percent of the entire Atlantic Coast population. The population is in decline in the region.

#### Avian Risk Assessment

Given the high concentrations of birds that are known to use Nantucket Sound, and the Sound's importance as a feeding and staging area for federally endangered species, the deployment of a large number of wind turbines proposed for Nantucket Sound could pose a significant environmental risk.

Virtually all the current avian mortality data are derived from terrestrial

examples. Almost nothing is known about potential impacts in a marine setting, but information from terrestrial sites is not particularly reassuring in relation to this proposal. The Altamont, California wind farm, where many birds (raptors) died as a result of collisions with wind turbines/towers, is often cited as an anomaly. The implication is that wind farms in other locations are not likely to cause similar levels of bird mortality. However, the outcome at Altamont was predictable, and is a prime example of the importance of siting. The primary reason behind Altamont raptor mortality was the siting of hundreds of turbines in an area where there was a high concentration of birds. Tower design also was a factor. Altamont illustrated that if large numbers of turbines are placed in an area where there are many birds, birds will collide with the turbines.

The ENF for the Cape Wind Project refers to numbers of towers per square mile in comparison to Altamont, and concludes that because the Cape Wind towers will be spread out over a wide area, the avian risk should not be significant. However, one might equally well postulate that a widely spaced

array of wind turbines over a broad area increases the spatial extent where bird collisions with any one particular tower are likely to occur, particularly during poor visibility conditions or in association with nighttime interference of tower lights with migratory bird navigation.

In addition to the high level of concern regarding any potential new hazards to Roseate Terns or Piping Plovers, and the need to better understand potential impacts on sea ducks, we feel that the risk assessments for this project should closely examine the potential impacts on migratory land birds. Many species of migratory birds migrate at night. The proposed project would place a large array of towers in the path of tired migrants coming ashore during spring migration and could pose a similar obstacle to inexperienced, juvenile birds making their first southward migration in the fall. It has been well-documented that nocturnal migrants are attracted to lights in a similar way that moths are, and that especially during inclement weather, they become disoriented and frequently strike tall structures on which lights are mounted<sup>3</sup>. Since the towers will be lit for aviation safety purposes,

this will increase the likelihood of bird/tower collisions during bird migrations. Weather conditions can affect how high or low birds migrate at night. The ENF indicates that each tower will be lit with two flashing red lights, aimed at an angle of three degrees above horizontal. This large array of red warning lights, directed upward, will present a particular hazard to migratory birds, especially under foggy or other high moisture conditions. Under such conditions, it is quite likely that some birds will be distracted from their migratory path and drawn into the array, and ultimately they could strike a wind turbine or tower or simply become exhausted and fall into the water.

Cumulative Impacts: A significant concern from an avian standpoint is the large gap in the knowledge and understanding of how offshore wind farms affect birds, particularly in areas with high bird densities such as Nantucket Sound. It is not prudent to launch a large-scale project at this time given the potential for profound impacts on local birds. This project would not be operating in isolation. Because there are a variety of causes of avian mortality (communication tower kills,

roadkills, domestic cats, oil spills, toxins in the environment, etc.), we cannot be cursory in our treatment of any additional potential threats to birds. And, while few causes of avian mortality may be significant enough to impact entire populations, the cumulative effects among all the causes are significant. In a cumulative context, the significance of every new threat is magnified, especially with regard to the endangered Roseate Tern.

We are also concerned that insufficient data are available to present accurate assessments of the status and trends in populations of many bird species. For bird species that are already experiencing significant population declines, and especially for rare species such as the Roseate Tern or Piping Plover, any new source of mortality, at any level, is a serious concern.

Possible Methods of Monitoring Bird Activity in the Project Area:

Insufficient information is available regarding bird use of the project area. In addition to existing data such as those collected during Massachusetts Division of Fisheries and Wildlife

winter waterfowl surveys, a variety of additional survey methods should be considered. As much information as possible should be gathered on bird activity in the project area both prior to and following construction.

