

3107

Adams, Karen K NAE

From: queentutay@aol.com
Sent: Thursday, February 03, 2005 5:53 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

Specifically, the environmental review of this project should include:

- Three full years of visual observations of birds
- 12 months of radar observations of flying wildlife
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These factors will help determine whether the Cape Wind project is in the best interests of both the public and wildlife.

As it is written, the U.S. Army Corps of Engineers' draft environmental impact statement is hopelessly flawed, because it ignores relevant information and draws conclusions based on inadequate research.

This project could be the first marine wind energy facility in the United States. As such, it will set a precedent for other offshore renewable energy projects.

Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Jenna Rytina
106 Trout Creek Ct.
Las Vegas, Nevada 89123

3108

Adams, Karen K NAE

From: chambejd@hotmail.com
Sent: Thursday, February 03, 2005 6:31 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Joy Chambers
2 Althea Path
Shrewsbury, Massachusetts 01545-3168

3109

Adams, Karen K NAE

From: indifference2u@hotmail.com
Sent: Thursday, February 03, 2005 6:33 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Kristi Kroeger
700 Gibson Dr. Apt. 322
Roseville, California 95678

Adams, Karen K NAE

From: 4paws@snet.net
Sent: Thursday, February 03, 2005 7:12 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

anne callace
8930 SW 19th Street
Unit B
boca raton, Florida 33433

Adams, Karen K NAE

3111

From: catwoman5@tampabay.rr.com
Sent: Thursday, February 03, 2005 7:43 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

3111

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

chris nicosia
1645 honey bear lane
dunedin, Florida 34698

Adams, Karen K NAE

3112

From: rockygurl20@aol.com
Sent: Thursday, February 03, 2005 7:56 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

3112

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Johanna Monterrey
666 E 45th St
Hialeah, Florida 33013-1922

Adams, Karen K NAE

3114

From: elcri45@comcast.net
Sent: Thursday, February 03, 2005 8:15 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

3113

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

ED Crist
5928 SW BANYON
Corvallis, Oregon 97333

Adams, Karen K NAE

3115

3114

From: ggart10@aol.com
Sent: Thursday, February 03, 2005 9:22 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Graciela Gomez
7131 SW 15 st
Pembroke Pines, Florida 33023

Adams, Karen K NAE

3116
3115

From: dancarmidpooh@aol.com
Sent: Thursday, February 03, 2005 9:35 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Carol J. Erickson
2928 Penna. Ave.
Colorado Springs, Colorado 80907-6441

Adams, Karen K NAE

3117
3116

From: vfriedmann@jps.net
Sent: Thursday, February 03, 2005 9:41 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Vivian Friedmann
17800 Burbank Bl. 306
306
Encino, California 91316

3117

Adams, Karen K NAE

From: hinze@wfu.edu
Sent: Thursday, February 03, 2005 9:44 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
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Sincerely,

Willie Hinze
1825 Faculty Dr.
Winston-Salem, North Carolina 27109

3110

Adams, Karen K NAE

From: hopkins@compuserve.com
Sent: Thursday, February 03, 2005 10:37 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Amy Hopkins
250 Schoolside Lane
Guilford, Connecticut 06437

3119

Adams, Karen K NAE

From: seemdee@animalwoman.net
Sent: Thursday, February 03, 2005 11:08 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
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Sincerely,

Catherine Deely
423 Brookline Ave # 145
Boston, Massachusetts 02215-5410

3120

Adams, Karen K NAE

From: narpet7@aol.com
Sent: Thursday, February 03, 2005 11:53 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Stacey Bishop
8225 Bodkin Ave
Pasadena, Maryland 21122-4752

3121

Adams, Karen K NAE

From: gabrielle@greencafe.com
Sent: Friday, February 04, 2005 12:11 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Gabrielle Lennon
pob 841
Idyllwild, California 92549

3122

Adams, Karen K NAE

From: Betticash@aol.com
Sent: Friday, February 04, 2005 2:26 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Betty Shipley
9620 W Marlasue St
Crystal River, Florida 34428

Adams, Karen K NAE

3123

From: rrrsmr@coax.com
Sent: Friday, February 04, 2005 4:41 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

susan riley
970 Oakhill Ct
Troy, Ohio 45373

3124

Adams, Karen K NAE

From: leonclingman@yahoo.com
Sent: Friday, February 04, 2005 5:37 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

leon clingman
3 gate house road
scarsdale, New York 10583

3125

Adams, Karen K NAE

From: melissa.cover@cambrex.com
Sent: Friday, February 04, 2005 7:54 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Melissa Cover
9863 Greenbriar Way
Baltimore, Maryland 21220

3126

Adams, Karen K NAE

From: leepatrizzi@yahoo.com
Sent: Friday, February 04, 2005 9:40 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Lee Patrizzi
265 Riverwood Tr.
Chuluota, Florida 32766-9258

3127

Adams, Karen K NAE

From: remunabeca@comcast.net
Sent: Friday, February 04, 2005 9:55 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Remuna Beca
1755 Central St. Suite C
Denver, Colorado 80211

3128

Adams, Karen K NAE

From: ltrain40@hotmail.com
Sent: Friday, February 04, 2005 10:22 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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Concord, MA 01742-2751

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Sincerely,

Lisa Tomkosky
42845 Northville Place Dr Apt
#1106
Northville, Michigan 48167-3191

3129

Adams, Karen K NAE

From: lesher.marl@epa.gov
Sent: Friday, February 04, 2005 10:54 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

Specifically, the environmental review of this project should include:

- Three full years of visual observations of birds
- 12 months of radar observations of flying wildlife
- A thorough and timely review of the project's potential effect on wildlife, including marine mammals

These factors will help determine whether the Cape Wind project is in the best interests of both the public and wildlife.

As it is written, the U.S. Army Corps of Engineers' draft environmental impact statement is hopelessly flawed, because it ignores relevant information and draws conclusions based on inadequate research.

This project could be the first marine wind energy facility in the United States. As such, it will set a precedent for other offshore renewable energy projects.

Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Mark Lesher
25021 159th Street
Leavenworth, Kansas 66048

3130

Adams, Karen K NAE

From: flyingcatps@hotmail.com
Sent: Friday, February 04, 2005 11:04 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Sabrina Choi
1680 Norwood Ave
Apt. 510
Itasca, Illinois 60143

3131

Adams, Karen K NAE

From: udjat7@aol.com
Sent: Friday, February 04, 2005 11:04 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Al Benjamin
415 W. Ganson St.
Jackson, Michigan 49201

3132

Adams, Karen K NAE

From: ourkids10@juno.com
Sent: Friday, February 04, 2005 11:35 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Larry Chanley
1243 Whitehall St.
Lot # 85
Jackson, Tennessee 38301-3788

3133

Adams, Karen K NAE

From: tia@anlf.com
Sent: Friday, February 04, 2005 11:42 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Tia Triplett
4073 Bledsoe Avenue
Los Angeles, California 90066

Adams, Karen K NAE

3134

From: chantal.buslot@yucom.be
Sent: Friday, February 04, 2005 11:54 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

chantal buslot
meybroekstraat 46
hasselt, 3510
Belgium

3135

Adams, Karen K NAE

From: spykelley@aol.com
Sent: Friday, February 04, 2005 12:13 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Kelley Updike
2041 Whitney Nicole Lane
Jacksonville, Florida 32216-3189

3136

Adams, Karen K NAE

From: brenners@optonline.net
Sent: Friday, February 04, 2005 12:53 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Natasha & Noah Brenner
19 Warren Ln
Jericho, New York 11753-1452

3137

Adams, Karen K NAE

From: animalara2003@care2.com
Sent: Friday, February 04, 2005 12:58 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Patricia Jordan
310 W. Leather Ave. Lot 18
Tomahawk, Wisconsin 54487

3130

Adams, Karen K NAE

From: Wirtanen, Mark [mwirtan@entergy.com]
Sent: Thursday, February 03, 2005 10:40 PM
To: Energy, Wind NAE
Subject: Cape Wind Proposal

My name is Mark Wirtanen and I've lived on Cape Cod in West Barnstable all of my 50 years. I graduated from Mass. Maritime in 1977 with a B.S. in Marine Engineering and have worked in the electric generating field ever since including the last 17 at Pilgrim Station in Plymouth. I've been in favor of this project from the beginning but I'm even more so now that I've seen the reports from the Army Corp. and the Mass. Tech. collaborative. We need a better mix of electricity suppliers, less air pollution, less oil spills, less reliance on foreign supplies and a chance to create jobs right here. The group creating doubts by lies and scare tactics should be ashamed of themselves. Please approve this project.

Thank You, Mark Wirtanen

3139

Adams, Karen K NAE

From: Nel2bel@aol.com
Sent: Friday, February 04, 2005 8:26 AM
To: Energy, Wind NAE
Subject: Support

We support the Wind Farm Project as one small step toward decreasing our dependence on foreign oil while aiding the improvement of air quality. The NIMBY attitude by just a few is contrary to the overall interests of US citizens countrywide.

Roger Peterkin
E Falmouth MA USA

3140

Adams, Karen K NAE

From: JS292 [j.sinaiko@verizon.net]
Sent: Friday, February 04, 2005 9:07 AM
To: Energy, Wind NAE
Subject: Cape Wind

Basically it is very simple

It is the right technology in the wrong place. But it will get put there because big money is behind it.

A company spends millions on research and development of wind turbines and we have to be the victims of their need to recoup their investment.

The right answer is a simple one only there hasn't been millions done on R&D so we won't see it happen in Nantucket Sound.

THE RIGHT TECHNOLOGY FOR NANTUCKET SOUND IS TIDAL ENERGY GENERATION.

It is low profile or should I say no profile. Simple and would most likely have the least impact on the area.

But WHO CARES ABOUT WHAT IS RIGHT. EVERYONE JUST WANTS TO BE RIGHT.

So why am I bothering to write. Because I've followed this debatable for all these years and still can't believe that it hasn't been shot down.

All the money spent to make it happen and all the money spent to try to stop it could have been spent on OR&DO of tidal that would satisfy everyone except the big money investors in Cape Wind.

Jonathan Sinaiko
292 Bradford ST.
Provincetown, MA
508 487-1934

3141

Adams, Karen K NAE

From: Jack Ubersax [ubers1@charter.net]
Sent: Thursday, February 03, 2005 11:53 PM
To: Energy, Wind NAE
Cc: info@capewind.org
Subject: Cape Wind Project

It is not often enough that an "average Joe citizen" like myself gets really excited about energy conservation, and speaks out on the subject.

I have been reading about this project for a long time, and following frequently on its progress, and learning about the barriers that many have been putting in its way.

Viewing the information that is readily available, it is hard for me to see how any objective person can take a stance against Cape Wind. Our nation is full of lip service about renewable energy sources, but certainly not full of actions in that direction. Here is a golden opportunity for the citizens of the Commonwealth to demonstrate that we are, in fact, a State with an appreciation of new technologies, including the dramatic use of wind power to help us conserve supplies of oil and gas.

I have viewed similar generating towers at work in California, and found them to be absolutely beautiful in motion. I am frustrated that Cape Wind has to fight so much narrow-minded and selfish opposition.

Jack Ubersax
10 Colonial Road
Wilbraham, MA 01095
ubers1@charter.net

3142

Adams, Karen K NAE

From: Alice Copeland Brown [alicecbrown@yahoo.com]
Sent: Friday, February 04, 2005 11:41 AM
To: Energy, Wind NAE
Cc: Joe Willwerth; Natasha Brodsky; Ralph J. Marks; Wayne Moore; Arianna Huffington; Barbara Lee; Brian A. Joyce; Dan Kennedy; Dennis Kucinich; Felix Arroyo; Pete Stark; Representative Stephen Lynch; Sunday Morning
Subject: Wind Energy won't take us to war to kill thousands for nothing but oil

Please, I encourage the other members of my state legislature to fully support efforts of Alternative Energy resource developers. We need to use solar, hydrogen and wind energy, and liberate ourselves from dependence on that soon to be exhausted source, oil.

The NIMBYs need to remember that having 'nice views' is far below the need for having self-reliance by developing non-exhaustible resources, such as wind and sun. Come to think of it, if we keep killing thousands of people for oil, it's only a short step to nuclear war. And then, we won't even have the sun as an alternative source of energy.

We will have BECOME energy through the blasts generated by our sociopathic presidente.

Alice Copeland Brown
10 Reservoir Circle
Canton, Ma. 02021

=====

How to steal an election: <http://portland.indymedia.org/en/2004/12/305836.shtml>

"I prefer people with imagination: dictators, serial killers, skinheads, sociopaths, assassins. to me, these are the interesting people. To get its edge back, I think what America really needs is more evil. Intense, unalloyed, concentrated evil." George Carlin

Do you Yahoo!?
Yahoo! Mail - You care about security. So do we.
http://promotions.yahoo.com/new_mail

3143

Adams, Karen K NAE

From: jludtke@attg.net
Sent: Friday, February 04, 2005 11:54 AM
To: Energy, Wind NAE
Subject: wind energy

I HAVE SUPPORTED FROM ITS FIRST MENTION THE NANTUCKET SOUND PROJECT. To
reduce use
of fossil fuels and their deleterious emissions is, in my view, entirely
sufficient
justification in and of itself. There is also the matter of reduced
dependence on Middle
East oil and the wars it promotes (and the President it elects). During
the proceedings
I hope you can clarify the impact or lack thereof) of the massive
presence of the "rig"
(transmitter?) whose size and function the Alliance uses to intimidate
the unwary (future
oil spills, danger to shipping, etc.)
I cannot attend. I am an ancient person who does not drive after dark
and can't stay awake
past 9pm.

jean ludtke, Town of Barnstable jludtke@attg.net 508/775-7845

3144

Hartley Hoskins
42 Haynes Avenue
Falmouth, MA 02540-2327

February 1, 2005
Subject: Nantucket Sound Wind Farm

Karen Kirk-Adams
Cape Wind Energy EIS Project
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742-2752

Dear Ms. Kirk-Adams:

Like many others, I have followed with interest the planning and review of the Cape Wind project in Nantucket Sound. I have read several sections and summaries of the Corps of Engineers report.

The United States has to make a substantive commitment of renewable alternative energy sources. Wind has been utilized from antiquity; windmills have long been part of the landscape. Wind generator technology has significantly improved over the past twenty years. I looked into a residential wind generator before Falmouth's snob zoning quashed it.

I have visited wind generator farms in Hawaii and Reunion Island in the Indian Ocean. I have visited oil/gas platforms in the Gulf of Mexico and off the California coast.

Their visual impact is not distressing; certainly no more than the other landmarks and aids to navigation along our coast.

The proposed towers are not navigational hazards. When offshore visibility is limited, they would provide helpful radar targets.

I am greatly disappointed by the negative position that members of the Cape Cod federal and state representatives and governor have taken. There seems to be a denial of the reality that alternative additional energy resources have to be found. Clearly the burning of fossil fuels is impacting our environment, and even the most efficient burning will continue to be an impact.

growing

I hope that the permitting process will act favorably on Cape Wind's plan and that it will go forward soon. Once operational, the naysayers hopefully will come around, and we can make a start on diversifying our energy sources.

Sincerely,

Hartley Hoskins

RECEIVED
FEB 14 2005
PLANNING DIVISION

3145

Comment Sheet
On Draft Environmental Impact Statement (EIS)
For the proposal for an Offshore Wind Project
In Nantucket Sound

Name: Pauline M. Chamberlain

Address: 136 Green Dunes Dr
P.O. Box 215
N. Hyannisport, MA 02602

Phone Number (Please include area code): 508-775-3777

Email Address: none

Please state your questions/comments in the space below:

I would like to register my
concern: that the wind farm
that is proposed for Nantucket
Sound, is not the right location
for such an industrial plant.

Nantucket Sound is a natural
resource that should not be
experimented with for the profit of
a private developer.

Please consider my request

Please extend the comment period
for another 75 days

Please fold this questionnaire in half, affix two stickers or pieces of tape,
and mail it to the address listed on the other side.

RECEIVED
DEC 1 2007

3146

Adams, Karen K NAE

From:acruz@optonline.net
Sent:Friday, February 04, 2005 2:07 PM
To:Energy, Wind NAE
Subject:Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Ana Cruz
321 Rockaway Parkway
Valley Stream, New York 11580-3447

3147

Adams, Karen K NAE

From: suesjolin@hotmail.com
Sent: Friday, February 04, 2005 2:19 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Susan Sjolin
8031 Danette Ct.
Spring, Texas 77379

3140

Adams, Karen K NAE

From: animallover0311@yahoo.com
Sent: Friday, February 04, 2005 3:24 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Amy Dick
258 14th St. S.W.
Springhill, Louisiana 71075

3149

Adams, Karen K NAE

From: ann113@psu.edu
Sent: Friday, February 04, 2005 3:53 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

andrea new
646 e college ave.
apt 609
state college, Pennsylvania 16801

3150

Adams, Karen K NAE

From: Patricia Sabbey [patsabbey@comcast.net]
Sent: Friday, February 04, 2005 6:36 PM
To: Energy, Wind NAE
Subject: attn: Karen Kirk Andrews

My husband and I own property in Hyannis, Ma, and we strongly support the proposed wind farm. Developing clean energy is crucial to the environment.

3151

Adams, Karen K NAE

From: Gary Reidister [GReidister@nscap.org]
Sent: Friday, February 04, 2005 6:58 PM
To: Energy, Wind NAE
Subject: email public comment?

I heard on radio it was possible to comment on Cape wind farm via email. Haven't found how to do this. Do you need to add this feature?

I will comment if I've reached the proper person/office.

While I believe that wind energy must be developed on a large scale, I don't believe that it should be done on Nantucket Sound or other off-shore sites, which I see as essentially public land the same as BLM land. The developer should be required to make a fair payment to an appropriate government body to benefit the public in the area of environmental renewal, e.g. enforcement of power plant clean air regulations.

Garry Reidister, Family Shelter Director
North Shore Community Action
75 Central Street, Peabody MA 01960-4301
(978) 532-8620 ext. 224 / fax 532-8618

3152

Adams, Karen K NAE

From: catherine@airvalues.com
Sent: Friday, February 04, 2005 6:13 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Catherine Tayler-Houle
11212 Harbor Rd
Frisco, Texas 75035

Adams, Karen K NAE

3153

From: beni24@yahoo.com
Sent: Friday, February 04, 2005 7:19 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Tara Desmet

3154

Adams, Karen K NAE

From: hodgess@sutterhealth.org
Sent: Friday, February 04, 2005 7:32 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

Specifically, the environmental review of this project should include:

- Three full years of visual observations of birds
- 12 months of radar observations of flying wildlife
- A thorough and timely review of the project's potential effect on wildlife, including marine mammals

These factors will help determine whether the Cape Wind project is in the best interests of both the public and wildlife.

As it is written, the U.S. Army Corps of Engineers' draft environmental impact statement is hopelessly flawed, because it ignores relevant information and draws conclusions based on inadequate research.

This project could be the first marine wind energy facility in the United States. As such, it will set a precedent for other offshore renewable energy projects.

Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Suzanne Hodges
5275 F Street
Sacramento, California 95819

3155

Adams, Karen K NAE

From: rnrsherman@patmedia.net
Sent: Friday, February 04, 2005 7:54 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Rozalyn Sherman
529 Rosecliff Court
Somerset, New Jersey 08873

3156

Adams, Karen K NAE

From: tjf_spidey@sbcglobal.net
Sent: Friday, February 04, 2005 8:12 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Earl Lane
2000 Benton
Hannibal, Missouri 63401

3157

Adams, Karen K NAE

From: marbish398@isp.com
Sent: Friday, February 04, 2005 8:26 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Lou Gephart
9500 W US Rt 36
COVINGTON, Ohio 45318

3150

Adams, Karen K NAE

From: willow@fastnethi.com
Sent: Friday, February 04, 2005 9:08 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Willow Aureala, Ph.D.
P.O. Box 6306
Ocean View, Hawaii 96737

3159

Adams, Karen K NAE

From: royaldacres1@wmconnect.com
Sent: Friday, February 04, 2005 9:56 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Marilyn Giardini
87 Blossom St.
Bradford, Massachusetts 01835

3160

Adams, Karen K NAE

From: cfink14@cox.net
Sent: Friday, February 04, 2005 9:56 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Carolyn Fink
P.O. Box 252
318 Louisiana
Paradis, Louisiana 70080

3161

Adams, Karen K NAE

From: minncathy@hotmail.com
Sent: Friday, February 04, 2005 11:01 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Catherine McClintock
5441 N Swan Rd Apt 1015
Tucson, Arizona 85718-5441

3162

Adams, Karen K NAE

From: quiksilver_18_@hotmail.com
Sent: Saturday, February 05, 2005 1:07 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Amanda Smith
2162 Hackamore Dr.
Mohave Valley, Arizona 86440

3163

Adams, Karen K NAE

From: hockeyrules67203@yahoo.com
Sent: Saturday, February 05, 2005 8:51 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

John Hinds
816 N. West St. # 7
Wichita, Kansas 67203

3164

Adams, Karen K NAE

From: Robert Gardner [gardnerbn@webtv.net]
Sent: Saturday, February 05, 2005 9:43 AM
To: Energy, Wind NAE
Subject: wind project

My husband and I strongly favor the Cape Wind Energy Project and sincerely hope it can go forward. We feel that we must use this renewable source of clean energy. It is the only responsible thing to do.

We have seen windmills in Europe and the US and feel that they do NOT create a negative effect; on the contrary, they are an attractive addition to the landscape.

Sincerely,

Patsy and Robert Gardner
Brewster, Cape Cod

3165

Adams, Karen K NAE

From: Daniel Convissor [danielc@panix.com]
Sent: Saturday, February 05, 2005 10:10 AM
To: Energy, Wind NAE
Subject: cape wind comments

Greetings:

I support the Cape Wind project. The benefits of wind power outweigh the costs.

Sincerely,

Daniel Convissor
4015 7th Ave Apt 4CWD
Brooklyn NY

3166

Adams, Karen K NAE

From: Elizabeth Hessler [ebonwill@hotmail.com]
Sent: Saturday, February 05, 2005 10:37 AM
To: Energy, Wind NAE
Cc: mepa@state.ma.us
Subject: DEIS

Attention: Karen Kirk-Adams, Sec. Ellen Ray Herzfelder:

As a summer resident of lower Cape Cod, my husband and I and our children wish to go on record opposing the Cape Wind Project for reasons too numerous to mention in this email. Only a family member's severe illness in another state prevents us from attending the meeting designed to allow public comments to be heard regarding the DEIS. I refer you to the comments noted on the Alliance to Save Nantucket Sound website, especially the ones referencing the potential for oil-spills, detriment to wildlife, light pollution, noise, and loss of beauty in an area that should rightly be considered akin to a national park. While we are not averse to the concept of wind power, Nantucket Sound is not the place for it.

[MSN Premium helps protect against viruses, hackers, junk e-mail & pop-ups.](#)

3167

Adams, Karen K NAE

From: Bjdurk@aol.com
Sent: Saturday, February 05, 2005 11:21 AM
To: Energy, Wind NAE
Cc: comments@saveoursound.org
Subject: Check out THE WORLD'S LARGEST WIND ENERGY FACILITY IN NANTUCKET SOUND...

THE WORLD'S LARGEST WIND ENERGY FACILITY IN NANTUCKET SOUND...

Dear Ms. Adams:

I urge you to please review this information on wind farms. The World's Largest, and America's First Offshore wind farm will devastate more than tourism. It is entirely unfair for the communities of the Cape and Islands to sacrifice so much for the benefit of Cape Wind. This proposal is completely inequitable as the price for clean energy would be paid almost entirely by Cape and Island's residents. Please consider that this would be the best case scenario, as this is a maiden voyage. Zoning is law and law creates order. We have no order in our ocean house. Chaos will surely result if Cape Wind is granted a permit by the USACE to use 25% of Nantucket Sound, our national treasure.

Thank You,

Barbara Durkin
(508) 393-1715

[*PG285] **THE WORLD'S LARGEST WIND ENERGY
FACILITY IN NANTUCKET SOUND?
DEFICIENCIES IN THE CURRENT REGULATORY
PROCESS FOR OFFSHORE WIND ENERGY
DEVELOPMENT**

Guy R. Martin*
Odin A. Smith**

Abstract: Cape Wind Associates' proposal to build the first offshore wind facility in Nantucket Sound has exposed a regulatory void resulting from the lack of a federal management program designed to govern the development of offshore wind energy projects. Though there are statutes that govern offshore oil and gas development, thermal energy conversion, and deepwater port construction, no such law exists for offshore wind energy development. In the face of this lack of federal management, Cape Wind seeks to freely use the lands and waters of Nantucket Sound with no property right or grant of permission other than a simple permit authorizing an impediment to navigation under Section 10 of the Rivers and Harbors Appropriation Act of 1899. No permits for projects like Cape Wind's proposal should be issued until a comprehensive program is developed; this program should make possible the orderly, expeditious, and environmentally sound consideration of offshore wind energy projects with full return to the federal government.

Introduction

On November 21, 2001, Cape Wind Associates (Cape Wind), a private energy development company, submitted to the New England District of the U.S. Army Corps of Engineers (Corps) an application for a navigability permit under section 10 of the Rivers and Harbors Appropriation Act of 1899 (section 10 or RHA) to develop a massive [*PG286]wind energy plant in Nantucket Sound.¹ Located on federal lands and waters approximately five miles from Cape Cod, nine miles from Martha's Vineyard, and thirteen miles from Nantucket, the project that Cape Wind proposes would be the first offshore wind energy plant in the United States, and one of the largest offshore wind energy plants in the world.² The most recent proposal calls for the wind plant to cover twenty-four square miles of the Sound. The project will consist of 130 wind towers and turbines, each over 400 feet tall, connected to the mainland by means of an underground cable carrying electricity from a transmission station located in the midst of the wind plant.³

It is easy to understand why Cape Wind or another private entrepreneur would propose such a project. In Massachusetts, large subsidies are available for wind energy. The Commonwealth has adopted a renewable portfolio standard, which requires that a minimum percentage of retail electricity sales in Massachusetts come from renewable energy sources starting in 2003.⁴ The purpose of the standard is to create a market for renewable energy that would otherwise be uncompetitive. Massachusetts also imposes a 0.0005 dollar per kilowatt hour tax on electricity to support the development and promotion of renewable energy projects.⁵ In addition to the commonwealth's subsidies, federal subsidies include a 1.8 cent per kilowatt hour tax credit and accelerated depreciation on capital investments.⁶ Thus, there exists the potential to make large economic gains from the project.

The choice of Nantucket Sound as the site is also understandable from the perspective of a private developer. The wind resource is good, [*PG287]the water shallow, and the distance to shore and to a power grid is relatively short.⁷ Most of all, however, the site is federal.⁸ All factors optimize private profit.

In its pursuit of these financial gains, Cape Wind seeks to exploit a regulatory void. It is counting on the absence of an established federal management program designed to govern the

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development of offshore wind energy projects to make it possible to both use and occupy federal lands and waters without payment of rent or royalties, participation in competitive bidding, or acquisition of a property right, as well as to achieve a reduced level of federal scrutiny because there are no standards to govern offshore wind energy. The loophole Cape Wind seeks to exploit is the lack of existing law authorizing the use and occupancy of federally controlled offshore lands and waters for wind energy projects. While such laws have been enacted for oil and gas development under the Outer Continental Shelf Lands Act (OCSLA),⁹ thermal energy conversion,¹⁰ and deepwater port construction,¹¹ no similar program exists for wind energy plants. Cape Wind takes this to mean that the lands and waters of Nantucket Sound are freely open to wind energy projects and subject to development for private purposes with no property right or grant of permission other than a simple permit authorizing an impediment to navigation under section 10.

On the basis of this theory, Cape Wind has already built a 200-foot data tower on federal lands and waters in the Sound and is pushing forward aggressively with its section 10 application for the entire wind energy project.¹² Seeing this opportunity presented by the Cape Wind model for private offshore wind energy development, other companies have rushed to try to secure their own section 10 permits. Within one year of Cape Wind's proposal, nearly two dozen sites had been staked out from New England to Virginia for large-scale wind energy plants.¹³ [*PG288] All of these proposals seek to follow the same regulatory path of least resistance defined by the Cape Wind application, involving the minimal level of review provided under section 10 and lacking any form of land use authorization. As a result, over the last year a veritable land rush has arisen to claim, without competitive bidding, sites for huge offshore wind energy projects.¹⁴

The Cape Wind proposal has generated extraordinary opposition and controversy, distinctly out of proportion to what might be expected for an alternative energy project favored by public policy.¹⁵ In summary, it may be a good idea, but it is in the wrong place. Nantucket Sound is a cherished ecological, commercial, and recreational resource of regional, national, and international significance. The threat posed by the Cape Wind project to all of these values has mobilized a massive opposition effort in which virtually every affected interest has come forward in opposition to either this project or the manner in which it is being processed in the absence of an adequate regulatory program.¹⁶

As discussed below, there is no question that the current regulatory program for offshore wind energy projects is lacking. Section 10 provides for a navigation permit, but not for regulation of the commercial activity or authorization of private use of federal lands.¹⁷ The Cape Wind project review stands as an anomaly in federal land and natural resource law.¹⁸ Nowhere else under federal law can a situation be found where private developers are allowed to proceed on an ad [*PG289]hoc basis to use and occupy federally controlled land and water without permission, without the benefit of a comprehensive resource-specific review, and without making payments to the United States.¹⁹ When a resource as valuable as Nantucket Sound is at stake, such a haphazard and insufficient process is clearly inadequate.

Cape Wind argues that the Nantucket Sound wind energy plant proposal should be considered under existing law based on the premise that the public interest review conducted by the Corps to issue navigability permits under section 10, combined with the procedures of Massachusetts law and the National Environmental Policy Act (NEPA), are sufficient to ensure a reasoned decision.²⁰ This premise is flawed on numerous counts.

As a threshold matter, the Corps lacks jurisdiction to issue section 10 permits in offshore waters.²¹ Even if it had such authority, a section 10 permit does not confer the property rights necessary to use and occupy federal lands.²² The area Cape Wind seeks to use for its power plant is subject to federal ownership and control and cannot be exploited as proposed here without express federal authorization. No mechanism exists to grant such approval. The standard approach under federal law for allowing the private use of public resources requires, under the Property Clause of the United States Constitution, that Congress expressly authorize

the disposition of U.S. property.²³ It is also standard for compensation to be made to the United States, typically through a competitive bidding process.²⁴ No such payment structure exists for the Cape Wind project, and the developer seeks to use this land for free.²⁵

[*PG290] Even if the Corps has jurisdiction and a section 10 permit suffices to allow use and occupancy of these lands, the RHA is an inadequate mechanism for decisionmaking. No standards exist to govern the Corps's decisions. Instead, only a laundry list of factors to be taken into account is enumerated in a single, one-paragraph regulation.²⁶ Similar decisions made under other federal statutes require the application of specific decision criteria, usually articulated in detail by Congress and tailored to the issues associated with the proposed activity.²⁷ The Corps lacks the expertise to make these judgments in the area of energy development and public land use, and it should not be allowed to do so in the absence of clearly articulated standards. In addition, there are numerous defects, beyond the scope of this Article, in the environmental review the Corps is actually undertaking for the Cape Wind project.²⁸

The first section of this Article explains in greater detail the reasons why section 10 falls far short of the regulatory approach used in every comparable context. The second section of this Article contains a proposal for a comprehensive federal program that would protect areas like Nantucket Sound while simultaneously promoting alternative energy. The intense controversy and divisive debate over Cape Wind's proposal is proving to be a setback to responsible alternative energy development. The Cape Wind project is perhaps the worst possible poster child for offshore wind energy development, and the baggage it is carrying is detracting from efforts to develop consensus on how best to proceed with the review and approval of such projects. The proposed program for wind energy would cure the deficiencies of the current system and protect Nantucket Sound and similar areas while ensuring the expeditious assessment of the potential for wind [*PG291]energy development in the marine environment and the best locations, on balance, for such facilities.

I. Background

A. Offshore Jurisdiction

In *United States v. Maine*, the Supreme Court held that the United States is possessed of paramount rights in the offshore lands underlying the Atlantic Ocean, from three nautical miles from the coast seaward to the edge of the Outer Continental Shelf (the OCS), and further held that this rule is confirmed by both the Submerged Lands Act (SLA) and the Outer Continental Shelf Lands Act (OCSLA).²⁹ There is no doubt that "paramount rights," or "the power of disposition," include ownership.³⁰ In *Maine*, the Supreme Court expressly relied on three seminal cases:³¹ *United States v. California*,³² *United States v. Louisiana*,³³ and *United States v. Texas*.³⁴

In *California*, the Court held that the federal government has "paramount rights in and full dominion and power over" the lands of the three-mile marginal sea.³⁵ Here the Court characterized its task as determining which sovereign "owns" the three-mile belt, and assumed that the Property Clause of the Constitution gave Congress authority to protect the federal interest.³⁶ It also suggested that the federal rights being recognized went beyond ownership, explaining that: "[t]he crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner."³⁷

[*PG292] Any doubt about whether federal rights in offshore-submerged lands extended beyond the traditional three mile territorial sea³⁸ disappeared with the Supreme Court's subsequent decisions in *Louisiana*³⁹ and *Texas*.⁴⁰ *Louisiana* and *Texas* both claimed title to submerged lands even beyond the three mile territorial sea and the United States filed original actions alleging that it is "the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the low-water mark" on the coasts of those states.⁴¹ Again the Court

held for the federal government saying that: “[i]f, as we held in California’s case, the three-mile belt is in the domain of the Nation rather than that of the separate States, it follows a fortiori that the ocean beyond that limit also is.”⁴² The Court decreed that “[t]he United States is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals and other things underlying the Gulf of Mexico” to the twenty-seven mile limit of Louisiana’s claim,⁴³ and to the edge of the continental shelf, as claimed by Texas.⁴⁴

In *Texas*, the State had sought to distinguish itself from the *California* precedent by the fact that it had been a sovereign nation prior to entering the Union and, as such, had held title to the submerged lands within its three league—nine nautical miles—offshore boundaries.⁴⁵ As such, “prior to annexation Texas had both *dominium* (ownership or proprietary rights) and *imperium* (governmental powers of regulation and control) as respects the lands, minerals and other products underlying the marginal sea.”⁴⁶ Texas claimed in the litigation that upon entering the Union it “retained the *dominium* over the marginal sea . . . and transferred to the National Government only her powers of sovereignty—her *imperium*—over the marginal sea.”⁴⁷ The Court acknowledged Texas’s prior title to the seabed, but denied [*PG293]that the State retained that title upon joining the Union, holding that when Texas joined the Union it transferred some of its sovereignty to the federal government, and “as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.”⁴⁸ After quoting its decision in *California*, the Court went on to say that “although *dominium* and *imperium* are normally separable and separate, *this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.*”⁴⁹ The Court further stated that “[p]roperty rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. . . . If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities.”⁵⁰ In short, “paramount power” includes both sovereignty and title, and the United States owns the OCS, in every sense of the word.⁵¹

B. Offshore Legislation

Congress enacted the OCSLA in 1953 to assert federal jurisdiction over OCS lands and to establish a regulatory framework for the extraction of minerals, primarily oil and gas, from those lands.⁵² The OCSLA authorizes the exploration, development, and production of minerals from the OCS, and establishes a comprehensive regulatory program for granting the property rights to do so through leases and collecting royalties.⁵³

In contrast, the development of non-extractive energy resources on the OCS is not contemplated in the OCSLA. Rather, Congress has provided for the authorization and regulation of some other specific activities of this type in separate legislation.⁵⁴ There is no legislation [*PG294] covering offshore wind energy projects. This fact has been noted by the agency that administers the OCSLA, the Department of the Interior (DOI), which recognized that “mechanisms do not currently exist by which an applicant can obtain approval from the Federal Government to utilize the OCS for non-oil and gas related activities.”⁵⁵ In light of that fact, the DOI proposed legislation to amend the OCSLA for this purpose.⁵⁶ Ms. Johnnie Burton, Director of the Minerals Management Service, reiterated these concerns when she testified before the House of Representatives and stated that there exists “no clear authority within the federal government to comprehensively review, permit, and provide appropriate regulatory oversight of such projects.”⁵⁷

II. Federal Authority for Offshore Wind Energy Facilities

A. Jurisdiction

On the most basic level, offshore wind projects should not even be entertained under the RHA, as the Corps does not have jurisdiction over the offshore waters for wind energy projects. This

issue is the subject of ongoing litigation filed by the Alliance to Protect Nantucket Sound (the Alliance), a local grassroots opposition group, challenging the Corps's issuance of the section 10 permit for the data collection tower that Cape Wind has built on the federal lands and waters of Nantucket Sound.⁵⁸ The initial decision on this issue found in favor of the Corps, but an appeal of that decision is imminent.⁵⁹

The Corps's stated basis for issuing a permit for the data tower is its authority over obstructions to navigation under section 10 of the RHA.⁶⁰ The Corps's jurisdiction under the RHA, however, extends only three nautical miles offshore.⁶¹ Because the data tower is clearly [*PG295]beyond three miles, the Corps relies on an extension of its RHA jurisdiction to certain activities on the OCS by the OCSLA.⁶² The OCSLA by its express terms, however, does not extend the Corps's jurisdiction for activities on the OCS other than to those related to the extraction of minerals.⁶³

In the OCSLA, Congress specifically delineated the extension of the Corps's jurisdiction under section 10 of the RHA. The original grant of jurisdiction in 1953 was quite broad, extending "[t]he authority of the Secretary of the Army to prevent obstruction to navigation in the navigable waters of the United States . . . to artificial islands and fixed structures located on the Outer Continental Shelf."⁶⁴ In 1978, however, Congress amended this grant of authority, expressly narrowing the scope of the Corps's jurisdiction. As amended, the Corps's authority to prevent obstruction of navigation is extended to "the artificial islands, installations, and other devices referred to in subsection (a) of this section."⁶⁵ Subsection (a) refers to

all artificial islands, and all installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon *for the purpose of exploring for, developing, or producing resources therefrom*, or any such installation or other device (other than a ship or a vessel) *for the purpose of transporting such resources*.⁶⁶

"Resources" is not defined in the OCSLA,⁶⁷ but "exploration," "development," and "production" are all defined in terms of "minerals," [*PG296]which is defined as "includ[ing] oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from 'public lands' . . ."⁶⁸ The Corps's authority to issue section 10 permits for offshore installations is therefore limited to those installations erected for the extraction of minerals from the OCS.

