



**US Army Corps  
of Engineers**®  
New England District

April 2004  
**AGENCIES**

*Several state and federal entities have a regulatory role or have been invited to participate as cooperating agencies in the preparation of the Corps of Engineers Environmental Impact Statement for the permit application by Cape Winds Associates for an offshore wind facility in Nantucket Sound:*

**Cape Cod Commission-** The Cape Cod Commission reviews Developments of Regional Impact (DRI) that present regional issues or potential impacts to the resources of Cape Cod. At the proponent's request, DRI projects that are required to complete MEPA review may participate in a joint review in accordance with the Memorandum of Understanding (MOU) between MEPA and the Cape Cod Commission. The MOU has been established due to the extensive overlap between the two agencies statutory responsibilities with respect to development on Cape Cod. The joint review process allows issues that are relevant to the Commission review to be incorporated into the EIR. Cape Cod Commission DRI review continues once the final EIR is certified by the State. POC at the Cape Cod Commission is Phil Dascombe (508-362-3828).

**Environmental Protection Agency-** EPA has agreed to participate as a cooperating agency during the preparation of the EIS. In that capacity EPA will offer comments about the scope of the analysis and will review the EIS. EPA's mission is to protect human health and to safeguard the natural environment--including air, land, and water resources. EPA has a unique responsibility in the National Environmental Policy Act (NEPA) review process. As part of our work on the Cape Wind project, we will review and comment on both the adequacy of the Corps analysis and the environmental impacts of the proposed action itself. EPA POC is Timothy Timmermann (617-918-1025).

**Federal Aviation Administration-** FAA has agreed to be a cooperating agency and has authority under Title 14, CFR Part 77, Objects Affecting Navigable Airspace. FAA promotes the safe and efficient use of the navigable airspace concerning existing or proposed structures in the United States, including the territorial seas (12NM). This Part 77 review has begun for each of the structures proposed by Cape Wind so that this analysis may be included in the DEIS. FAA POC is Theresa Flieger (theresa.a.flieger@faa.gov)

**Federal Energy Regulatory Commission-** FERC does not have authority over construction or operation of a wind power project but offered their technical expertise. FERC POC is Jim Fargo.

**Massachusetts Coastal Zone Management Office** – CZM has the authority from the Federal Coastal Zone Management Act to review all projects which may affect the state's coastal resources and uses. The applicant will need to demonstrate to CZM that the project is consistent with the CZM enforceable program policies. CZM POC is Truman Henson (508-362-1760).

**Massachusetts Environmental Policy Act Office** – MEPA is a Massachusetts state law (M.G.L. Ch. 30 ss. 61-62H and associated regulations at 301 CMR 11.00) that requires state agencies to consider the environmental consequences of their actions (including the issuance of permits for a project). MEPA also requires that state agencies and project proponents use all practicable means to minimize environmental impacts from a project, and allows the public to participate in the environmental decision-making process through submission of comments. Under MEPA, the primary vehicle for study of environmental impacts is the Environmental Impact Report (EIR), which is roughly analogous to the federal Environmental Impact Statement. In the case of the Cape Wind project, the Massachusetts Secretary of Environmental Affairs has issued a determination under MEPA that the impacts of the project are potentially significant. The Secretary has also issued a scope to guide the preparation of the EIR. After a public comment period, the Secretary will issue findings on whether the EIR

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adequately responds to the scope, and to the general requirements of MEPA. MEPA POC is Arthur Pugsley, ([arthur.pugsley@state.ma.us](mailto:arthur.pugsley@state.ma.us) or 617 626-1029).

**U.S. Army Corps of Engineers-** Under Section 10 of the Rivers and Harbors Act, the Corps regulates all structures and work in navigable waters of the U.S. Section 4(f) of the Outer Continental Shelf Lands Act of 1953 extends corps authority under Section 10 of the Rivers and Harbors Act of 1899 to include the outer continental shelf for fixed structures and artificial islands. The Corps permit program is subject to the National Environmental Policy Act. An EIS is required for the Cape Wind project. The MEPA office and the Corps determined that a combined EIR/EIS would be the most effective means of providing a comprehensive review of the potential impacts and benefits of the proposed project. Corps POC is Karen Adams (978-318-8338).

**United States Department of the Interior, Fish & Wildlife Service-** USFWS has agreed to be a cooperating agency involving scoping and review, especially documents within their area of expertise. Specific coordination is also required for the Endangered Species assessments to be included in the EIS. USFWS POC is Vernon Lang (603-223-2541).

**U.S. Coast Guard -** USCG has agreed to be a cooperating agency for this EIS, reviewing and commenting on marine navigation related matters. USCG POC is Edward LeBlanc (401-435-2351).

**U.S. Department of Commerce, National Marine Fisheries Service-**NMFS has agreed to participate as a cooperating agency contributing to scoping, identification of issues and topics and EIS review, especially technical documents within their area of expertise. Specific coordination is also required for the Essential Fish Habitat and Endangered Species assessments to be included in the EIS. NMFS POC is Jack Terrill (978-281-9136).

**U.S. Department of Energy-** DOE has agreed to participate as a cooperating agency, and has assisted in defining issues and provides technical assistance. DOE POC is Al Benson(617-565-9734).

**U.S. Department of the Interior, Minerals Management Service-** MMS has agreed to serve as a cooperating agency and will prepare and review material for the EIS pertaining to their legal and regulatory responsibility over seabed mineral resources. The proposed project area may contain Federal sand and/or gravel resources. MMS POC is Barry Drucker (703-787-1296).

**State Historic Preservation Officer/Massachusetts Historic Commission-** The SHPO provides comment to the Corps under the National Historic Preservation Act and NEPA. The MHC provides comments to MEPA for the EIR. SHPO/MHC advises both the Corps and MEPA as to the likelihood that there are archaeological or historic resources, which could be affected, determination of effect on these resources, and comments on measures to avoid, minimize and mitigate potential impacts. MHC POC's are Ann Lattinville and Ed Bell. Deputy SHPO is Brona Simon (617-727-8470).

**Wampanoag Tribe of Gay Head Aquinnah -** We invited the tribe to be a cooperating agency and met with the acting Tribal Historic Preservation Officer (THPO) who provided some indication of their issues of concern. Current POC is Beverly Wright, Chairperson (508-645-9265).

**National Park Service –** National Park Service has an interest in monitoring the work being proposed for any possible implications to the Cape Cod National Seashore. POC is Maria Burks, Superintendent (508-349-3785).

**Massachusetts Military Reservation (MMR) –** The National Guard was asked to be a cooperating agency when MMR was included in the alternatives analysis. We requested that they provide information regarding existing uses and resources on the site. POC is Brian Nickerson (508-968-5153).

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**Nantucket Planning & Economic Development Commission** – The Commission was asked to be a cooperating agency when the alternatives analysis included the South of Tuckernuck site which is about 3 miles off the coast of Nantucket. POC is John Pagini (508-228-7237).

U.S. Navy and Federal Communications Commission have also been invited to be cooperating agencies.