The surveys should encompass all seasons, times of day/night, and weather conditions, as appropriate to the species of concern (i.e. methodologies will be different for documenting patterns of nocturnal migrants vs. terns vs. sea ducks). Some of the methodologies that should be considered include aerial surveys, radar observations, transect counts from boats, and sound (audio) monitoring. These surveys would provide information regarding how many and what species of birds were using the area. More accurate extrapolations of avian risk values could be developed from these data. Because there are large seasonal and annual fluctuations in the numbers and locations of concentrations of sea ducks in the Sound (probably due to natural fluctuations in food availability), such factors must be considered in developing any models for predicting bird usage and abundance in the project area.

Radar and sound surveys should be combined to gather local data on migratory patterns of nocturnal migrants (e.g., species composition, numbers of individuals, altitude of flight, etc.) Aerial and boat surveys should be conducted to better document use of the area by Roseate Terns and sea ducks.

Sound Recordings: Studies with sound recordings may also be useful for detecting night migrants. Researchers with Cornell University use sound recordings to detect nocturnal movements of birds around the country. Many songbirds use Nantucket and other islands as stopover points for feeding and resting during both spring and fall migration. Since they migrate primarily at night, sound recordings or radar would be the most effective way to monitor these migrations. Sound recordings can be more accurate to a genus level than radar. A combination of monitoring techniques is recommended.

Radar: One or more radar devices should be mounted on passive structures to monitor avian activity within the project area year round. Analyses of recorded radar imagery would provide a

better indication of the overall avian usage of the area. Radar would not provide species-specific information, but would assist in understanding how many birds traverse the area during different times of year and under various weather conditions, and thereby provide additional means for more accurately determining avian risk values.

Aerial Surveys: We know from a variety of sources including winter waterfowl surveys conducted by the Massachusetts Division of Fisheries and Wildlife that large groups of sea ducks occupy Nantucket Sound for long periods of time during the winter. Indeed, the Sound holds the greatest concentrations of wintering sea ducks in the state. More data are needed, however, regarding the actual numbers of ducks wintering within the Sound and what their patterns of daily/weekly/monthly/yearly movements are.

Because of the relatively small geographical scale of the Sound, and because sea ducks are prone to displacement downwind during storms, we believe that any birds within the Sound, not just those within or in immediate proximity to the project area, could be placed at risk by the

deployment of a large number of wind turbines. We recommend that the proponent conduct a series of surveys in an effort to ascertain more accurate estimates of total numbers of birds and their movement patterns within the Sound as a whole. Outside researchers should be employed, in at least some of these surveys, to enable independent confirmation of results.

Habitat Assessments: The benthic habitat at Horseshoe Shoals should be assessed as part of the risk assessments. More information is needed regarding how birds are using the project area, including day vs. night, what the food sources are and how they shift over time, how deep the feeding birds are diving, effects of weather on bird activities and movements, etc. The EIR should assess potential impacts to benthic communities, including shellfisheries, both during and after construction.

Bird Impact Monitoring:

It would be extremely difficult to document actual bird collisions with wind turbines in Nantucket Sound. Even on land, birds that collide with wind turbines are not always detected

by human monitors who visit the site regularly. On land, bird carcasses can be eaten or carried off by scavengers, or they can simply remain concealed by vegetation. In an offshore setting, it would be extremely unlikely that bird carcasses would be recovered. Even if they were, it would not be possible to prove cause and effect since the carcasses would tend to drift away from the collision site. Furthermore, birds are most likely to strike the towers at the times when it is most difficult or impossible to directly monitor with human observers; i.e., at night and/or during inclement weather.

We encourage the proponent to be innovative and creative in undertaking bird collision monitoring. Experimentation with different monitoring methods during a pilot study project may enable development of more effective means of monitoring bird/tower collisions in offshore locations.