The absence of Corps jurisdiction over non-mineral activities is not surprising, given the purpose of the OCSLA. Congress enacted the law in 1953 for the purpose of asserting federal jurisdiction over the OCS lands and to establish a regulatory framework for the extraction of minerals—primarily oil and gas—from those lands.⁶⁹ The OCSLA authorizes the exploration, development, and production of minerals from the OCS, and establishes a comprehensive regulatory program for granting leases and collecting royalties.⁷⁰ In contrast, the OCSLA does not provide for the development of non-extractive energy resources on the OCS. Rather, Congress has provided for the authorization and regulation of other specific activities of this type in separate legislation, such as the Deepwater Port Act,⁷¹ and the Ocean Thermal Energy Conversion Act of 1980.⁷² Significantly, Congress has not delegated to the Corps section 10 jurisdiction on the OCS for these uses. Instead, under the Deepwater Port Act, the Secretary of Transportation is only required to consult with the Department of the Army regarding navigation issues before issuing a license for such uses.⁷³ Under the Ocean Thermal Energy Conversion Act, the Administrator of the National Oceanic and Atmospheric Administration (NOAA) must only consult with the Coast Guard regarding navigation issues before issuing a license.⁷⁴ Clearly, Congress in no way intended the Corps to exercise general authority over uses of the OCS, much less any default authority over uses that Congress has not even authorized.

[*PG297] In *Alliance to Protect Nantucket Sound*, however, the district court held that Congress's clear intent in the language of 43 U.S.C. § 1333(a)(1) was to extend the Corps's

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authority to “*all* artificial islands, and *all* installations” on the OCS.⁷⁵ The court further held that the phrase “*which may be* erected thereon for the purpose of [exploiting mineral resources]” is no limitation at all, reading “*may be*” to mean “including, but not limited to.”⁷⁶ In this interpretation, the court was guided by the “predominant importance”⁷⁷ of the legislative history of the 1978 amendments, which states that the 1978 changes were “technical only,” and that “[i]t is not the intention of the conferees to limit the authority of the Corps of Engineers as to structures used for the exploration, development, removal, and transportation of resources.”⁷⁸ On appeal, a central issue will be whether the plain language of a statutory amendment can be outweighed by legislative history which is not only inconsistent with the amendment, but is in fact in direct contradiction to the plain language and effect of the amendment.⁷⁹

B. *Property Rights*

A second issue in the current litigation is the lack of property rights to use and occupy offshore lands for wind energy purposes.⁸⁰ The Corps’s regulations require section 10 permit applications to be signed by the applicant as an “affirmation that the applicant possesses or will possess the requisite property interest to undertake the activity proposed in the application.”⁸¹ The provision clearly appears to require that an applicant have sufficient property rights as a prerequisite for a permit. The Corps’s regulations further state that a permit “does not convey any property rights, . . . or any exclusive privileges” [*PG298]and “does not authorize any injury to property or invasion of rights or any infringement of federal, state or local laws or regulations.”⁸²

Under current law, there are no means by which a private party such as Cape Wind may obtain property rights from the United States to occupy federal submerged offshore lands for activities such as those Cape Wind proposes. The DOI, which bears primary responsibility under the OCSLA for administering the regulatory program for the exploitation of OCS mineral resources, formally represented the state of the law in its letter to Vice President Cheney, cited above.⁸³ Therefore, at the time it issued the permit, the Corps had certain knowledge that Cape Wind did not and would not possess the requisite property interest to undertake the activity contemplated by the application. Only an act of Congress could grant such an interest. No agency of the executive branch may authorize the use of federal lands without congressional authorization, as such power is reserved to Congress under the Property Clause of the Constitution.⁸⁴

Nonetheless, the district court held that the Corps’s regulations do *not* require an applicant to have sufficient property rights as a prerequisite for a permit.⁸⁵ The court interpreted the regulations to require only that an applicant “*affirm*[] that the applicant possesses or will possess the requisite property interest.”⁸⁶ The court further held that “even if the Corps had doubted the sufficiency of Cape Wind’s property interest in the OCS lands in issue, it would not have had the authority to consider Plaintiffs’ property interest argument in its review of the data tower permit application.”⁸⁷ The court based its conclusion on Corps regulations which provide that the Corps should not enter into disputes over property interests,⁸⁸ and disputes over property interests should not enter into the Corps’s public interest review.⁸⁹ In simple terms, and even though the Corps’s regulations [*PG299]specifically require an applicant’s representation on property interest, the Corps is thereafter indifferent on the subject.⁹⁰

While there may be sound reasons for a general policy discouraging the Corps from entering into private land disputes, in the case of offshore lands, there is *no* dispute about who owns the OCS lands. If the court’s decision is upheld on appeal, the rather absurd conclusion will be that there is no federal agency which can even consider the fact that there is currently no mechanism by which an applicant such as Cape Wind can acquire any property rights to use and occupy the offshore lands for wind energy purposes. The foreseeable consequences of this decision are that private parties will proceed—as indeed they already have—to occupy federal lands on the OCS for non-mineral extraction purposes, on the sole basis of a section 10 permit, issued in a regulatory vacuum, without any property interest in, or authorization to occupy, those lands.

This predictable result will clearly thwart congressional policy, as expressed in the OCSLA, to exercise “power of disposition” over the OCS, and provide for its “orderly development.”⁹¹ Under any standard, issuing a permit on this basis would seem to be arbitrary and capricious.⁹²

In the OCSLA, Congress declared a policy that “the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, *which should be made available* for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.”⁹³ Implicit in this statement is the need for express authorization of any use of the OCS for any purpose. Similarly, the declared intent of Congress in the Ocean Thermal Energy [*PG300] Conversion Act is to “*authorize* and regulate the construction, location, ownership, and operation of ocean thermal energy conversion facilities,”⁹⁴ and in the Deepwater Port Act, to “*authorize* and regulate the location, ownership, construction, and operation of deepwater ports in waters beyond the territorial limits of the United States.”⁹⁵ Clearly, Congress considers express authorization to be a necessary prerequisite for use of the offshore area.⁹⁶

If the *Alliance* court is correct, then section 10 serves as authority for *any* kind of development in offshore waters not subject to an existing statute, undermining the entire premise of the extensive body of laws governing the federal estate that such use, occupancy, and development cannot be allowed without express authorization. If section 10 can be used for a massive wind energy project, it also can be used for any other development, including other activities that have been proposed previously, such as large-scale aquaculture, liquefied natural gas terminals, and resorts and floating casinos. Even the legitimate interest in promoting alternative energy is not worth such a wholesale abdication of the federal interest in OCS lands, with its attendant precedent for a host of environmentally harmful activities. As a result, until such authority has been established by Congress, there is no reason to invest administrative resources in the review of specific permit applications.

III. A Stark Comparison—The Corps’s Approach Versus All Other Offshore Resource Regulatory Programs

A. *The Corps’s Approach and Its Limitations*

Reference to all other federal statutes used to authorize comparable uses of federal lands and waters demonstrates the deficiencies in the proposition that section 10, NEPA, and commonwealth law bring into play all of the relevant decisionmaking considerations necessary to review offshore wind projects.

As an initial matter, it is clear that the RHA was not intended to serve this purpose. Rather, the purpose of that law is to regulate obstructions to navigation.⁹⁷ In fact, Congress initially enacted section 10 [*PG301] in 1890,⁹⁸ after the Supreme Court held that in the absence of federal legislation, the federal government was powerless to protect the nation’s navigable waters from obstruction, including obstacles created by state-authorized projects.⁹⁹ This section, with minor changes, became section 10 of the 1899 RHA. Two decades later, the Corps failed in an attempt to use the RHA to object to a proposed sewer in New York City, when the judge ruled that the only purpose of the law was regulation of obstacles to navigation.¹⁰⁰

The basis for Cape Wind’s argument that the section 10 process is adequate arises from a single provision in the Corps’s regulations: 33 C.F.R. § 320.4(a). This provision calls for the application of a generalized and vague “public interest” test.¹⁰¹ That test simply provides that, in making a section 10 decision, enumerated *factors* relevant to a proposal to impede navigation must be considered, including issues such as conservation, economics, aesthetics, fish and wildlife, historic preservation, and energy needs, among others.¹⁰² Based upon this generic listing of factors to consider, Cape Wind argues that a sound decision will be made regarding uses of the coastal and offshore waters for virtually any kind of project, including an unprecedented and massive wind energy facility.¹⁰³

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Cape Wind's premise may be valid for run-of-the-mill projects within the ambit of section 10, where what is at issue is the construction of a structure that would be located in waters of the United States and impede navigation, such as a pier, bulkhead, buoy, jetty, or similar facility. Cape Wind's premise is wholly inadequate, however, for major [*PG302]uses of federal lands and waters for projects that will exploit natural resources for private gain. In such a context, more detailed guidance and, as Ms. Burton has stated, comprehensive regulatory review and oversight is called for.¹⁰⁴

B. *Common Elements of Natural Resource Regulatory Programs*

Reference need only be made to the numerous other federal programs that provide the basis for the use and occupancy of federal lands or the extraction and use of natural resources for an illustration of how such programs are typically structured.¹⁰⁵ This includes programs for the use of offshore lands and waters, as well as onshore uses of alternative energy resources.

In every such instance, Congress has established programs that go far beyond the kind of review called for by the single paragraph of the Corps's regulation.¹⁰⁶ All of the other programs contain common elements missing from section 10 review. These include: (1) resource-specific environmental standards; (2) enumerated criteria upon which a decision must be made, not mere factors to be considered; (3) standards to guide decisionmaking on the balancing of interests in making decisions; (4) delegation of power to the appropriate agencies with the relevant expertise; (5) land use authorization mechanisms; (6) competitive bidding procedures to attain use of federal resources; (7) fair market value requirements to ensure return to the government and the taxpayers for the use of public trust resources; (8) specification of areas to be off-limits to development; (9) due diligence requirements for the development and use of the resource to ensure efficiency and public health and safety; (10) enforcement and citizen suit provisions; and (11) mandatory roles for state and local governments.¹⁰⁷ All of these elements are missing from section 10.¹⁰⁸ The RHA was never intended to be the basis upon which land use or energy project decisions would be made. Nor does the "public interest" test of 33 C.F.R. § 320.4(a) provide adequate constraints for informed agency decisionmaking.¹⁰⁹ It makes no provision, for example, for the disciplined consideration of alternative sites, including those deemed not appropriate for development.¹¹⁰ It is simply a list of issues to consider relative to the question of whether to allow an impediment to navigation.¹¹¹

C. *OCSLA—Oil, Gas, and Other Minerals*

One of the best examples of the proper and accepted approach to authorizing the use of federal offshore lands, waters, and resources is the OCSLA.¹¹² This statute is the original charter for uses of offshore lands and waters.¹¹³ As originally promulgated, and then further developed in its 1978 amendments, the OCSLA sought to encourage and facilitate the extraction of oil, gas, and other minerals from the OCS.¹¹⁴ Despite the focus on oil and gas, the OCSLA also delineates a general framework to govern future policy decisions with respect to all uses of the OCS.¹¹⁵

In developing the OCSLA, Congress noted how important it is to establish specific standards governing uses of these lands and waters.¹¹⁶ Recognizing the unique nature of federal offshore areas, Congress made it clear that business as usual under generic federal authorities such as the RHA was not enough.¹¹⁷

To carry out this comprehensive approach to uses of offshore lands and waters, Congress articulated guiding principles in section 1332, entitled "Congressional Declaration of Policy."¹¹⁸ This section also establishes the form federal control over the OCS is to take.¹¹⁹ In essence, it comprises a list of the objectives the OCSLA is meant to accomplish. While general in nature, collectively they serve as a set of values to guide how the United States will allow the OCS to be used.¹²⁰ They describe the values that shape the United States' relationship to the OCS for all purposes, not just oil and gas.¹²¹ Under section 1332, the following general principles are of particular relevance.

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1. Environmental Safeguards

Subsection 1332(3) states that the OCS is a “vital national resource reserve held by the Federal Government for the public” whose development should be subject to “environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.”¹²² Obviously, the RHA was not considered to be sufficient, or such a provision would not have been necessary.¹²³ Subsection 1332(3) therefore provides that any use to which the OCS might be put must conform to a certain level of environmental safeguards.

2. Fair Market Value

Subsection 1332(3) also requires that any program providing for development of the OCS be in the public interest, and be consistent with principles of competition and other national needs.¹²⁴ At the very least, that would require that the United States receive fair market value for any private use of its property.¹²⁵ The importance of such a requirement is apparent in the offshore wind energy context, where large amounts of federal land are now subject to private claims under [*PG305]section 10.¹²⁶ Clearly, the United States is foregoing considerable revenue by allowing these lands to be used without compensation.

3. State and Local Government Involvement

Subsection 1332(4) insists that states receive sufficient assistance in dealing with any adverse consequences that may result from a given use of the OCS.¹²⁷ Further, subsection 1332(5) requires that “the rights and responsibilities of all States and, where appropriate, local governments, to preserve and protect their marine, human, and coastal environments . . . should be considered and recognized.”¹²⁸ These two subsections insist that any federal policy with respect to the OCS take the interests of state and local governments into account, thereby insuring that such policy will not be made in isolation.¹²⁹ They therefore stand for the general proposition that federal OCS policy must be cognizant of the interests of affected state and local governments.¹³⁰

These are the key elements of the OCSLA’s blueprint for OCS use. They do not articulate every detail; rather, they define the space within which the details must fit, and out of this a balanced and comprehensive program is derived.¹³¹ However the federal government chooses to develop the OCS, the applicable policies and programs must be consistent with these principles.

The general and categorical character of the standards in section 1332 is emphasized in the legislative history. In a section headed “Purposes of the Legislation,” the House Report states:

Congress has a special constitutional responsibility to make all needful rules and regulations respecting *the territory or other property belonging to the United States*. . . . The [OCSLA] is essentially a carte blanche delegation of authority to the Secretary of the Interior. The increased importance of OCS resources, the increased consideration of environmental and onshore impacts and emphasis on comprehensive land use [*PG306]planning, require that Congress detail standards and criteria for the Secretary to follow in the exercise of his authority.¹³²

This passage acknowledges that the OCSLA makes the OCS a “property” of the United States.¹³³ It goes on to suggest that insofar as the OCS is such a property, Congress has a constitutional obligation under the Property Clause of the United States Constitution to make “all needful Rules and Regulations” to govern it.¹³⁴ The passage then suggests that Congress understands itself to be fulfilling that obligation by setting out certain general “standards and criteria.”¹³⁵ To the extent that the Cape Wind project is a use of the OCS, the Property Clause requires that the standards in section 1332 apply to it.¹³⁶ Section 10 of the antiquated 1899 RHA is no substitute for this comprehensive and contemporary approach to managing offshore lands.

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Another passage in the 1977 House Report makes the same point even more explicitly:

In addition, policy statements are included to make it clear that in administering not only the Outer Continental Shelf Lands Act, but also any other act applicable, directly or indirectly, to activities on the [OCS], responsible Federal officials must insure that activities in the shelf are undertaken in an orderly fashion, so as to safeguard the environment . . . and take into account impacts on affected States and local areas.¹³⁷

The passage states unambiguously that these principles are meant to govern any and all activities involving the OCS.¹³⁸ It leaves no doubt that the OCSLA establishes a form of federal stewardship over the OCS to be shaped by those principles.¹³⁹ This has been the intent of Congress for the past fifty years.¹⁴⁰

Having stated these general principles applicable to all uses of the OCS, Congress went on to create a specific management program for oil and gas.¹⁴¹ That program consisted of detailed requirements [*PG307] found nowhere in the 1899 RHA that is argued by Cape Wind to suffice for offshore wind energy plants.¹⁴² In addition, pursuant to these standards, the DOI has developed extensive, highly detailed implementing regulations.¹⁴³

In the OCSLA itself, Congress dictated the basic framework for allowing uses of offshore areas for oil and gas. The central elements of this program are:

- Delegation of responsibility for the program to the Secretary of the Interior.¹⁴⁴
- Publication of a five-year schedule of proposed lease sales indicating the size, timing, and location of leasing activity.¹⁴⁵
- Assurance of receipt of fair market value for lands leased and rights conveyed by the federal government.¹⁴⁶
- Provision for appropriations and staff necessary to: (1) obtain resource information; (2) analyze and interpret exploratory data; (3) conduct environmental studies; and (4) supervise operations to ensure due diligence in exploration and development of lease areas.¹⁴⁷
- Annual review of the leasing program.¹⁴⁸
- Implementation of procedural regulations for program management, including: (1) receipt and consideration of nominations for any area to be offered for lease or to be excluded from leasing; (2) public notice of and participation in development of leasing programs; (3) review by state and local governments that may be impacted by proposed leasing; and (4) consideration of the coastal zone management program in the affected state.¹⁴⁹
- Nomination and evaluation of sites to determine suitability for development.¹⁵⁰

In addition to these statutory requirements, the DOI's OCSLA regulations provide additional detail and requirements on how to make leasing and permitting decisions, and how to ensure environmental protection. For example, the regulations specify performance [*PG308] standards, lease requirements, and reporting requirements, and provide for disqualification, special approvals, rights-of-way and easements, suspensions, extensions, and cancellations of leases for oil and gas operations.¹⁵¹ The regulations also detail requirements for exploration, development, and production plans, pollution prevention and control, safety systems, and safety training.¹⁵² Other regulations govern exploration and prospecting, oil spill response and financial responsibility requirements, and operations for minerals other than oil and gas.¹⁵³ Procedures for the administration of offshore leasing programs are especially detailed, including requirements for the participation of affected states, local governments, and other interested parties, the special consideration of areas of concern, a competitive bidding process, and environmental studies.¹⁵⁴

When this highly specific and detailed authority is compared to the simplistic and generalized

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paragraph from the Corps's regulation that Cape Wind relies upon, it becomes abundantly clear how deficient the current regulatory program is to allow the use of offshore lands and waters for massive wind energy plants like Cape Wind's.¹⁵⁵ While it may not be necessary to have a regulatory program for wind energy as highly detailed as that for oil and gas, it cannot reasonably be argued that such significant activities can be permitted merely under a vague public interest principle guided by no standards of decisionmaking, no articulated balancing test, and no established environmental safeguards and criteria.¹⁵⁶

To the extent, therefore, that the OCSLA does not currently address a specific potential use of the OCS or its resources, the following steps must be satisfied as a threshold matter: (1) Congress must authorize the use of the OCS for such purpose; (2) Congress must delegate responsibility to implement and oversee a program for such purpose; and (3) the agency in the executive branch to which the responsibility is delegated must implement such a program.¹⁵⁷

[*PG309] Reference to other laws concerning the use of federal lands and resources further highlights the inadequacy of the RHA's section 10 approach. In the onshore context, one of the principal sources of authority allowing the use of public lands for mineral extraction and other uses is the Federal Land Management and Policy Act (FLPMA).¹⁵⁸ Like the OCSLA, this law establishes extensive requirements for authorization of use of public lands,¹⁵⁹ delegation of authority to the federal agencies with appropriate expertise,¹⁶⁰ detailed requirements for land use decisionmaking,¹⁶¹ special protection for specific areas,¹⁶² and requirements for payment to the federal government.¹⁶³ The Bureau of Land Management (BLM) governs wind energy uses of the public lands under Title V of the FLPMA, which authorizes rights-of-way on federal public lands for "systems for generation, transmission, and distribution of electric energy."¹⁶⁴ The BLM has issued a detailed interim policy to guide wind energy development on the public lands while it undertakes a two-year programmatic review of the impacts associated with such a program.¹⁶⁵ The BLM's Interim Policy and programmatic review are examples of the kind of regulatory program elements which should be implemented in the offshore wind context.

D. *Other Resources*

In the context of the marine environment, the same principles are found in other laws. The Ocean Thermal Energy Conversion Act,¹⁶⁶ for example, establishes the rules that govern the use of U.S. owned waters for thermal energy facilities. This law establishes a licensing system for the location of those facilities,¹⁶⁷ and requires the involvement of other agencies with relevant expertise.¹⁶⁸ It contains [*PG310]specific decisionmaking criteria¹⁶⁹ and environmental safeguards.¹⁷⁰ This law also delineates the specific role for coastal states.¹⁷¹

The Deepwater Port Act follows the same approach.¹⁷² Licenses are required to locate such ports.¹⁷³ Authority to license these ports is vested in the Secretary of Transportation.¹⁷⁴ Decisionmaking and environmental review criteria apply.¹⁷⁵ The role of coastal states is provided for.¹⁷⁶

Laws dealing with other uses of marine resources, besides land and water, apply similar principles. For example, the Fishery Conservation and Management Act, governing the use of public trust fishery resources of U.S. marine waters, recognizes the need for a comprehensive approach.¹⁷⁷ This act sets forth: (1) national standards governing all uses of fishing resources;¹⁷⁸ (2) a mechanism for authorizing private parties to harvest fish through comprehensive plans that often require specific permits;¹⁷⁹ (3) a defined role for the states;¹⁸⁰ and (4) special protection and jurisdiction for specific areas.¹⁸¹ In particular, Nantucket Sound is recognized as unique due to its geographic configuration; as a result, the Fishery Conservation and Management Act vested Massachusetts with jurisdiction over the entire Sound.¹⁸²

Similar concepts and requirements are recognized in the alternative energy context. Under the Geothermal Steam Act, Congress sought to promote the use of this form of renewable, alternative energy.¹⁸³ Despite the goal of promoting alternative energy, Congress still saw the

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need to establish a comprehensive program that addresses the same considerations implicit in the OCSLA.¹⁸⁴ In the Geothermal Steam Act, Congress created a mechanism for authorizing the use and occupancy of federal lands,¹⁸⁵ payments to the United States,¹⁸⁶ areas [*PG311] off-limits to development,¹⁸⁷ and delegation to the appropriate agency with substantive expertise.¹⁸⁸ The fact that this program has been successfully implemented without needlessly burdening the development of this alternative source of energy is proof that this same approach can be used for offshore wind energy plants.

Numerous other examples exist in federal law.¹⁸⁹ It is fair to say that it is impossible to find under the panoply of federal environmental and natural resources law any program comparable to what is being advocated by Cape Wind—a way to allow a private party to use and occupy federal property for private purposes, on a massive scale, to develop and produce energy from a public resource at no charge, with no express authorization to do so, and on the basis of a permit governed only by vague and general standards established by an agency lacking relevant expertise. As much as alternative forms of energy deserve public policy support, the deficiencies under the approach supported by the proponents of offshore wind power plants are far too significant to accept.

E. The Corps's Process in Comparison

The Cape Wind Project is a private energy project, proposed for offshore waters, which is to be located on federal land, and which raises questions about the valuation of, and fair market return for, the use of public trust resources.¹⁹⁰ It will require a balancing of energy benefits against unique environmental impacts on fish, birds, marine mammals, and aesthetic values. It will have serious adverse effects on historic preservation resources.¹⁹¹ Navigation is an important issue, but it is not what the Cape Wind project is primarily about.

[*PG312] In every one of these areas of interest, the Corps is not the federal agency that has the appropriate expertise or the resources to make the relevant decisions. Energy projects should be considered by agencies such as the Department of Energy,¹⁹² the Federal Energy Regulatory Commission,¹⁹³ and the Minerals Management Service.¹⁹⁴ Uses of offshore lands and waters should be considered by the NOAA¹⁹⁵ and the Minerals Management Service. Decisions on valuation and fair market return also fall under the ambit of those agencies.¹⁹⁶ Decisions regarding birds and living marine resources should be made by the U.S. Fish and Wildlife Service¹⁹⁷ and the National Marine Fisheries Service.¹⁹⁸ Historic resource impacts must be adjudged in consultation with the Advisory Council on Historic Preservation¹⁹⁹ and in coordination with state historic preservation officers, a procedure that the Corps says does not even apply to its section 10 permits in offshore waters.²⁰⁰

The Corps is neither authorized by mission nor staffed to make any of these judgments with the requisite degree of expertise.²⁰¹ This is clear from the Corps's mission statement and description of purpose. The Corps's role is to: (1) plan, design, build, and operate water resources and other civil works projects; (2) design and manage the construction of military facilities for the Army and Air Force; and (3) provide design and construction management support for other defense and federal agencies.²⁰² The Corps is not equipped to determine how and under what circumstances public resources will be available for private exploitation.²⁰³ The issue properly within the Corps's expertise, impacts to navigation, is not the driving force for this project. Indeed, the Corps has expressed the view to the Alliance that it is not the agency that should have the lead on wind energy project development.²⁰⁴ Congress apparently agrees, as a bill introduced last year to create a program for offshore developments of this nature would vest this responsibility in the Secretary of the Interior.²⁰⁵

In addition to lacking the requisite expertise, the Corps does not have the resources to review this sudden proliferation of huge offshore wind projects.²⁰⁶ The complexity, controversy, and novel nature of these projects would be a challenge for any agency. This is especially true for the Corps, which has a tremendous existing regulatory burden for projects that properly belong under its area of expertise and jurisdiction.²⁰⁷ As a result, there is a serious risk that these proj

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[*PG314]jects, especially the forerunning and perhaps most damaging of all—the Cape Wind project—will not receive adequate review.

As discussed previously, a common feature of regulatory programs designed to address activities in the marine environment or making use of federal lands for development activities is the consideration of programmatic impacts and alternatives.²⁰⁸ These programs begin by looking at the big picture on a regional or even national basis.²⁰⁹ Such an approach is necessary to ensure that any development which may be approved is first subject to long-term planning to rule out certain areas from development and to ensure that a coordinated plan has first been established.

Such an approach is particularly important for offshore wind energy projects. As the “land rush” for section 10 permits over the last year demonstrates, developers are proceeding at an accelerated pace to lock-up sites for wind energy plants.²¹⁰ The Corps is simply processing these requests on an individual permit basis. For example, a site off the coast of Virginia in a highly sensitive area is being reviewed by the Norfolk District, with no apparent coordination with the New England District.²¹¹ In fact, the Norfolk District has indicated that it would not even prepare an EIS on that project.²¹² Another project southeast of Nantucket is apparently being processed separately by the New England District.²¹³ The Alliance is not aware of any plan to consider these projects, or the two dozen or so others proposed between Massachusetts and Virginia, in any comprehensive or cumulative way.²¹⁴

This is more than a deficiency inherent in section 10 and the result of the absence of an adequate regulatory program. It is also a consequence of a deficiency in the NEPA process for the Cape Wind project. Simply put, the Corps is conducting far too narrow a review. It is limiting the scope to alternative energy projects in New England,²¹⁵ even though the Atlantic coast stretching to Virginia has been subject to numerous proposals and the resultant electricity that would be produced can readily be sent throughout the region.²¹⁶ In addi[*PG315]tion, there is no indication that the Corps will consider the cumulative effects of these projects, even though numerous species of birds, fish, turtles, and marine mammals migrate through this region and could be confronted with a gauntlet of massive offshore wind plants.

These are problems that would be solved under a comprehensive regulatory program. It is doubtful that the minimal procedures under section 10 could ever produce the necessary review.²¹⁷ Certainly, as currently conducted, the review of the Cape Wind project fails to provide the necessary review and analysis.

F. Proposed Regulatory Program

The preceding discussion demonstrates the many serious deficiencies in the procedure currently being used to review Cape Wind’s application. The disputes and controversy engendered by the Cape Wind project have actually slowed down the reasoned evaluation of offshore wind projects.²¹⁸ Therefore, in the interest of promoting reasonable development of offshore wind projects and the establishment of an adequate regulatory program, the following principles should be reflected in a comprehensive federal program to guide future decisions on offshore wind energy projects.

1. Specific Congressional Direction and Standards for the Program

Because of the importance of establishing a comprehensive program for encouraging new alternative energy uses in federal offshore waters, Congress must exercise its responsibility to specify program elements and standards. The agencies with the relevant expertise on energy, public lands, and the marine environment must be delegated this power. Certain elements of the program, such as reliance on competitive bidding and the need for comprehensive planning to balance development against other resource values, deserve detailed authorization from Congress. The program authorization should not be so general that it leaves the substance of such an offshore program to the preferences of the policy leadership of departments, which will

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change over time.²¹⁹

[*PG316]2. Moratorium

No permits should be issued under the RHA or any other law for such projects until a new federal program is in place. Cape Wind's project, for example, already has received such a permit for its initial wind energy data gathering tower and has built it without obtaining any property right to do so.²²⁰ This facility is therefore trespassing on federal lands held in the public trust, and occupying this land and water without making any payment to the United States to reimburse taxpayers. As this action demonstrates, developers are not waiting for an adequate federal regulatory system to be developed; they are proceeding merely on the basis of a navigability permit. As a result, no further permits should be issued, and a moratorium should be put in place. This should be accomplished administratively as well, in advance of a new law, so there is no implication that the section 10 permit, or its process, creates any rights under the new law.²²¹

3. Pilot Projects

Without question, alternative energy needs to be promoted. In the marine environment, however, there is little experience to draw upon to assess the feasibility or impacts of large-scale wind energy project development. Thus, while a comprehensive long-term program is implemented, progress also should be made on assessing the feasibility of offshore wind energy projects and refining the technology through the development of one or more pilot projects. Such projects could be undertaken by the private sector, subject to federal oversight and interim standards, in a properly-sited location that avoids the impacts and strong public opposition of a project like Cape Wind in Nantucket Sound.²²²

4. Lead Federal Agency

The use of coastal and offshore areas for these activities cuts across the areas of expertise and traditional jurisdiction of numerous federal agencies. Of these agencies, it is clear that the Corps is one of the least well-suited for making decisions regarding the use of offshore resources for energy purposes.

[*PG317] The Corps lacks the expertise or authority to assess the feasibility of energy projects, to determine appropriate uses of federal offshore lands and waters, and to assess adverse impacts on the marine environment.²²³ Indeed, under the OCSLA, the Corps lacks jurisdiction over offshore areas.²²⁴ Any new federal program will need to be vested in the proper agency or agencies. Decisions regarding authorization of plans for site-specific development and related activities should be made by the NOAA, and a stronger role should be established for states. The establishment of a leasing program and determination and collection of royalties, rent payments, and other charges should be the responsibility of the Minerals Management Service. This approach is comparable to the one used for private activities allowed on federal onshore lands, where decisions on permitting are made by the Bureau of Land Management or U.S. Forest Service and fiscal considerations are assigned to the Minerals Management Service.²²⁵

5. National Academy of Sciences Study

There is no prior experience in the United States with offshore wind energy production. There is no experience anywhere in the world with a project of the magnitude of the Cape Wind proposal. Indeed, the very technology to be employed is not even available at this time.²²⁶ Due to the novel nature of this kind of development, careful study is required. Such development should assess the potential benefits of offshore wind energy if undertaken correctly, the negative consequences if such projects are carried out in the wrong way or in the wrong location, and the economic and technological feasibility of such projects. As a result, before any development is undertaken, the National Academy of Sciences should be commissioned to conduct a technical review of the energy, environmental, and technological issues associated

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with offshore wind energy to ensure that any development that does occur is conducted so as to maximize benefits and avoid adverse impacts.²²⁷

[*PG318]6. Comprehensive Planning Process

Before site-specific offshore wind energy proposals are considered, a comprehensive review with broad input from government agencies, industry, states and localities, environmental organizations, fishery interests, tribes, and the public should be completed to identify federal coastal and offshore areas with significant potential for such development, as well as areas like Nantucket Sound that should be foreclosed from use as a result of environmental concerns or conflicts with alternative resource values.

Failure to look at the big picture in this manner will result in piecemeal, ad hoc decisionmaking, driven by individual profit-seekers, such as is occurring now under the RHA. Similar regional and national review programs have occurred in other contexts, such as offshore oil and gas, fisheries management, onshore timber harvest, onshore mineral energy development, and other resource utilization activities. The same principle should apply to the marine environment for alternative energy development. The best approach is to commission a comprehensive leasing program review conducted jointly by the Departments of Commerce and the Interior.²²⁸ That review would identify areas appropriate for development and subject them to a competitive bidding process. Once leases are issued, site-specific development plans should be reviewed and approved by the NOAA. Leasing and site-specific plan decisions should be made under rigorous environmental standards, with the involvement of all relevant agencies, including state and local governments.²²⁹

7. Property Rights

Offshore wind projects will require the use and occupancy of federal lands and waters. Private parties cannot simply seize federal land for their own use and profit motive, as Cape Wind already has done. An adequate federal regulatory program should establish a mechanism, to be applied in areas deemed suitable for possible development through a comprehensive review, for granting such property rights. This mechanism should rely upon competitive principles, [*PG319]through open competition among bidders, seeking a fair return for the government and taxpayers. The grant of such leases should be the result of a stringent environmental review program. It is this land use authorization decision that should be the focal point of federal environmental review and analysis, not the peripheral question of how such projects will affect navigability.²³⁰

8. Payments

The use of areas deemed appropriate for possible development should require payments for both use or occupancy of land or water, and making use of natural resources for private gain. This could best be done through competitive bids, rental for land use, and royalties for resource exploitation. Revenues should be shared with state and local governments. Incentives, such as reduced and deferred royalty payments, can be used to promote appropriately sited wind energy projects. At present, no such system exists, and private developers are reaping the benefits by proceeding with project development for private gain at no cost for the use of federal land or resources.²³¹

9. Role for States and Local Governments

Consistent with decisions made in other contexts involving coastal and ocean resources, the affected states and local governments must have a significant role in the decision process with the federal agencies. This principle is found in the OCSLA,²³² the Coastal Zone Management Act,²³³ the Fisheries Conservation and Management Act,²³⁴ and other federal programs involving coastal and marine areas. This is particularly important because virtually all of these projects also require state and local government approval to transmit electricity to market. The

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role of state and local governments should be more than merely consultative or cooperative; it must call for sharing of authority and decisionmaking over all aspects of the review and ultimate decision. Where necessary, the Coastal Zone Management Act and other laws should confirm this enhanced role.²³⁵

[*PG320]10. Balancing Test

Proposed uses of offshore areas have both benefits and adverse effects. The decisionmaking structure must define a process under which the federal, state, and local government review is charged with comparing the benefits of wind energy projects with the adverse impacts under carefully designed criteria. This cannot be a vague test, such as the one used by the Corps in its so-called public interest determination under the RHA.²³⁶ Instead, it must be a test that applies standards specifically designed for the marine environment. For example, large-scale industrial facilities in coastal and ocean areas will, in addition to environmental impacts, cause adverse economic impacts, through a reduction of property values, tourism, and fisheries,²³⁷ combined with recreational and scenic impacts. These impacts must be accorded significant weight in the decisionmaking process and should not be sacrificed in the absence of especially strong justification for the development activity in the specific location proposed. Moreover, this analysis should not be a simple cost-benefit analysis. Consideration also must be accorded to factors such as aesthetic, fish and wildlife, and historic preservation values. Such criteria are applied routinely for federal programs that involve the use of coastal and ocean resources, and there is no reason wind energy, or other new and currently unauthorized offshore uses, should evade the same review.²³⁸

Agencies with the requisite expertise must conduct the evaluation. For example, the Corps is not well-suited to balance the purported benefits of wind energy against the adverse impacts on marine life, birds, commercial and sport fishing, aviation safety, marine safety, aesthetics, tourism, and real estate values. Agencies qualified to make judgments balancing these factors must be in command of the process and charged with the mandate to apply expressly defined and suitable criteria. Such a test would, for example, readily defeat the massive Cape Wind project, which will destroy the pristine and highly valuable resources of Nantucket Sound for an insignificant increase in power through a subsidized program that is not needed by the local and regional energy market.²³⁹

[*PG321]11. Environmental Standards

Just as criteria for balancing the value of the proposed use against its impacts must exist, so too must specific and rigorous environmental compliance standards be established. These criteria would amount to performance standards. If a proposed activity cannot meet them, project approval should be denied. Such standards, if properly developed and rigorously applied, would ensure that areas like Nantucket Sound will not fall prey to developers seeking the cheapest location to build experimental wind plants or other development facilities.²⁴⁰

In addition, the Corps argues that the National Historic Preservation Act does not apply to permits beyond three nautical miles.²⁴¹ While this conclusion is in error, it should be made clear that this applies to the review of offshore wind energy project proposals.²⁴²

12. Public Involvement

The public must have an adequate role in decisionmaking. This should include public comment on all environmental documents, hearings held in impacted areas, adequate comment periods, and participation in decisionmaking through advisory bodies.²⁴³

13. Citizen Suit Authority

Citizen suits should be provided for to allow for full enforcement of the environmental safeguards that would apply to such projects. No such system exists under the RHA,²⁴⁴ but one

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must be provided under a comprehensive coastal and offshore regulatory program. Such authority, and rules guiding its use, can be found in other laws concerned with the development of coastal and marine resources, such as the OCSLA,²⁴⁵ the Ocean Thermal Energy Conversion Act,²⁴⁶ and the Deepwater Ports Act.²⁴⁷ There is no basis to exclude such rights here.²⁴⁸

[*PG322]G. *Pending Legislation*

Many of the elements necessary for a comprehensive regulatory program for offshore wind energy are missing from the legislation currently pending in Congress to authorize alternative energy uses of the OCS. The proposed bill, which has been incorporated into the omnibus energy bill currently pending before Congress, would grant the Secretary of the Interior the authority to grant easements or rights-of-way on OCS lands for, among other things, activities that "produce and support the production, transportation, or transmission of energy from sources other than oil and gas."²⁴⁹ The Secretary of the Interior is also directed to promulgate regulations establishing appropriate safety, environmental, and natural resource protections, including a fair return to the federal government for any easement or right-of-way. Surety bonds are to be required, and areas are excluded if they are units of the National Park Service or the National Wildlife Refuge System, or are a National Marine Sanctuary, or any National Monument.²⁵⁰ While this legislation would serve to authorize alternative energy uses of the OCS lands, its requirements are minimal, and fall far short of the comprehensive programs Congress has established for the use of other public natural resources, most relevantly for the use of offshore mineral resources in the OCSLA.²⁵¹ In addition, the legislation would authorize those uses which are not currently authorized under existing law, leaving open the question of current jurisdiction.²⁵² Measured by the policy standard established by congressional action in similar contexts, the legislation is inadequate.²⁵³

Conclusion

Offshore wind energy developers are attempting to exploit what they see as a regulatory loophole that will allow them to use and occupy federal lands and waters for free, and without adequate review. The game plan is to rush as many projects as possible through the Corps's section 10 process before a comprehensive program is in place. The Corps is a willing, if oblivious, enabler of this plan. Developers have selected locations that maximize profits rather than minimize environmental harm. The environmental community, correctly [*PG323] insistent on a comprehensive program for other offshore uses, including oil and gas, is split on wind projects, with some willing to accept the immediate development of alternative energy, even in marine areas of high environmental value, as more important than a comprehensive and lasting process. The result is an extreme anomaly in federal natural resource law. A comprehensive program must be developed that makes possible the orderly, expeditious, and environmentally sound consideration of offshore wind energy projects with full return to the federal government. Until such a program is in place, no permits should be issued for projects like Cape Wind's proposal. Ultimately, the long term conservation and management of the marine environment and the expeditious development of alternative energy will benefit from such a program.