Additional Issues to Consider:

Habitat Creation/Attraction-related

Risks: The attraction factor of the proposed structures should also be considered. Structures

such as piers are known to attract fish, and consequently, those same structures attract piscivorous birds. Therefore, it seems reasonable to assume that the post-construction usage of the project area might be different than the pre-construction usage. The potential negative or positive impacts of project facilities on habitat for Roseate Terns, sea ducks, and other wildlife should be evaluated. If the facilities enhance food sources for certain birds, the risk of wind turbine collisions will be increased for those species. But if important food supplies for birds are decreased over the project area, or if birds avoid large portions of the area because of the presence of the towers, this too could negatively impact birds. The potential interactions need to be evaluated in more detail. The attraction-related risk factor may be difficult to assess prior to construction, and this factor provides yet another reason for experimenting with and monitoring a reduced-scale facility prior to full-scale construction.

Leatherback turtles (listed as endangered under both federal and state endangered species laws) regularly migrate through the Sound

and often reside there for periods of time feeding on jellyfish. Ridley (federally and state endangered), loggerhead and green sea turtles (both listed as threatened under state and federal law) all take advantage of the food resources, such as crabs, shellfish, and eel grass. Because of the federal and state rare species status of sea turtles and the large scope of this particular project in areas where sea turtles are at times present, further analysis of potential impacts and appropriate mitigation measures should be included in the EIR. Potential construction impacts such as turbidity causing damage to eelgrass or other turtle food resources should be evaluated and avoided. Sea turtles may also be attracted to the new structures, and the project risk assessments should evaluate potential positive or negative impacts on turtles. The EIR should evaluate whether there are convergent zones of currents in the project area. Such convergent zones tend to concentrate jellyfish (a leatherback food resource) and the EIR should assess whether such resource features might be affected by this array of piers on the shoal.

Habitat Displacement: Studies in Europe

suggest that some species of birds might avoid the area immediately around large wind turbine towers. This potential effect needs to be analyzed further in relation to the particular parameters of this project. For example, would certain species such as sea ducks tend to avoid the entire project area, or would the relatively large spaces between towers remain viable habitat for those species?

The construction of large numbers of tower piers may alter the habitat and food sources for predators such as terns. For example, the piers may create habitat similar to a rock pile and attract fish species that are associated with rocky underwater habitat. This might displace habitat for sand eels which are an important food source for terns. More study is needed of the habitat and food sources presently existing at Horseshoe Shoals, and regarding changes that may be expected due to pier tower construction.

Marine mammals: Another category of potential associated wildlife impacts pertains to marine mammals. The effects of underwater noise emanating from vibrations associated with the wind turbines should be evaluated. Thousands of Gray

Seals now spend at least part of the year in Nantucket Sound, and while they usually congregate several miles from the project site, this question is worthy of consideration given the nature of sound transmission underwater. As the ENF acknowledges, Gray Seals are listed as a species of special concern by the Massachusetts Natural Heritage and Endangered Species Program and are also protected under the U.S. Marine Mammal Protection Act. The ENF does not examine potential construction or operational noise impacts on Gray Seals; this should be evaluated in the EIR. Cetaceans are not common visitors to the Sound, and so will probably not enter into the equation.

Nearshore and Land-based impacts: The project will impact nearshore and land resources where the power transmission cable makes land fall. Massachusetts Audubon has not evaluated these aspects of the project. These topics should be addressed fully in the EIR, in relation to federal, state, and local wetlands and water resources permitting requirements.

Conclusion:

The Massachusetts Audubon Society is

strongly supportive of the development of alternative, renewable energy resources. However, we are concerned about the large scale of this particular project, and about the siting of the project as it relates to risks to local wildlife. These concerns are heightened in light of the large concentrations of birds found in the project area, and because of the many unknown factors regarding the avian use of the Sound as a whole. We are particularly concerned that single, unusual events such as a mass bird collision with the structures during inclement weather could result in significant mortality that would be difficult to predict, avoid, or document. Even low levels of loss of the federally and state-listed rare species such as the Roseate Tern or the Piping Plover is unacceptable. Potential impacts to other species such as sea ducks, migratory land birds, sea turtles, and other wildlife are also of significant concern. We recommend that additional bird and habitat surveys be conducted to enable a more robust risk assessment and that intensive, small scale monitoring projects be pursued prior to full scale construction of the overall project.

Finally, we recognize that this project has particular significance because it is the first large-scale wind power project proposed in New England. The project has potential to be a model for future efforts of this magnitude. The outcome of this project may influence the future of the wind power industry in the Northeast. Therefore, it must be approached with the utmost prudence. We recognize that continued dependence on nonrenewable energy resources presents a host of risks to the environment in general, thus development of renewable energy sources is vital.

Massachusetts Audubon looks forward to seeing the concerns outlined in this letter addressed in the Draft EIR.

Sincerely,

John J. Clarke,

Director of Advocacy,

Massachusetts Audubon Society

cc: Terry Orr, Environmental Science Services, Inc.

Richard Delaney, Urban Harbors Institute, UMass

Boston

U.S. Fish & Wildlife Service

MA Div. of Fisheries & Wildlife  
Tom Skinner, Coastal Zone Management  
Cape Cod Commission

1 The U.S. Fish and Wildlife Service, the Ornithological Council, and the American Bird Conservancy held a conference on this subject in 1999. Proceeding and other related information are available over the Internet at: [www.towerkill.com](http://www.towerkill.com). Both the U.S. Fish and Wildlife Service and a bird conservation coalition known as "Partners in Flight" have issued recommendations in favor of limiting the number of new towers more than 200 feet tall and avoiding the use of red solid or pulsating warning lights (which seem to attract birds more than white strobe lights). See attachments.

2 "Staging of Roseate Terns *Sterna dougallii* in the Post-breeding Period Around Cape Cod, Massachusetts, USA" by Peter Trull, Scott Hecker, Maggie Watson, and Ian C.T. Nisbet in *Atlantic Seabirds*, Vol 1, No. 4.

3 See footnote 1 and attachments.

\* \* \* \* \*

Written Statement of John J. Binienda

Mr. Brian E. Valiton  
US Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

RE: File #200102913

March 6, 2002

Dear Mr. Valiton:

As you are aware, in November of 1997, the Massachusetts Legislature and Governor enacted into law Chapter 164 of the Acts of 1997, "An Act Relative to Restructuring of the Electric Utility Industry in the Commonwealth Regulating the Provision of Electricity and Other Services, and Promoting Enhanced Consumer Protections Therein." Primary among the Act's many objectives were rate relief, technological innovation, and environmental enhancement.

As House Chairman of the Joint Committee on Energy and a chief participant in the writing and enacting of the Restructuring Act, I was very

supportive of a provision in the Act, which included creating a Renewable Portfolio Standard. In fact, the Joint Committee on Energy is in the process of reviewing the RPS proposed regulation from the Division of Energy Resources as I write this letter. The RPS program, we hope, will serve as a market incentive that would encourage the development of affordable, efficient, reliable and clean energy resources in the Commonwealth. I believe that it is critical that renewable energy resources be developed within the Commonwealth so that Massachusetts residents could derive the maximum environmental benefits possible.

Cape Wind is exactly the type of project which was envisioned when the Restructuring Act was written and enacted. The 420 MW Wind Park proposed by Cape Wind Associates will provide affordable, efficient, reliable and clean energy. Equally important, it will provide jobs and environmental benefits for Massachusetts residents. This project is a critical component in maintaining fuel diversity in the region as well. Indigenous renewable energy is vital to controlling costs and ensuring system reliability in the region.