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Adams, Karen K NAE

From: Tom Burgess [TBurgess@brooksschool.org]
Sent: Saturday, February 05, 2005 11:55 AM
To: Energy, Wind NAE
Subject: Wind Farm - Objection

Army Corps of Engineers
Karen Kirk-Adams
Cape Wind Energy EIS Project
U.S. Army Corps of Engineers, New England District
696 Virginia Road

Dear Ms. Kirk-Adams,

Because of a prior engagement, I am unable to speak at the Cape Cod Commission hearing in Yarmouth on Tuesday, February 8th, please accept these written comments forwarded to US Army Corps of Engineers as well on behalf of myself and my wife. We live at the 658 Main Street in Cotuit in the town of Barnstable with no view of Cotuit Bay nor of Nantucket Sound. But neither do we have a view of the Grand Canyon nor of the geysers at Yellowstone Park, Wyoming. In both of the latter places, one can – and indeed has - argued for the feasibility of renewable or so-called environmentally friendly energy production by the construction of great hydro-electric generating dams in the first case and by tapping geothermal energy where the magma approaches the surface in the latter. Fortunately for the citizens of the planet Earth, the treasures of our national parks have – to date – remained unscathed by misguided attempts at 'environmentally friendly' energy production – though the Grand Canyon nearly suffered that fate save for the energetic opposition of the Sierra Club.

Now another "environmentally friendly" project rears its head over Nantucket Sound, adjacent to the Cape Cod National Seashore and ringed about with historic seagoing communities whose very livelihood is based on the remarkable seascape of Cape Cod and the attractive amenities it offers to its residents both year-round and seasonal. Just as the cost to the Grand Canyon and Yellowstone would be too great if the sounder and more fertile energy technology of hydroelectric or geothermal were situated in those places, so too is the cost too great to Nantucket Sound to provide the far less reliable and far more insubstantial source of energy that wind may provide to either the Cape or the over all electric grid.

As 30-year teacher of Ornithology I read the draft impact statement issued by the corps and found it missing the point. This project is not invalidated or validated by its impact on birds or fish, the tides or the wind; it is invalidated by its very intrusion into a cherished landscape of world renown for little or no benefit to those who live either near or far from its shores. The cynical joke is the vast amount of money that has been spent by both sides in this struggle. But to maintain a unique national seascape is priceless and worth the expense, to clean up after the mistake has been made and found to be a failure is truly folly. Wind power is currently the world's fastest growing energy source – indeed in Scotland where I live for part of the year, there are extensive wind farms on land in remote districts where they bear little impact on local tourism but can be serviced and maintained conveniently without threat to the environment. In the Netherlands where my wife had her childhood home, extensive wind-powered generators line the dikes – on the shore where they can be easily serviced and in remote landscapes zoned for industrial use. But even the reliability and long-term viability of this technology in those countries have been recently called into question.

I have heard with great sympathy the plaintive cries of those who cite our air pollution and concomitant asthma/respiratory problems on the Cape as well as those who predict major rationing in the future if our dependence on foreign oil is not curtailed. However, a ill-guided experiment such as Cape Wind will neither free us from the pollutants that come to us from power plants to the west and from third world giants such as China nor provide the power to feed our automobiles and homes to avoid such a crisis as these Cassandras foretell. In the event of such a crisis, we should expect a federal energy policy to mandate the creation of wind farms in such places and the center strips of our interstate highways and the Massachusetts Military Reservation by the very people who now complain that their site is not suitable for such development.

The energy provided by the monstrous infrastructure of Cape Wind will provide at its best a mere fraction of a drop in the bucket needed to supply our national needs and not much more than that fraction for our local needs. It is energy that cannot be called upon for more in a time of need as one can do with conventional power stations, as well as hydroelectric

and geothermal plants. It is energy that is 'green' only in the color of misguided subsidies to a project proposed in a poorly regulated sector of our nation – our offshore waters – and it is green in the color of the profits anticipated by the developers of the project who will be long gone when the project turns red – the color of the losses felt by Cape industries whose base is tourism, the color of the shamed-faces of officials who may have allowed the project to take place and the color of the deficits passed on to tax payers when this feeble supply of energy and its infrastructure must either be expensively maintained, cleaned up after or dismantled.

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Sincerely,

Thomas Knight Burgess
Anna Elizabeth C.M. Burgess-Berbée
658 Main Street
Cotuit, MA 02635

February 5, 2005

Adams, Karen K NAE

From: al.geo@rcn.com
Sent: Saturday, February 05, 2005 4:10 PM
To: Energy, Wind NAE
Subject: wind farm

Location, Location, Location: That's what is boils down too. The people on Cape Cod know we need renewable energy and have wanted it for years. However no one seems to listen to the people of Cape Cod. Back in the 60's we did not want the Electric Power Plant on the Canal. We fought against it. Same arguments location, property values, air quality. The people that were for it said it will bring money into Sandwich, jobs and it will be renewable energy because they needed the water currents of the canal to cool the coils instead of fossil fuel. It would cut down on the use of fossil fuel and use Hydropower from the currents.

But no one listened. Now the Power Plant owes the Town of Sandwich millions of tax dollars. The looks have ruined the view of the Canal even though that was manmade. The value of the property around the Power Plant is low and the pollution of it. But no one wanted to listen to those on Cape Cod.

Now 30-40 years later it proves all to come true.

Here we are fighting again about the same thing. Renewable Power. The same arguments except the Town of Yarmouth is going to receive lots of tax money, many jobs, and it will be renewable energy because of the wind source.

Well I live on Nantucket Sound. I have a wind monitor and believe me there are many days that those Wind mills will not be producing energy. Since the wind mills in Denmark need repairs after only two years in operation we haven't heard much about them.

I saw the windmills (1,000's) of them in Alta Mont CA. But I also talked to the businesses out there that don't receive any of the power that they produce. And what about the air quality? Look at Los Angelas and San Diego. Has their air improved?

I'm not against wind energy. I think that and improved Solar energy is the way to go. But it is all location, location, location.

What happened to the suggestion that Cape Winds looks into alternative areas? Why hasn't the Army Corp of Engerneers demand that they do that?

I am in Colombia South America right now helping out volunteering my time and skills to improve this area. And talk about air pollution. They have no restriction here on vehicles and pollution. It is the worse. We need to improve Transportation use of fossil fuel. We need wind mills near the Industries that cause air pollutions. Like the Wind City of Chicago where all the Industry is that makes cars and vehicles that uses major source of fossil fuel.

When I was in Hawaii it seemed that they were building new homes with solar. And there are areas where parking lots, office building, schools and Town Buildings are using solar energy to produce electricity for those areas. That improves the quality of air control. I would love to put solar panels on my building but the expense is so high for one individual to afford. If the Government would help more people to afford solar more people would be willing to use it for their use. We need to educate people not to be wasteful and a throw away society. Plastic's are made from fossil

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fuel oils and yet there are engeneers that design things to work for only a few years so people would have to throw away perfectly reuseable products. And buy new ones.

Please consider Location, location, location. Cape Cod's Industry is clean. It's Tourist we don't make pollution by having big industries here. We don't even have three story buildings on Cape Cod. Why have 40 story 130 wind mills. Just doesn't fit...Please listen to the people of Cape Cod. We are the ones that will stay and have to put up with the problems of the wind mills in the ocean just like the Power Plant at the Canal.....

Please all we are asking is don't destroy another natural resource to protect a natural resource...It doesn't make sense.

Sincerely.....Alice Fardy of Centerville

mail2web - Check your email from the web at
<http://mail2web.com/> .

3171

Adams, Karen K NAE

From: Rmsgato@cs.com
Sent: Saturday, February 05, 2005 9:13 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

Specifically, the environmental review of this project should include:

- Three full years of visual observations of birds
- 12 months of radar observations of flying wildlife
- A thorough and timely review of the project's potential effect on wildlife, including marine mammals

These factors will help determine whether the Cape Wind project is in the best interests of both the public and wildlife.

As it is written, the U.S. Army Corps of Engineers' draft environmental impact statement is hopelessly flawed, because it ignores relevant information and draws conclusions based on inadequate research.

This project could be the first marine wind energy facility in the United States. As such, it will set a precedent for other offshore renewable energy projects.

Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Rob Sanders
103 villa rosa ridge
Temple, Georgia 30179

3172

Adams, Karen K NAE

From: pamelaf5155@aol.com
Sent: Saturday, February 05, 2005 10:43 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Pamela Forry
745 Old Johnson Road
Lawrenceville, Georgia 30045

3173

Adams, Karen K NAE

From: neidell@optonline.net
Sent: Saturday, February 05, 2005 12:52 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

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U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

merle neidell
40 bacon rd
st james, New York 11780

3174

Adams, Karen K NAE

From: cindy@extremezone.com
Sent: Saturday, February 05, 2005 1:55 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

cindy gordon
2821 E. Vista Dr.
Phoenix, Arizona 85032

3175

Adams, Karen K NAE

From: jackiewv@sbcglobal.net
Sent: Saturday, February 05, 2005 2:37 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Jackie Willer-Vescio
250 Canyon Breeze Court
Simi Valley, California 93065

3176

Adams, Karen K NAE

From: tonypv@sbcglobal.net
Sent: Saturday, February 05, 2005 2:48 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Anthony Vescio
250 Canyon Breeze court
Simi Valley, California 93065

3177

Adams, Karen K NAE

From: IsisFirefly123@gmail.com
Sent: Saturday, February 05, 2005 6:30 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Jennifer Hughes
9031 Ft. Hamilton PKWY
Brooklyn, New York 11209

3178

Adams, Karen K NAE

From: susejosh@yahoo.com
Sent: Saturday, February 05, 2005 11:38 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Josh Swartzbaugh
1025 Meadowsweet Dr.
Clayton, Ohio 45315

3179

Adams, Karen K NAE

From: Rich Phelan [rphelan@express56.com]
Sent: Sunday, February 06, 2005 8:21 AM
To: Energy, Wind NAE
Subject: Cape Wind project

Hi,

I would like to express my favorable opinion of the Cape Wind project. I base my opinion on what I consider to be very good educated research. Over 15 months I have done elementary research on the benefits and adversities of wind turbines. I have also closely followed the progress of the Cape Wind proposal and their opponents (primarily the Alliance to Protect Nantucket Sound) and I have read your (Army Corp.'s) preliminary report on the Cape Wind project. I have also personally talked to both Jim Gordon (principal of Cape Wind), Nancy(?) Nickerson (of the Alliance), and numerous other people (NREL, RERL...). I have also talked to and received letters from people opposed to wind turbines and renewable energy sources. What disturbs me the most (and makes my conviction more strong) is the amount of ignorance and misinformation being spread by those opposed to renewables (in this case wind turbines). I support this project not for myself but for my children and their children. I realize that these wind turbines will never become base load energy producers. I also realize that the amount of energy put out by these turbines will not supply a huge amount of electricity (when looking at NE's electrical demand). But I feel it is necessary to make an effort to reduce the negative environmental impact of traditional plants, the storage problems of spent fuel from Nuke plants and our continuing increasing demand of foreign oil. It is obvious that American people do not want to sacrifice their comfort to conserve and protect the environment (take the rising cost of gasoline and the continuing sales of SUVs as an example or the abundant purchasing of electrical consuming devices with little or no consideration of Energy Star status).

For these and many other reasons, I fully support the Cape Wind project. Please do not support the ideas of people who, in their ignorance have not researched the issues. And please do not support the people who oppose this project because of NIMBY!!

Sincerely,

Rich Phelan
140 Lake Shore Dr.
Duxbury, MA. 02332

ps. I have installed an anemometer at my house to collect data to determine if the wind here is suitable for a small residential wind turbine.

2/7/2005

3186

Adams, Karen K NAE

From: jbeusmans@comcast.net
Sent: Sunday, February 06, 2005 11:58 AM
To: Energy, Wind NAE
Subject: File No. NAE-2004-338-1 ; Comments on Cape Wind

Karen Kirk Adams, Cape Wind Energy Project EIS Project Manager
Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742-2751

File no: NAE-2004-338-1

Ms. Adams,

I am writing to you on behalf of the Medford Clean Energy Committee, which unanimously supports the proposed Cape Wind project. The Medford Clean Energy Committee consists of nine Medford residents and was appointed by Mayor Michael McGlynn in February 2004 to promote the use and production of clean energy in our city.

This Committee is just one outcome of a decision that Medford made some five years ago to start actively promoting sustainable development in Medford. In 1999, Medford joined the Cities for Climate Protection and in October 2001, Medford became the first city in Massachusetts to adopt a Climate Action Plan. We have made some progress since that time: we have replaced our traffic lights with energy efficient LEDs, started a clean school bus program, and built two new middle schools incorporating green design principles.

The Clean Energy Committee is currently investigating which locations in Medford would be suitable for the placement of wind turbines. We are optimistic that we are going to place a wind turbine on the banks of the Mystic River, next to Interstate 93.

The Committee believes that the DEIS for Cape Wind has convincingly shown that the environmental, health, and economic benefits of this project far outweigh its drawbacks, especially when compared to a conventional plant powered by fossil fuels. Without Cape Wind, Massachusetts will probably not meet its Renewable Portfolio Standard, which requires the State to generate 4% of its electricity from renewable sources by 2009. Currently, that figure stands at just half a percent.

We strongly support the Cape Wind project. We believe it represents a unique opportunity for Massachusetts to start moving towards a clean energy future. It may not be the only hope for that future, but it is real and it is here now. We simply cannot afford to delay any longer.

Sincerely,

Jack Beusmans
Mike Camuso
Diana Duffy
Lois Grossman
Mike Guigli
Bob Paine
George Sacco
Fred Schlicher
Lael Smith

Medford Clean Energy Committee
10 Manning St
Medford, MA 02155
jbeusmans@comcast.net

3161

Adams, Karen K NAE

From: Sherrie S. Cutler [sscutter@ecodesign.com]
Sent: Sunday, February 06, 2005 2:38 PM
To: Energy, Wind NAE
Subject: Wind Turbines and Coastal Zoning

ECODESIGN, Inc.

EAST: 197 Eighth St. #506
 Charlestown Navy Yard
 Boston, MA 02129
 Piv/Fx (617) 241-9006
 Cell: (970)948-8822

Architecture
 Urban Design
 Environmental Planning
 Property Develop & Management

February 6, 2005

Cape Wind Energy EIS Project, Att: Karen Kirk-Adams
 U.S. Army Corps of Engineers, New England District
 696 Virginia Road, Concord, MA 01742, wind.energy@usace.army.mil

Re:
"Comprehensive Coastal Zoning" and "Massachusetts Alternative Energy Technology and Planning Initiative": Real Answers on Proposed Power Plant?

Dear Ms. Karen Kirk-Adams,

We have written to thank Governor Romney, Senator(s), Congressmen and others in positions to understand the total impact of the proposed Wind Turbine Project for their strong, straightforward and reasoned stand against the proposed Wind Power Plant placement in Nantucket Sound.

Clearly, any "thinking person" is in favor of Alternative Energy, but not for a 40 story high, 24 square mile industrial complex, plunked in the middle of the National Treasure of Nantucket Sound. Nor are they for the use of already outdated turbines, that are untested in our maritime conditions, on an un-zoned, unregulated Federal "land-grab" site.

Knee-jerk environmentalism and fears of foreign oil dependency are allowing the developer of the Nantucket Sound Energy Plant to use the generic arguments for Alternative Energy solutions of all kinds to miss-lead people into believing that his proposal is the only alternative. Using this combination of the "generic benefits of alternative energy" and "my project is the only alternative" approach, this developer has been consistently able to dodge the real questions put forth and to avoid exploration of viable, lower impact (but less profitable) alternatives.

Instead of allowing ourselves to be diverted by his constant repeat of these generic wind energy benefits, can we require the developer to give serious answers to real questions in a valid Environmental Impact Statement (EIS)?

People who protest this proposal are for Alternative Energy, but seriously question:

_ Is this the right Site---in a National Natural Treasure comparable to our great National Parks like the Grand Canyon as opposed to an industrial, military or municipal site? (*Secretary Douglas Foy's desired "World Class Park System" in conjunction with "Comprehensive Coastal Zoning"*)

_ Is this the right Technology or should this massive (40 story high / multi-gallon oil storage, etc.) equipment be tested on land first and developed for greater efficiency and safety? Shortly new technologies and computer enhancing will offer capabilities for higher production in lower wind ranges. (*"Alternative Energy Technology and Planning Initiative"*)

_ Is this the right Time or should our obsolete northeast electric power distribution grid be updated first? (*Alternative Energy Technology and Planning Initiative*)

_ Is this the right Size? An un-tested, "largest ever" off-shore commercial scale project as opposed to phased or smaller, decentralized local or municipal based installations that would benefit the Cape and Islands area directly. (*Alternative Energy Technology and Planning Initiative*)

2/7/2005

3181

_ Is it right for Federal land (?) with State jurisdictions in dispute to be turned over to a private developer for profit without zoning, regulations and payment policies in place? ("*Comprehensive Coastal Zoning and standard EIS requirement for confirmed undisputed site survey.*")

_ How is the Environmental Impact Statement (EIS) process, with Army Corp of Engineers as the determining agency using the developer's own consultant research materials, a viable process? Who selects alternative sites to be reviewed and do they include onshore and de-centralized alternatives? (*Need valid Environmental Impact Statement through "Comprehensive Coastal Zoning" process.*)

_ How does the visual destruction (turbines appearing as posts in a giant chain link fence with struts, lights, horns, signs, etc.) of the main attraction of Nantucket Sound really affect the major industry of the Cape and Islands? i.e.: Tourism? ("*Comprehensive Coastal Zoning*", also the full-scale turbine mock-up was never installed.)

_ Navigation and Security will be difficult (both visual and radar) with the pollution of shapes and the myriad of lights of all colors especially at night and in fog. Navigation will be impeded by structures, and no doubt eventually be halted by the Coast Guard for the thousands of small 3-4' draft boats that pass over this location. Can the developer guarantee free access and security to our waters? ("*Comprehensive Coastal Zoning*")

_ Does the risk of the many projected, but un-quantifiable impacts, related to navigation, security, fish, fishing, fowl, tourism, safety, historic resources, variable output, oil storage spill, etc. create a "critical mass" of unknown, but irreversible, impacts that should require an alternative land based site for testing of this technology? ("*Comprehensive Coastal Zoning and Alternative Energy Technology and Planning Initiative*")

The selection of "Alternative Sites" reviewed in the EIS is an extremely tricky section for the developers and the EIS reviewing agencies. If they determine that there are no viable comparable or acceptable alternative sites onshore as well as off, then they are in effect saying that the proposed technology is not a viable on-going Alternative Energy source in which to invest. **Inability to reproduce these power installations would be extremely damaging to all proponents of Alternative Energy. The first Alternative Energy projects must be successful---and repeatable---if they are to truly reduce foreign-based oil dependency and claim the benefits of cleaner air.**

A determination of the potential success through reproducibility of the proposed energy plant can only be determined by analysis of the questions above through "*Comprehensive Coastal Zoning*" in conjunction with a "*Alternative Energy Technology and Planning Initiative*". These initiatives are also appropriate to the science, technology and planning resources and maritime heritage of Massachusetts, New England and of our Nation.

Sincerely,

Sherrie S. Cutler, A.I.A.
 ECODESIGN, Inc., President
 Environmental Planning and Architecture
 sscutler@ecodesign.com
 Cell (970) 948-8822 or Ph (617) 241-9006

3182

Adams, Karen K NAE

From: fryc [fryc@verizon.net]
Sent: Sunday, February 06, 2005 3:41 PM
To: Energy, Wind NAE
Subject: Statement for Cape Wind EIS

At the Hearing at MIT on Dec 16, 2004 I signed up to speak but there were too many people ahead of me.

Below is my statement for the Cape Wind EIS
Christopher Fry

All forms of electricity generation will have some negative impact.
The real question is not whether the Cape Wind project has bad effects,
but is the Cape Wind project better or worse than the current forms of
power generation?

I can't make that comparison in a few minutes so
I'll just bring up the main issue I hear from Wind Power opponents:

Visual Impact.

The opponents want to scuttle the project because they prefer a clear view
of the horizon to seeing some toothpicks on it.
I want to make apparent the implications of their preference.

The promise of Cape Wind and follow on alternative energy projects is that we
stop using oil.

What's that got to do with visual aesthetics?

The simple answer is:

- burning oil makes air pollution and
- tankers spilling oil on the beaches is ugly.

But there's a more significant concern:

National Security.

Here's some recent history:

- We lost the first battle on the war on Terrorism at Logan Airport Security on Sept 11, 2001.
- We indirectly financed The 9/11 bombings by buying oil from Saudi Arabia.
- We failed to catch Osama in the mountains of Afghanistan after a colossal effort.
- We helped fund Saddam's military by buying oil from Iraq.
- We are creating more terrorists than we're catching in Iraq.

Its time for a new strategy: Let's stop the terrorists at their own bank
by ending our addiction to foreign oil.

The President says that he "prays for the well being of our soldiers."
If he's sincere, he has only to get them out of harms way and
put them to work building wind farms.

Cape Wind can be the first step to a full and healthy recovery from the drug of oil.

I conclude by coming back to the visual impact issue.
Would you rather see toothpicks on the horizon or
buy oil to fund the next 9/11 and
see a bulldozer cleaning up the remains of

2/7/2005

3182

the JFK library, or Faneuil Hall, or the Prudential Center, or 10-250?

31B3

Adams, Karen K NAE

From: Susan Tierney [STierney@analysisgroup.com]
Sent: Sunday, February 06, 2005 8:37 PM
To: mepa@state.ma.us; Energy, Wind NAE; anne.canaday@state.ma.us
Cc: windcomment@essgroup.com; sue_tierney@yahoo.com;
james.hunt@state.ma.us
Subject: Comments on Cape Wind Energy Project - #12643

Dear Ms. Canaday:

Attached please find my comments on the Cape Wind Energy Project DEIR:

Sincerely,

Sue Tierney
sue_tierney@yahoo.com

Sue Tierney
Managing Principal
Analysis Group, Inc.
111 Huntington Ave, Tenth Floor
Boston, MA 02199
617-425-8114 - Voice
617-425-8001 - Facsimile
stierney@analysisgroup.com

This e-mail message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify the sender immediately by replying to this message - and destroy all copies of this message and any attachments. Thank you.

2/7/2005

3183

Susan F. Tierney
108 Hammond Street
Newton, Massachusetts 02467
Sue_tierney@yahoo.com
February 6, 2005

Secretary Ellen Roy Herzfelder
Massachusetts Executive Office of Environmental Affairs
100 Cambridge Street 9th Floor
Boston, MA 02114

Attn: Anne Canaday, EOEA #12643

Re: Comments on the Cape Wind Project – DEIS/DEIR

Dear Secretary Herzfelder:

My name is Sue Tierney. I live in Newton, Massachusetts. I am submitting comments on behalf of myself and my family. I urge you to approve the Draft Environmental Impact Report ("DEIR") for the Cape Wind Project. On December 16, 2004, I submitted these same comments to the Army Corps of Engineers, regarding its review of the Cape Wind Draft Environmental Impact Statement ("DEIS").

I start by stating that I am submitting comments on my own behalf because in my professional career, I have been involved in energy and environmental policy, regulation and consulting for approximately 25 years, most of that here in Massachusetts. I have devoted much of my work to helping others finding economical, environmentally sustainable and reliable means to meet the public's needs for energy. I have done that as a regulator, a policy maker, an educator, a consultant, and a volunteer. But I am submitting comments on the Cape Wind Project DEIR/DEIS in my personal capacity. No one has asked me to do so; no one is paying me – directly or indirectly - to do so.

I am currently a private consultant on issues relating to electric and natural gas industry in this region and around the country. Previously, I served for 13 years in state and federal government on energy and environmental policy issues. I was assistant secretary for policy at the U.S. Department of Energy. In Massachusetts state government, my past jobs included being Secretary of Environmental Affairs, commissioner of the Department of Public Utilities (the predecessor agency of today's Department of Telecommunications and Energy), executive director of the Energy Facilities Siting Council, and senior economist of the Executive Office of Energy Resources. I have served as the chief state officer in administering the Massachusetts Environmental Policy Act.

Like you who now sits in the position of Secretary of Environmental Affairs, I have reviewed countless proposals to site power lines and gas pipelines and large power plants and incinerators and highways and buildings and hazardous waste facilities and stadiums and many other types of projects involving public review of public and private infrastructure projects needed to meet society's needs. I have attended countless public hearings in which neighbors of project proposals have come out in the evening hours to comment on the

impacts that they expected to see from the siting of projects in their neighborhoods. Some of the projects were located within hundreds of yards of their neighbors. Often these impacts were related to traffic, or noise, or property values, or visual impacts, or impacts on wetlands or wildlife, or some combination of all of the above. I can't think of a single project where there wasn't a clash between public needs and private interests.

On a volunteer basis, I currently serve on the board of directors of many non-profit environmental and energy-related organizations. As a commissioner member of the bipartisan National Commission on Energy Policy, I participated several weeks ago in unveiling the results of our three-year effort to break the stalemate on the nation's energy policy. For a year last year, I served as chair of your Ocean Management Task Force, and together with the other members of the Task Force recommended the adoption of a framework for sound management of the state's ocean resources. I am currently on the boards of many environmental organizations, including ones in this region, nationally and even in China.

The common theme of my all of volunteer activities on these boards and commissions is to explore ways to have the nation and the region adopt environmentally and economically sustainable energy supplies. In particular, I am especially concerned about the threat of global warming and the contribution of man-made emissions of greenhouse gases from consumption of fossil fuels in cars, in power plants and in industries around the world, here in the US and at home here in New England. The threat of climate change is so important that we all must shake up our own "business as usual" approaches to solving the nation's energy and environmental problems.

In December, 2004, the National Commission on Energy Policy of which I am a member, stated that as a nation, we must find "common ground in rejecting certain persistent myths — on the left and on the right — that have often served to polarize and paralyze the national energy debate. These include, for example, the notion that energy independence can be readily achieved through conservation measures and renewable energy sources alone, or that limiting greenhouse gas emissions is either costless or so costly as to wreck the economy if it were tried at all. Most of all, Commissioners rejected the proposition that uncertainty justifies inaction in the face of significant risks. Given current trends, the consequences of inaction are all too clear. Under business-as-usual assumptions, the United States will consume 43 percent more oil and emit 42 percent more greenhouse gas emissions by 2025. At the global level, oil consumption and emissions will grow 57 and 55 percent respectively over the same timeframe, and the Earth will be heading rapidly — perhaps inexorably — past a doubling and toward a tripling of atmospheric greenhouse gas concentrations. In the Commission's view, this is not a scenario that should inspire complacency, nor is it consistent with the goal of reducing the nation's exposure to potentially serious economic, environmental, and security risks." (National Commission on Energy Policy, "*Ending the Energy Stalemate: A Bipartisan Strategy to Meet American's Energy Challenges*," December 8, 2004.)

And also in December, I met with you, along with the other members of the Commonwealth's Ocean Management Task Force, to hear about your goals to promote the principal recommendations of the Task Force's Final Report ("*Wave of Change*," March 2004). Among the most important of these recommendations is that the Commonwealth adopt a

new ocean resource management framework in order to assure that the state's waters are managed, developed and conserved in ways consistent with the public trust.

In calling for a new ocean management planning approach, our Task Force also made a number of other recommendations, including ones relating to improving our information, enhancing our knowledge of the oceans, improving our coordination with others like the federal government with whom we share ocean boundaries, and so forth. We stated that "The recommendations in this report are prospective in nature and will not impact projects or proposals already under regulatory review. We believe that sound public policy requires that any new laws, regulations, or policies adopted in line with our recommendations be applied prospectively with respect to projects filed after the adoption of these new policies. We neither recommend a moratorium on development and permitting activities, nor want our proposals and uncertainty about policy to have the effect of chilling development." We were clear in saying that "This report is therefore about planning for our oceans' future. It is not about stopping development or fishing. But it is about charting a course for protection and use of our oceans, rather than simply reacting to trends and developments. While our suggestion for enhanced planning is new, we recognize that Massachusetts has a long history of asserting its position about how offshore resources should be used - whether it be questioning and ultimately halting Georges Bank oil drilling in the 1980s, successfully gaining fishery management jurisdiction for Nantucket Sound, or championing the designation of the Stellwagen Bank National Marine Sanctuary adjacent to state waters in the early 1990s. We have gone to extraordinary lengths in recent years, for example, to reduce and mitigate the impacts on our oceans of our activities on land; the massive, multi-year effort to clean up Boston Harbor is perhaps the best example of this investment in the health of our ocean. Massachusetts has long been culturally, ecologically, and economically invested in the ocean, and our recommendations reflect and honor that tradition."

One of our other recommendations, in particular, is one that underscores why I am submitting these comments on the Cape Wind Project's DEIR. The Task Force noted the important interactions between global climate change and the conditions of our ocean resources, and we recommended that the state include in its Climate Change Action Plan various elements relating to effects of climate change on our coasts and oceans, measures to mitigate effects on such things as coastal flooding and sea level rise, and policies to reduce greenhouse gas emissions. We stated our support for policies that decrease the Commonwealth's reliance on energy resources that emit greenhouse gasses. One such policy, of course, is the state's Renewable Portfolio Standard, which calls for increasing levels of new renewable power use by consumers in the state.

It is with that in mind that I am encouraging you to approve the Cape Wind DEIR. I have no other dog in this fight. After much thought and review of documents, I have personally come to the conclusion that we need the Cape Wind farm as part of our energy mix.

In fact, seeing this DEIR is what helped me to reach that conclusion. Before seeing the DEIR, I was a fan of wind power, to be sure, but did not know whether I could personally support this project in light of its particular environmental impacts on the specific site and its surrounding areas. At different points in time over the past few years, I considered working for one side or the other in this debate – but decided repeatedly not to. I could not work against a wind project of such potential importance to helping enable Massachusetts to

meet its renewable energy targets; and I didn't want to work for such a large wind project in a particular place until knowing that it was acceptable from an environmental point of view. I have watched the debate. I have read various opinions of the courts and regulators. I have spoken on numerous occasions with representatives from the different sides. I have followed the story in the newspaper.

And now, I have reviewed the draft environmental impact report/statement. It is thorough. It is detailed. It identifies, analyzes and describes a wide array of impacts with great care, detail and comprehensiveness. Indeed, it is one of the most thorough that I have ever seen. I agree with the Army Corps of Engineer's independent conclusions that this project is needed, and I agree that the project's overall portfolio of environmental and socio-economic impacts is minimal, especially in comparison to the public benefits associated with the production of energy without greenhouse gas emissions.

Moreover, when I consider the impacts of real alternatives to this project – such as burning more fossil fuel in power plants – I think that the impacts are acceptable. Meeting our region's abundant energy needs – that is, the needs for electricity of each and every person and business residing on the Cape and in other communities around the state – requires real energy facilities consuming real fuel and reaping real impacts on neighbors who live substantially closer to those facilities than any one will live near the Wind Farm on Horseshoe Shoal. Of course, some of our electricity needs can come from installing better and more efficient appliances and building more efficient buildings. And while we need much more investment in such, experience tells us that we also need power plants as well. The electricity consumed here on the Cape comes from power plants located near someone's home and in someone's vista. For the most part, those other power plants emit pollutants that contribute to smog, acid rain and soot, which in turn contributes to asthma and other respiratory illnesses, and a variety of ecological impacts. The neighbors of those other plants experience noise, visual, property value and property impacts, as well.

We live in a society in which each of us daily uses the fruits of infrastructure projects – whether roads, or cell towers, or gas pipelines, or transmission lines, or sewage systems – that benefit all of us broadly and distribute particular impacts locally. We also live in a society in which we try to use our public resources wisely for the benefit of the common. In this case, I believe that this Project will produce significant benefits to the commons by providing all of us with a supply of electricity that produces no greenhouse gas emissions. I think this is an important and positive and *public use* of the important wind resources that are located here in Massachusetts, in Nantucket Sound. This is an investment for our children.

I encourage you to approve the Cape Wind DEIR. It is well done. The project is needed. And I hope that it is approved.

Sincerely,



Susan Tierney

3184

Adams, Karen K NAE

From: karen fox [krfox@hotmail.com]
Sent: Sunday, February 06, 2005 11:33 PM
To: Energy, Wind NAE
Subject: Cape Wind Project

Dear Ms. Adams,

After thoughtful consideration of the numerous issues at hand regarding the construction of a wind farm in Nantucket Sound, I foresee numerous benefits to this project, and no foreseeable negative impacts.

Oil will no doubt continue be the predominant solution to energy needs for some time, however it is inevitable that alternative energy will eventually move its way into the market. Oil is not a renewable resource—it is a finite resource, and its availability will virtually come to an end. It is only natural (and necessary) that new sources of energy will simply take its place. Solar energy, hydro power, geothermal energy and wind energy will find their place in the appropriate geographic locations, with little to no effect on current lifestyles. In the interim, oil prices are likely to skyrocket, competing with auto and housing payments. This scenario has the potential to leave the majority of the population with tremendous financial difficulties, and could reach crisis levels.

Unfortunately, it is also possible that the negative effects of oil use will have undeniable detrimental effects on human health and quality of life before a significant shortage occurs. Although this is already occurring, it seems that the association between a deteriorating environment and a deteriorating quality of life for our communities is a difficult concept. But as the negative effects (e.g. global warming, ozone) continue to increase, there will be no escaping the impacts. When beaches begin to close from time to time because it is not safe to be outside, quality of life is effected and tourism diminishes. When it seems that the tides are rising a bit each year, coastal property and its values decrease. When the agricultural industry passes on the astronomical costs of producing food in a harsh environment onto the consumer, basic necessities become a luxury.

The Cape Wind project provides a unique opportunity for this region to prepare for the future. The message is that the communities of Cape Cod are comprised of individuals who are forwardthinking and intelligent. They are capable of understanding the relationship between a healthy environment and quality of life. They do not deny the inevitable move to alternative energy—they see the writing on the wall. They have done their ecology homework, and have learned that the wind turbines will not have detrimental effects on habitat, and will actually create new habitats. They know that the experienced and capable boaters and fishermen of Cape Cod and the Islands will gracefully navigate through the wind farm as they do lighthouses, buoys and islands. And on a clear day some will be lucky to get a glimpse of these structures, symbolic of their choice to provide a better quality of life for generations to come.

Karen Fox
Plymouth, MA

2/7/2005

Adams, Karen K NAE

From: ravenality@peoplepc.com
Sent: Sunday, February 06, 2005 3:36 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

Specifically, the environmental review of this project should include:

- Three full years of visual observations of birds
- 12 months of radar observations of flying wildlife
- A thorough and timely review of the project's potential effect on wildlife, including marine mammals

These factors will help determine whether the Cape Wind project is in the best interests of both the public and wildlife.

As it is written, the U.S. Army Corps of Engineers' draft environmental impact statement is hopelessly flawed, because it ignores relevant information and draws conclusions based on inadequate research.

This project could be the first marine wind energy facility in the United States. As such, it will set a precedent for other offshore renewable energy projects.

Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

William Timothy Aviles
37795 Oxford Drive
Murrieta, California 92562-5058

Adams, Karen K NAE

From: drury66@aol.com
Sent: Sunday, February 06, 2005 9:28 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Richard Leonard
245 East 63rd St., 25C
New York, New York 10021

3187

Adams, Karen K NAE

From: thorny406@msn.com
Sent: Sunday, February 06, 2005 11:39 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Linda Thornberg
79 Salem Rd.
Prospect, Connecticut 06712

Adams, Karen K NAE

3108

From: Larsmother@hotmail.com
Sent: Sunday, February 06, 2005 12:03 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

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Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

karen alger
3806 browns pt. blvd
tacoma, Washington 98422

3189

Adams, Karen K NAE

From: j-burch@animail.net
Sent: Sunday, February 06, 2005 12:30 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

Specifically, the environmental review of this project should include:

- Three full years of visual observations of birds
- 12 months of radar observations of flying wildlife
- A thorough and timely review of the project's potential effect on wildlife, including marine mammals

These factors will help determine whether the Cape Wind project is in the best interests of both the public and wildlife.

As it is written, the U.S. Army Corps of Engineers' draft environmental impact statement is hopelessly flawed, because it ignores relevant information and draws conclusions based on inadequate research.