I fully expect and support a thorough and exhaustive analysis of the Cape Wind Associates, LLC application for a Section 10/404 Individual Permit. Once this review is completed, you will agree with the many benefits that the project would bring to the Commonwealth. Those benefits are consistent with the goals of the Restructuring Act, and I encourage your approval of the submittal.

Thank you for your attention to this letter and your consideration of implementing renewable energy within the Commonwealth.

Sincerely,

John J. Binienda, Chairman  
Joint Committee on Energy  
State Representative  
17th Worcester

\* \* \* \* \*

Written Statement of Larry Chretien

March 4, 2002

Brian E. Valiton

US Army Corps of Engineers

696 Virginia Road  
Concord, MA 01742

Dear Mr. Valiton:

I write on behalf of the Massachusetts Energy Consumers Alliance, a nonprofit organization that has been working since 1982 to improve energy affordability and environmental sustainability for the consumers of eastern and central Massachusetts. We currently serve over 7,000 members. Our programs range from a discount oil-buying network to the sale of ReGen, a clean power product that enables consumers to displace dirty power with power generated from landfill gas and solar. Currently, Mass. Energy is taking its clean power activities to the next level by partnering with 15 environmental organizations and municipalities to explore opportunities for aggregating consumer demand for environmentally sustainable power. Among our partners are the Sierra Club, Mass. Audubon, and Clean Water Action, as well as the municipalities of Cambridge, Newton, and Brookline.

Mass. Energy is enthusiastic about the potential for the Cape Wind project to supply clean,

locally-based, secure energy to the citizens of Massachusetts. Currently, over 80 percent of the Commonwealth's electricity comes from fossil fuel and nuclear power plants. These power sources pollute our air, contribute to global climate change and threaten the health and security of Massachusetts citizens. According to study by Abt Associates, over 450 early deaths per year occur in the Metro Boston area as a result of fine particulates from power plants. The people of Massachusetts deserve better.

Wind power has the potential to provide local jobs, and could be one of the most economical sources of renewable energy in Massachusetts. Furthermore, the shore of Cape Cod is one of the best resources for wind power in the nation. We should not pass up an opportunity to bring cleaner, healthier electricity to the Commonwealth if it can be done without compromising other important environmental and community priorities. Having said that, we would like to see the following items addressed in the Army Corps of Engineers Review for this project:

1. Avian impacts. When properly sited, wind

turbines have negligible impacts on avian populations. While it appears that the proposed turbines of the Cape Wind project would operate below migratory bird paths and above shorebird activity, further study is needed to document avian behavior in the zone affected by the wind farm. It should be noted that the latest generation of wind turbines have been shown to have minimal impacts on birds. New turbine towers are less conducive to bird nesting, and the blades spin much slower than the previous generation of turbines. A recent study by the National Wind Coordinating Committee estimates that wind plant related avian collisions account for only one out of every 5,000 to 10,000 avian fatalities in the US.<sup>1</sup>

2. Ocean Floor/Marine Ecosystem Impacts. During construction, drilling and plowing of the sea floor will be necessary to install the pilings needed to support the turbines and to position the interconnection cables which will connect the power generated to the grid onshore. The review should evaluate the

impact of these construction processes as well as any ongoing impacts that the permanent structures will place upon the surrounding marine ecosystems.

3. Impacts on Fishing, Ferries, and Recreational Boating. The review should look at both the positive and negative potential impacts in this area.
4. Aesthetic Impacts. Images should be created to demonstrate the visual impacts of the wind farm from a variety of locations and distances. The visual impacts of both the structures and the associated nighttime lighting should be modeled.

Mass Energy strongly supports the development of wind technology in suitable locations, and we look forward to the findings of the Army Corps of Engineers Review so that the virtues of this exciting project can be clarified. Furthermore, we trust that this review process will be completed in the most efficient and expeditious manner possible to avoid risking the feasibility of this project through delayed permitting procedures. We appreciate your time and consideration and would

be happy to provide further input upon request.