This project could be the first marine wind energy facility in the United States. As such, it will set a precedent for other offshore renewable energy projects.

Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Julia Burch
846 32nd Street
Sarasota, Florida 34234

3190

Adams, Karen K NAE

From: jenniferrimail@aol.com
Sent: Sunday, February 06, 2005 2:27 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

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Sincerely,

Jennifer Rimel
10260 Spotswood Trail
McGaheysville, Virginia 22840

3191

Adams, Karen K NAE

From: lesliesmom@msn.com
Sent: Sunday, February 06, 2005 2:38 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

GAIL MARCO
140 TROON WAY
Half Moon Bay, California 94019

3192

Adams, Karen K NAE

From: americnadesi_kurdi@yahoo.com
Sent: Sunday, February 06, 2005 3:01 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Sarbi K.
1822 Boxwood Dr.
Concord, California 94519

3193

Adams, Karen K NAE

From: lovemotherearth@ecoisp.com
Sent: Sunday, February 06, 2005 3:08 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Paul Williams
37 N. Boston Ave.
Atlantic City, New Jersey 08401-3534

3194

Adams, Karen K NAE

From: aedavy@yhao.com
Sent: Sunday, February 06, 2005 6:36 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Ashley Donayre
253 8th Street #3L
Jersey City, New Jersey 07302

3195

Adams, Karen K NAE

From: raaz-k@airmail.net
Sent: Sunday, February 06, 2005 7:32 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Renee Kirkpatrick
12113 Metric Blvd.
Apt. 1528
Austin, Texas 78758

3196

Adams, Karen K NAE

From: tamo.js@juno.com
Sent: Sunday, February 06, 2005 7:49 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Vivian McNamara
401 B Richmond Street
El Segundo, California 90245

3197

Adams, Karen K NAE

From: map0ther7364@yahoo.com
Sent: Sunday, February 06, 2005 8:52 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Dianne Velasquez
1055 Pondview Dr.
Cedar Hill, Texas 75104

3198

Adams, Karen K NAE

From: whitewave@iwon.com
Sent: Monday, February 07, 2005 3:11 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Jennifer Gale
POB 1265
Gualala, California 95445

3199

Adams, Karen K NAE

From: cadogdazed@aol.com
Sent: Monday, February 07, 2005 7:22 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Cynthia Arnold
3634 Franklinville Road
New Windsor, Maryland 21776

3200

Adams, Karen K NAE

From: bethlovesjimmy@hotmail.com
Sent: Monday, February 07, 2005 7:27 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Elizabeth Parmer
110 South 24th St.
Lanett, Alabama 36863

3201

Adams, Karen K NAE

From: ninner1099@hotmail.com
Sent: Monday, February 07, 2005 9:47 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

anne b
400 ren cen
Detroit, Michigan 48243

3202

30 January 2005

Karen Kirk Adams
Cape Wind Energy Project
EIS Project Manager, Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RECEIVED
JAN 31 2005
NANTUCKET DISTRICT

Dear Karen Kirk Adams:

I read today that climate change scientists now believe that we may have only 10 years before we begin experiencing a true crisis that will impact weather, agriculture, wildlife, and public health around the globe. For me, climate change is the number one reason to act now and endorse Cape Wind. Cape Wind can become a model for the rest of country--a clean, renewable source of energy that emits no greenhouse gas emissions--producing 75 percent of the electricity currently needed on Cape Cod.

I however support Cape Wind for other reasons as well. I live within a half mile of the Salem Harbor Station, which every day spews mercury and other toxins into the atmosphere as well as CO2. This plant adversely affects the health of my neighbors, contributing to high rates of asthma and increased heart attacks. It also destroys the beauty of our harbor.

Wind turbines however are elegant and lifegiving. These turbines will not impinge on the beauty of Nantucket Sound. They will be a beacon of the future. How can residents of the area compare the aesthetic impact of 130 wind turbines to the destruction wrought by the mining of coal and the drilling of oil and natural gas. I have been to Appalachia and I have seen how an entire landscape can be annihilated by mountaintop removal. Coal mining has ruined natural habitats for wildlife and for humans, resulting in devastating floods for some and the loss of drinking water and fishing streams for many others. The wind turbines, according to the Draft EIS report, will have little impact on Nantucket Sound's habitat and fisheries.

Cape Wind is the first... to the Cape to see this magnificent array of turbines churning out clean energy and spurring economic growth. New jobs will be created, and we will all benefit. Please do whatever is in your power to ensure that this project becomes a reality.

Sincerely,



Karen Kahn
Salem Alliance for the Environment
17 Sultan Ave, Salem, MA 01970

Cc: Governor Romney, Senators Kennedy & Kerry, Attorney General Thomas Reilly

3203

John P. Paone, Jr.
55 Bayshore Drive
Mashpcc, Massachusetts 02649
jpaone@yahoo.com

February 3, 2005

Ms. Karen Kirk-Adams
Cape Wind Energy EIS Project
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742

Dear Ms. Kirk-Adams:

I am writing in opposition to permitting the Cape Wind Project on the grounds that the absence of regulations controlling the development of off shore public lands and waters for wind energy development means that the Army Corps of Engineers lacks the requisite authority to issue permits in this case. Significantly, given that this is not a case of emergency, public safety, or public necessity, but the transfer of public property purely for private development and profit, any reasonable doubt about the Corps' authority mandates as a matter of due process that the Corps decline to exercise authority in this matter until questions regarding federal and state regulations, jurisdiction and scope of authority are resolved. Both the scope and consequences of this Project are too great (and perhaps irreversible) for the Corps to exercise at this time what is clearly questionable legal authority.

Sincerely,



RECEIVED

FEB 17 2005

PERMIT DIVISION

Leigh B. Smith
Box 2527, Vineyard Haven, MA 02568

3204

Feb. 4, 2005

To- Karen Adams, Project Mgr.
Regional Div. -
Concord, MA 01742

Re - Cape Wind project

Dear Mrs. Adams et al -

Having followed much discussion in newspapers, watched hearings on television, I have concluded that the advice of the Martha's Vineyard Commission on this matter is the wisest course at this time.

Actually, I have long felt that some "comprehensive ocean management policy" should precede the granting of any rights to a private company.

"An adequate regulatory process, to use words in recent Gazette article, is needed first and foremost.

As a former resident of New Jersey I am interested to read an executive order there by Gov. Corley has put "a 15-month freeze on permitting for offshore wind farms." (V. Gazette 1/28/05)

The idea of wind power is fine & commendable; some delay is needed for the best use of this power in the long run!

Very truly yours,

Leigh B. Smith

3205

Comment Sheet
On Draft Environmental Impact Statement (EIS)
For the proposal for an Offshore Wind Project
In Nantucket Sound

Name: Edward MAYNARD

Address: 50 Cole Road (P.O. Box 1116)
Eastham, MA. 02642

RECEIVED
JUL 17 1991

Phone Number (Please include area code): 508-375-6454 (Winter - Seasonal
tel #)

Email Address: _____

Please state your questions/comments in the space below:

Having spent two winters off a destroyer, conveying ships to
Europe in the North Atlantic, in world war II; and also several
years working in the Far East, where I experienced the enormous
force of several typhoons and the damage they caused to
ships, at sea, and shore installations, I am convinced that
Nantucket Sound is not a suitable or safe place for these
large structures. In addition, the forces of high winds
and waves can serve as battering rams for any drifting objects
such as boats, ships, drifting logs etc.

With these very real threats to be expected during the life
of the windmills, I am concerned that, apparently, there has been
no consultation with experienced mariners from the U.S. Navy,
Coast Guard, merchant marines and etc.

Lastly, I would like to express my concurrences
with the many knowledgeable citizens of the Cape, who have
expressed their strong opposition to this enormous industrial
project

Please fold this questionnaire in half, affix two stickers or pieces of tape,
and mail it to the address listed on the other side.

Dear Ms. Adams,



Ms. Cindy M. McDaniel
215 N C St
Lenoir City, TN 37771-2423

3206

I am writing to urge the USACE to require that "Cape Wind" follow the USFWS's bird research protocol and take steps to minimize harm to birds, bats, and marine mammals.

I further urge the USACE to encourage environmentally-responsible energy options which do not harm animals.

Thank you,

Cindy McDaniel

RECEIVED

APR 17 2005

WATER DIVISION

3206

January 2005

Dear PETA Member,

Please don't forget to renew your annual support of PETA for 2005—and save animals today. They desperately need your help!

Your support has been vital to our work to relieve the suffering of so many abused and mistreated animals. Because of your generous support and that of others who care as you do, PETA has made significant progress.

But we face many new and major challenges in 2005. On factory farms, in government-funded animal experiments, and at the hands of large corporations as well as individual animal abusers, the fate of countless animals is at stake! These precious, innocent beings are counting on PETA. May we, in turn, count on your renewed support?

Every year, PETA has put the donations of our supporters to good use as we relentlessly uphold our mission to open hearts and minds to the credo that “animals are not ours to eat, wear, experiment on, or use for entertainment.” As a result, we won the following victories in 2004:

PETA persuaded the Australian wool industry to commit to phasing out the hideous practice of “mulesing,” in which farmers use gardening shears to cut huge chunks of flesh from lambs’ backsides without any pain relief.

PETA won agreements from clothing chain Forever 21 to declare all of its stores fur-free as of 2005. Countless animals will be spared torture and death on fur farms as a result.

PETA came to the rescue of old elephants trapped in lives of misery—finally persuading the U.S. government to seize 16 elephants from a company that rented them to circuses and traveling shows. Thanks to PETA, both Sears and MasterCard dumped their sponsorships of the Ringling Bros. circus, and UniverSoul Circus’ only remaining national sponsor, Burger King, pulled its support. The Clyde Beatty-Cole Bros. Circus retired its elephant act this year as a result of PETA action.

These are just a few examples of the truly significant gains that PETA has made over the past year to help animals in need and to promote compassion for animals.

PETA has conducted eye-opening undercover investigations into the appalling cruelty at chinchilla farms and slaughterhouses. A recent PETA investigation of the largest glatt kosher slaughterhouse in the world, based in Iowa, revealed horrific abuses, including cows who were writhing in agony in pools of their own blood after having their throats slit. A PETA investigation into a KFC contract slaughterhouse in West Virginia showed that workers were kicking, throwing, and stomping live chickens. And when PETA looked into animal-testing laboratories at major universities—including the University of North Carolina and Columbia University—we discovered that animals were being denied basic veterinary care and forced to undergo cruel and antiquated experiments.

Each of these investigations shook things up, shifted people’s perception of how animals are treated,

3206

January 2005

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3207

Comment Sheet
On Draft Environmental Impact Statement (EIS)
For the proposal for an Offshore Wind Project
In Nantucket Sound

Name: V. HANLIN

Address: RR 2 Box 261-K
Vineyard Haven
MA 02568

Phone Number (Please include area code): 508-693-6313

Email Address: V.HANLIN@VERIZON.NET

Please state your questions/comments in the space below:

TO DAMPSE COMPASSION DELAUNT
" TO DESTROY A PRISTINE NATURAL AREA
like Nantucket sound TO produce a
minimal amount of energy is the
GREATEST folly "

I am very much opposed TO the
placement of a wind farm IN NANTUCKET
SOUND. Also, the precedent of a
PRIVATE developer TAKING PUBLIC LAND (in this
case, sea) is very dangerous.

Why not try to site it AT CUS
Air Base on some other spot?

Please, I BEG of you DO NOT

Approve This plan, it will be the ruin
of the Beauty + serenity of the Cape + Island!

Please fold this questionnaire in half, affix two stickers or pieces of tape,
and mail it to the address listed on the other side.

YOUR VOICE NEEDS TO BE HEARD

3208

PLEASE, TAKE THE TIME TO SUBMIT YOUR COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE CAPE WIND ENERGY PLANT PROPOSAL IN NANTUCKET SOUND.

THERE ARE TWO WAYS TO SUBMIT YOUR COMMENTS:

1. MAIL YOUR COMMENTS TO:

MS. KAREN ADAMS
US ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD, MA 01742

RECEIVED
DEC 7 2005
OFFICE OF THE DISTRICT ENGINEER

Or EMAIL to WIND.ENERGY@USACE.ARMY.MIL

2. JOIN YOUR CAPE COD AND ISLAND NEIGHBORS AND SUBMIT YOUR COMMENTS AT THE PUBLIC HEARINGS ON DECEMBER 6, 7, 8 AND 16.

Name Bonnie Fife Gibbon
Address P.O. Box 3073
Town Nantucket State MA Zip 02584

Comments:

I am totally opposed to the
Wind Farm proposal in Nantucket
Sound. For reasons of safety,
economics, and mostly for the
environment and the fragile
eco-system in the sound, I am
asking that you do not support
this project. It is simply a
matter of the right idea but the
wrong place -

YOUR VOICE NEEDS TO BE HEARD

3208

PLEASE, TAKE THE TIME TO SUBMIT YOUR COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE CAPE WIND ENERGY PLANT PROPOSAL IN NANTUCKET SOUND.

THERE ARE TWO WAYS TO SUBMIT YOUR COMMENTS:

1. MAIL YOUR COMMENTS TO:

MS. KAREN ADAMS
US ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD, MA 01742

RECEIVED
DEC 7 2015
US ARMY CORPS OF ENGINEERS

Or EMAIL to WIND.ENERGY@USACE.ARMY.MIL

2. JOIN YOUR CAPE COD AND ISLAND NEIGHBORS AND SUBMIT YOUR COMMENTS AT THE PUBLIC HEARINGS ON DECEMBER 6, 7, 8 AND 16.

Name Bonnie Fife Gibbon
Address P.O. Box 3073
Town Nantucket State MA Zip 02584

Comments:

I am totally opposed to the
Wind Farm proposal in Nantucket
Sound. For reasons of safety,
economics, and mostly for the
environment and the fragile
eco-system in the sound, I am
asking that you do not support
this project. It is simply a
matter of the right idea but the
wrong place -

3209

Carol Hobbs

10435 Second St. , Charlevoix, Michigan 49720

January 29, 2005 11:58 AM

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Dear Colonel Koning:

Before you approve or deny a permit to erect 130 turbines in Nantucket Sound, please require the developer to conduct the thorough studies recommended by the U.S. Fish and Wildlife Service and the Massachusetts Division of Fisheries and Wildlife.

Specifically, the environmental review of this project should include:

- Three full years of visual observations of birds - 12 months of radar observations of flying wildlife - A thorough and timely review of the project's potential effect on wildlife, including marine mammals

These factors will help determine whether the Cape Wind project is in the best interests of both the public and wildlife.

As it is written, the U.S. Army Corps of Engineers' draft environmental impact statement is hopelessly flawed, because it ignores relevant information and draws conclusions based on inadequate research.

This project could be the first marine wind energy facility in the United States. As such, it will set a precedent for other offshore renewable energy projects.

Please require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

Carol Hobbs

SEARCHED
SERIALIZED
INDEXED

Feb. 6, 2005

Dear Karen Kirk - Adams,

3210

I continue to be appalled that so many people are against the Wind Energy Project on Cape Cod. Even the environmental Impact Study was positive. To me they would be beautiful out there against the sky, which is not even thinking about all the positives that the harvested wind would do for the entire area.

Thank you for reading,

Daphne T. Stevens

RECEIVED

FEB 14 2005

OFFICE OF THE ATTORNEY GENERAL

3211

Adams, Karen K NAE

From: thrashet@bu.edu
Sent: Monday, February 07, 2005 10:30 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Tracy Thrasher Hybl
20 Summer St
Nahant, Massachusetts 01908

3212

Adams, Karen K NAE

From: paula@uwyo.edu
Sent: Monday, February 07, 2005 10:33 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Paula Wilson-Cazier
POB 1294
Laramie, Wyoming 82073

3213

Adams, Karen K NAE

From: wellinv@muohio.ed
Sent: Monday, February 07, 2005 11:12 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Valerie Wellin
6189 Brown Road
Oxford, Ohio 45056

3214

Adams, Karen K NAE

From: rpuca@prebon.com
Sent: Monday, February 07, 2005 11:18 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

peter gabriel
101 west end ave
new york city, New York 10023

3215

Adams, Karen K NAE

From: kristyrueda@hotmail.com
Sent: Monday, February 07, 2005 11:59 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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PLEASE require a rigorous, scientific review of its environmental effects. Clean air and healthy wildlife populations are not mutually exclusive. We need both.

Sincerely,

KRISTY RUE
109 endicott st
boston, Massachusetts 02113

Adams, Karen K NAE

3216

From: mrkhwrdrhmn@juno.com
Sent: Monday, February 07, 2005 12:36 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Mark Herman
740 West End Ave, #134
New York, New York 10025

Adams, Karen K NAE

3217

From: sherryc@ix.netcom.com
Sent: Monday, February 07, 2005 1:44 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Colonel Koning,

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Sincerely,

Sherry Cordova
731 Gail Avenue
Sunnyvale, California 94086

321B

Adams, Karen K NAE

From: amdesmond@smcm.edu
Sent: Monday, February 07, 2005 2:14 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Angela Desmond
21673 Eric Rd. Apt. B
Lexington Park, Maryland 20653

3219

Adams, Karen K NAE

From: evbauer@hotmail.com
Sent: Monday, February 07, 2005 3:11 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Edith Bauer
3102 Chateau Way
Livermore, California 94550

3220

Adams, Karen K NAE

From: accuratereporters@accuratereporters.com
Sent: Monday, February 07, 2005 5:09 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Lisa Schreiner
13259 Carvel Ln
Houston, Texas 77083-4811

3221

Adams, Karen K NAE

From: vegan@mailblocks.com
Sent: Monday, February 07, 2005 5:25 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Graham Woods
815 Thayer Ave.
Silver Spring, Maryland 20910

3222

Adams, Karen K NAE

From: sllil03@yahoo.com
Sent: Monday, February 07, 2005 5:34 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Suzanne Lampka
1909 N Neva Avenue
Chicago, Illinois 60707-3831

3223

Adams, Karen K NAE

From: la_chusa@hotmail.com
Sent: Monday, February 07, 2005 5:42 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

diane la chusa

Adams, Karen K NAE

5224

From: sara_frease@trimble.com
Sent: Monday, February 07, 2005 5:44 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

3224

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Sara Frease
7521 Elin Ct.
Dayton, Ohio 45415

3225

Adams, Karen K NAE

From: cccape@pacbell.net
Sent: Monday, February 07, 2005 5:46 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Christa Cape
1527 Mammoth Place
Rohnert Park, California 94928

3226

Adams, Karen K NAE

From: gingerdoonan@aol.com
Sent: Monday, February 07, 2005 8:24 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Virginia Doonan

Adams, Karen K NAE

3227

From: jeanniner90@yahoo.com
Sent: Monday, February 07, 2005 9:56 PM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

Jeannine Gailey
108 Timber Drive
Portage, Pennsylvania 15946

3220

Adams, Karen K NAE

From: jptrugger@cox.net
Sent: Tuesday, February 08, 2005 2:43 AM
To: Energy, Wind NAE
Subject: Ensure 'Cape Wind' Project Is Safe for Wildlife

Colonel Thomas Koning
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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Sincerely,

John Teevan
1602 Hayford Road
Chula Vista, California 91913

3229

Adams, Karen K NAE

From: Michael Dalterio [m.dalterio@comcast.net]
Sent: Monday, February 07, 2005 11:49 AM
To: Energy, Wind NAE
Subject: I support the Cape Wind Project!!!!!!!!!!!!!!