Sincerely,

Larry Chretien,

Executive Director

Mass Energy Consumer Alliance

1. "Avian Collisions with Wind Turbines: A Summary of Existing Studies and Comparisons to Other Sources of Avian Collision Mortality in the United States." National Wind Coordinating Committee, August, 2001.

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Written Statement of Fred J. Schlicher

Army Corps of Engineers Hearing

March 6, 2002

Conference Room C

JFK Federal Building

Boston, MA

Public Hearing Testimony

My name is Fred J. Schlicher. I am a resident of Medford, MA and a member of Northeast

Sustainable Energy Association and of the Boston Area Solar Energy Association. I am also an independent Oil and Gas producer with 25 years of experience in the energy industry.

I am speaking in strong support of the Cape Wind Associates proposal concerning the installation and operation of 170 wind turbine generators on Horseshoe Shoal in Nantucket Sound.

This project is an important Cape Cod issue. It is also of critical importance to the State of Massachusetts and to our nation.

I say this with emphasis, because when the Army Corps of Engineers reviews this project it is truly looking at the future of Renewable Energy in this country. It will be private enterprise and not the state or the federal government that will provide the capital, expertise, and brainpower to move our society beyond our current hydrocarbon energy-based economy. Your responsibility in this regard is great.

Because much of the publicity generated by Cape Cod residents opposed to the project has now evolved into the classic NIMBY (not in my backyard) rhetoric and often doesn't accurately reflect the

true facts about the merits and benefits of the project, I recommend the following:

- \* Comprehensively and impartially address all relevant issues raised
- \* Complete your work expeditiously because delay is a real disservice to taxpayers and an unfair advantage for opponents to the project
- \* Publicize your finding - work hard to set the record straight on issues reviewed by you that opponents have distorted or inaccurately publicized.

Thank you,  
Fred J. Schlicher

\* \* \* \* \*

Written statement of Kevin F. Harrington  
January 31, 2002  
Army Corps of Engineers  
Colonel Osterndorf  
696 Virginia Road  
Concord, MA 01742

Dear Colonel Osterndorf,

This communication has been sent to establish that Save Popponeset Bay, Inc., a nonprofit organization, representing over 100 homeowners located in and around the Mashpee, New Seabury, Popponeset, Cotuit, and Waquoit coastal area of Cape Cod, joins the Mashpee Board of Selectmen, the Mashpee Wampanoag Fishermen's Association and many other organizations in unequivocally opposing the chosen location for the proposed Wind Farm. We agree with the statement made by William Amaru, a Chatham-based fisherman that "This is the right technology in the wrong location."

Other organizations have expressed many legitimate concerns, and we as an organization concur. It is our position as well that this proposal, which in effect commandeers 28 square miles "dead center" in the middle of one of the world's premiere recreational bodies of water, for an industrial project of this scale and magnitude is without questions incomprehensible. Aesthetically, these turbines will "scar" the natural beauty of this national treasure and be substantially more

intrusive than the proponents suggest. Many details relating to the extent of the size and scope of the type of equipment and base of operation that will be necessary to construct and maintain this project are perhaps even more disconcerting. We are not against renewable energy. We are just totally opposed to the designated location.

It is incumbent on the U.S. Army Corps of Engineers and other federal agencies to review this project more closely and to move the site further offshore where there is less of a threat to the environment, the fishing industry, and the property owners.

Sincerely,

Kevin F. Harrington

C E R T I F I C A T E

We, Marianne Kusa-Ryll, Registered Merit Reporter, and Julie Thomson Riley, Registered Merit Reporter, do hereby certify that the foregoing transcript is a true and accurate transcription of our stenographic notes taken on March 6, 2002, and entry of statements included in the record.

Marianne Kusa-Ryll  
Registered Merit Reporter  
Certified Shorthand Reporter No. 116393

Julie Thomson Riley  
Registered Merit Reporter  
Certified Shorthand Reporter No. 1444S95