Dear Sir or Madam:

I would like to formally declare that I support the Cape Wind Project.

This is a project that will create jobs, improve the quality of our environment, and reduce our reliance on non-renewable fossil fuels.

In my opinion, the positives far outweigh the negative.

Sincerely,

Michael I Dalterio
652 Concord Road
Sudbury, MA 01776

3230

Adams, Karen K NAE

From: Jeanmarie Drucker [jeanmariedrucker@hotmail.com]**Sent:** Monday, February 07, 2005 5:02 PM**To:** Energy, Wind NAE

Is there not a single place along the Maine coast, which is long and large, where a wind farm could be constructed that will not be so environmentally distasteful and unattractive to viewers? It seems a travesty that this wind farm needs to locate itself along one of the remaining beautiful ecological paradises that is left. Untouched, the Cape remains the paradise it has always been from the times in the 16th century when the Cape and islands were the whaling capital of the world. Are there environmental mandates that dictate the wind farm must be so close to the Cape? Secondly, is it definitive that the Wind Farm needs to be situated here? Obviously there are compelling reasons which seem to be economically based. This group which is the proponent of the wind farm is clearly looking to gain in an economic way.

There is no respect for Massachusetts or the beauty of its environment. 🙄🙄🙄🙄

👤 Hamilton Drucker

3231

Adams, Karen K NAE

From: Hartman, Berl [berl@berlhartman.com]
Sent: Monday, February 07, 2005 10:35 PM
To: Energy, Wind NAE
Cc: SeeLuke7@aol.com
Subject: Support for Cape Wind

Cambridge, MA 02138

February 7, 2005

Karen Adams
Cape Wind Energy Project EIS Manager
U.S. Corp of Engineers
696 Virginia Road
Concord, MA 02742
e-mail: wind.energy@usace.army.mil

Dear Ms. Adams,

My name is Berl Hartman. I am submitting this letter in support of the Cape Wind project on behalf of myself and my family. I am a Co-Founder of the New England chapter of Environmental Entrepreneurs (www.e2.org), a nationwide volunteer group of business and professional people who believe in protecting the environment while building economic prosperity. In addition to my work with E2, I've had a 30 year career as a businessperson and entrepreneur. Most recently, I was Senior Vice President at Blanc and Otus, a subsidiary of Hill & Knowlton, where I founded and led the company's Cleantech marketing and public relations practice.

I also have four grandchildren and it is mainly because of them that I am writing this letter. Unless our generation acts decisively, global warming will radically change their lives, leaving them with the legacy of rising sea levels, acid rain, unstable weather patterns, stratospheric ozone depletion and an unsustainable existence. It has been estimated that some 9,000 square miles of the United States could be lost in the next 100 years unless current rates of global warming pollutants are dramatically reduced.

However, climate change and the need for renewable energy also present an opportunity. Clean energy and Cleantech have the potential to be the 21st century's engine of economic growth, job creation and innovation. Countries like Japan and Germany have made an investment in this new frontier and are beginning to reap the rewards. Whereas Germany had over 14,600 Megawatts of operational wind capacity at the start of 2004, the U.S. had less than 7,000. In Europe, the EU has set a target for 12% of energy to be supplied from renewable sources by 2010; this will include an extra 40,000 MW from large wind farms. The United States will be at a severe competitive disadvantage unless we act soon and decisively.

Cape Wind will provide a huge source of clean, renewable energy at a competitive price, while reducing greenhouse gas pollution and keeping our country competitive. Moreover, it enhances our security by reducing our dependence on imported oil and serves as an example to the rest of America that what's good for the environment is also good for business.

To those that complain about the visual impact of Cape Wind, I am told that the very same argument was raised about construction of the Golden Gate Bridge.

I believe that future generations will look upon Cape Wind as a crowning achievement and the beginning of the 21st century's evolution to a sustainable future.

Sincerely,

2/8/2005

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Wildlife issues not that simple

By KIMBERLY AMARAL and REGINA ASMUTIS-SILVIA

Last month, the fourth dead right whale was found in a year. At least two were struck by ships.

As the Cape Cod Times recently reported, North Atlantic right whales (numbering fewer than 350) are especially susceptible to ship strikes as they tend to swim slowly at or near the ocean's surface and appear to be oblivious to what is going on around them, especially when feeding at the surface. Their migratory route intersects with some of the busiest shipping lanes in the world.

Imagine if yet another vessel collision area were created where right whales are known to travel. That's the situation being created if the Cape Wind project were approved. The impact on whales was addressed in the Army Corps Draft Environmental Impact Statement, but the results are not comforting, given the

Headline: AMARAL/SILVIA E-7

Kimberly Amaral is a research assistant in a marine resources laboratory at the Woods Hole Oceanographic Institution and a Ph.D. candidate in marine biology at the University of Rhode Island. Regina Asmutis-Silvia is a biologist with the International Wildlife Commission.

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Amaral/Silvia: Issues about wildlife are complex

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problems within the environmental statement.

Regarding the presence of marine mammals in Nantucket Sound, the marine biological assessment within the environmental report states that there are few historic sightings of right whales in the Sound.

However, it cites mostly outdated data obtained in the 1970s. This data does not account for inter-annual variability or improvements in technology. More recent data indicate that, just in the past three years, there have been a number of sightings of right whales in Nantucket Sound, including one published by the National Marine Fisheries Service in October.

Additionally, recent satellite telemetry data has indicated that Nantucket Shoals may be an area of frequent use, with whales repeatedly crossing through the Sound.

The environmental impact statement also states that baleen whales can easily detect and respond to sounds produced by tugboats and barges and are more likely to move away from vessels. Given that the majority of human-induced mortality in right whales is a result of ship strikes, it's unlikely that right whales reliably move away from vessels.

In fact, the National Marine Fisheries Service has published data that indicate vessel strikes are one of the leading causes of decline in the population of North Atlantic right whales. This problem is so significant that the National Marine Fisheries Service recently published a proposal for slowing and re-routing vessels to reduce risk, and recently called for a summit of federal agencies to address the issue.

In addition, a recent study used a multi-sensor tag on right whales. In that study (not cited in the environmental impact statement), tagged whales had recordings of ship noise, whale social sounds, and an alert signal played underwater. Whales

One radar located almost 500,000 avian targets with over 127,000 of those in the rotor-swept zone.

reacted mildly to the social sounds of other right whales, but showed no such responses to the sounds of approaching vessels or actual vessels.

Whales did respond to the alert by swimming strongly to the surface. A similarly loud noise created during turbine construction may therefore actually increase the risk of collision.

On another wildlife issue, the findings of the draft environmental statement on the impact on avian wildlife are troubling. Regarding the potential for bird collisions with the turbines, the statement reports the results of two radar studies, each lasting about a month during the spring and fall migration periods. One radar located almost 500,000 targets with over 127,000 of those in the rotor swept zone. Another radar detected over one million targets. However, it concludes that the fatality rate of 12 land-based wind farms was 2.8 fatalities per turbine per year. Multiply that by 130 turbines, and you get their estimate of 364 birds killed each year. This estimate does not assume offshore turbines are sitting in a major migratory path for birds, and it ignores their radar, as well as their own boat and aerial surveys.

Last month, as mock yachting club members arrived at the MIT public comment event, participants made light of opposition to the wind farm as simply being a case of "Not in My Backyard."

Granted, the idea of 130 wind turbines built in a pristine ocean wilderness is upsetting to some. But the crux of the problem, particularly the impact on local wildlife, is much more complex. It's just not that simple.

It's these windmills that he minds

I can't stand it! First a featured article on the OP-ED page ("In the Eye of the Beholder") with Ms. Kleekamp trilling about the beauty of windmills. Puleez, spare me! Comparing idyllic 18th and 19th century windmills scattered about Cape Cod to a concentrated industrial complex on our beloved Nantucket Sound is like comparing apples to offal as in awful. There are thousands upon thousands of miles of shoreline of the US coast (3,000 miles in Maine alone) to plant windmills as a source of alternative energy, so why not leave a pristine recreational area near large population centers alone? If she is so enthralled by industrial windmill complexes, why doesn't she move to Europe?

Next I am subjected by the first letter in "Letters" to the notion that if we get that windmill industrial complex we will stop the polar melt. That's almost as bad as the one a couple of weeks ago that said the windmill will prevent someone from dying in the ER of respiratory distress. Where are these whackos coming from?

The issue is very stark and simple: are you for the land grabber Jim Gordon from Newton taking our property from us and making decisions for us so he can add to his millions OR do we want to preserve a beautiful unique recreational, and what many of us consider sacred, area for the PEOPLE.

Warren Nickerson
Cotuit

Appreciates aesthetics of wind turbines

Some of our distinguished politicians have repeatedly said they support renewable energy, but they are worried about the environmental and economic impact if the Horseshoe Shoals windfarm were to be built. But when the Corps' draft impact study was released, and told them in effect, "No problem," they just couldn't accept that answer, and said, "It's all about the aesthetics."

Anyone is free to decide what works of art or everyday objects they find pleasing or otherwise. But museum curators certainly have more informed judgements than the man off the street whose experience of art is so much more limited. Our

The Grinch who would steal

Nantucket Sound

By Gerry Desautels

columnist@barnstablepatriot.com

I live in Provincetown, where the sea and horizon extend the seaside village into alleys and lanes connecting Cape Cod Bay to the open Atlantic — its shoreline protected as National Seashore before I was even born. The waterfront here, as most on Cape Cod, is historic. It's something to be cherished.

This past summer I began work with the Alliance to Protect Nantucket Sound and naturally, I was intrigued to attend a public radio forum in my hometown led by Cape Wind's Jim Gordon. I was curious to see the man in action. Gordon was "in my back yard," so to speak, so I took the opportunity to ask him questions as a private citizen. All the while, he ran mesmerizing aerial loop footage of offshore turbines at Denmark's Horns Rev shot under crystal clear skies, but quickly, the mood darkened, and my unwelcome line of questioning

An unsound idea

By CHRISTY MIHOS

When a legislative panel convened last month to examine what led to the mounting construction flaws at the Big Dig, they spent considerable time looking back at mistakes that were made and the shortcomings of those who were charged with safeguarding the public's best interests.

The people of Massachusetts are facing a boondoggle cut from the same cloth, but we have a chance to take control of this situation before it gets out of control.

The unsound idea of clogging Nantucket Sound with wind turbines should be thoroughly examined in a way that has not yet occurred. The public's interest is being ignored, the needs of a private company are being catered to, and not nearly enough attention is being paid to the whole sorry story.

The job of overseeing the Big Dig belonged to the Massachusetts Turnpike Authority, on whose board I once served, which assumed responsibility for this project and then failed to hold the contractor's feet to the fire when it mattered most. We are seeing the repercussions of

Please see MIHOS IE-7

Christy Mihos of West Yarmouth is a member of the board of the Alliance to Protect Nantucket Sound.

rattled and disrupted his crisply-packaged presentation.

In Gordon's video, there was no 10-story transformer substation platform in sight, and the height of the steel turbines was magically dwarfed by the angle shot from on high. He also neglected to tell the audience that if he shot the same video that summer in Denmark, most of the turbines wouldn't be visible, recently dismantled for costly repair within only two years of installation as the hideous platform stood fixed, uncaptured by film, rising from the North Sea — a memorial to man's assault on nature.

But rather than develop smaller, less intrusive (and less profitable) land-based renewable energy projects, Jim Gordon is going for the gusto and clutching at an area of unprotected federal water couched inside state sanctuary waters, exempt from state prohibitions on electric generation plants. Arrogantly defying the Governor, Attorney General and senior senator of Massachusetts, Gordon has demonstrated that he cares most about himself — and his very fat wallet stuffed with the hundreds of millions he's made in shrewdly timed investments from his Boston home on exclusive Beacon Hill.

The Nantucket wind power plant could be perhaps the most lucrative project of his career, but at the tune of \$770 million (a pittance compared to any individual real estate property value on Cape Cod) he could not afford to or be interested in pursuing it without the subsidies of Cape Cod taxpayers, over half of which, according to the *Cape Cod Times*, do not support the plan! Believe me, Gordon's "greater public good," as he likes to say, is greater and richer than yours or mine.

So how much is enough? We do not know. All I personally know is that Mr. Gordon will stop at nothing, so much so that after this summer's Provincetown forum, he chased me down the stairs of the radio station demanding my name and job title (and that of a colleague) and bullied me to disclose the names of our organization's donors. All this within the context of an educational forum, after the recording equipment stopped. It's a starkly different scenario than the one the *Boston Globe* recently painted of Gordon blindly proselytizing the merits of offshore wind energy to a classroom of unsuspecting teenagers.

Plain and simple, Gordon is about the propagation of his own corporate greed and opportunism. He is a capitalist's capitalist in every sense of the word. I should know. As a student and young public relations and marketing professional in Boston for 17 years,

I understand Gordon's skill in reaching people and creating an illusion that Cape Cod would be better off with his project. But here is where our similarities end. I moved to Provincetown to escape people like him and embrace the achingly rich and natural beauty of the region. It's the reason why so many of us struggle to live and work here full-time in spite of more lucrative opportunities across the bridge.

During this holiday season — a time of giving, I am struck by the image of this greedy Grinch (albeit a second-homeowner here) grabbing the native land for personal gain, much like foreign settlers did to the Native Americans centuries ago on the Cape and Islands. But not only is Gordon taking our land, he is misrepresenting the fact that his wind power factory would produce 75 percent of the Cape's energy needs. What he won't say is that his company would guarantee to meet 75 percent of the Cape's electricity needs. The reality is that the electricity harvested will go into the New England energy grid system. There is no guarantee that any minimal percentage of energy raped from our offshore waters will actually stay here.

In the end, Cape Wind, led by Jim Gordon, would be pirating our natural, public resources and desecrating an area twice nominated for national marine sanctuary status. Cape residents, visitors and wildlife alike all frequent Nantucket Sound for so many collective and affirming reasons. Industrialization is not one of them.

In this increasingly realistic scenario, Gordon can only be characterized as a deceptive, opportunistic, land-grabbing baron in spite of his brilliance and public relations acumen. Yet still to his credit, Gordon has to be one of the slickest and smoothest salesmen to ever cross the Sagamore Bridge. He lives and breathes the public relations game, and employs savvy, aggressive staff to bolster his case and manipulate the media and public to his full advantage — even while ruining lives in the process.

Yet no matter which side you fall on in the Cape Wind debate, you've probably figured out there's great consequential history in the making. But if you're outraged over this preposterous land grab event, now is the time to put your feelings to constructive action. In particular, be sure your voice is heard (or pen is pressed) in December at one or more of the public hearings hosted by the Army Corps of Engineers. No doubt, Jim Gordon will be there, trying to convert the opposition like some evangelical preacher poised on a windy tabernacle near you.

Gerry Desautels is the Development Officer for the Alliance to Protect Nantucket Sound.

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Mihos: Don't let Nantucket Sound become another Big Dig

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that failure, and we are all going to live with that for some time to come.

We now have an opportunity to apply the lessons learned from that lack of oversight with the ongoing debate on Cape Cod over the proposed construction of a wind energy plant in Nantucket Sound. Here again, we have a government agency - the U.S. Army Corps of Engineers - overseeing a private company whose self-interest in siting these 130 towering turbines in the Sound appears to be in conflict with what is truly in the public's interest.

One government commis-

sion after another has warned that this project - if it is allowed to go ahead - would set a bad precedent for development of coastal waters by not first addressing the public property issue or first determining where we should - and should not - allow development. It is no less a standard than that applied every day in every municipality in land development.

Why are we willing to accept a lower standard when it comes to ocean development? Can proponents of this project like the Conservation Law Foundation seriously ignore that principal because of the blind spot they have acquired for alternative energy - at any price?

As things stand, the Army Corps will grant the permit and monitor the project's construction and operation. That's it! No state, no local oversight, and certainly no congressional oversight. Twenty-four square miles of the Public Trust handed to a private developer at no cost. Here we go again.

At a Big Dig "ribbon-cutting" event in 2003, a senior project official remarked that the tunnel would never have opened if I and people like me were still in control at the Turnpike Authority. How right he was - and then the taxpayers and toll payers might have been spared the

indignity of this embarrassment. At the hearing last month, world-renowned tunnel experts testified that the tunnel fix could last up to a decade. Imagine announcing the decade-long repair on a project that's not even completed.

The good news is that the federal government is now fully engaged in the Big Dig review, through the efforts of the Department of Transportation Inspector General Ken Meade, who will seek an independent review of what caused this project to spin out of control.

Those who tried to wrestle with this project years ago, including me, are placing our hopes on Meade's wisdom and diligence.

Critical issues on the wind farm - such as how much Cape Wind would have to put up in a bond if the turbines need to be removed - haven't been settled. It also isn't clear how this project could possibly be insured against all the mishaps that

may occur on the ocean when 130 obstructions to navigation suddenly appear in the Sound.

As things stand, the Army Corps will grant the permit and monitor the project's construction and operation. That's it! No state, no local oversight, and certainly no congressional oversight. Twenty-four square miles of the Public Trust handed to a private developer at no cost. Here we go again.

Those who warned of future problems with the Big Dig take no enjoyment from having been right. Likewise, none of us who see the inherent problems with the Cape Wind siting process want to see those problems come to light when it is too late.

Environment analyst would sacrifice Sound

As evidenced in your Jan. 9 Point/Counterpoint, Arthur Pugsley fundamentally miscomprehends the government's responsibility to protect public trust resources and the problems inherent in the review of the proposed Cape Wind plant.

It is disconcerting to read that a former senior state environmental analyst would so freely give away Nantucket Sound under a century-old law Congress never intended to apply to wind energy development.

Pugsley adheres to his opinion despite contrary conclusions of the U.S. Ocean Commission, the Pew Ocean Commission, the Congressional Research Service, the Department of the Interior, Gov. Romney, Attorney General Reilly, Sen. Kennedy and Rep. Delahunt that the current review program is inadequate.

His admission calls into question the vigor with which the commonwealth's interests were defended during the environmental review process. His complaisance is all the more troubling given that the process is being run by an agency that has confessed its inexperience in this type of development and the failure of the review document to meet basic requirements Pugsley himself set forth in authoring the scope of the state environmental review.

Would Mr. Pugsley be so amenable to sacrificing Nantucket Sound to someone proposing an offshore coal-fired plant, which would be equally permissible under his view of existing law?

CHARLES S. McLAUGHLIN JR.
Yarmouthport

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Look to mining to see Army Corps' disdain

To those who believe we can trust the Army Corps of Engineers to conduct an adequate environmental review of the Nantucket Sound electrical generating proposal, I offer some excerpts from a press release from the Natural Resources Defense Council.

"The U.S. Army Corps of Engineers has violated a court order halting the agency from allowing coal companies to bury streams with mining waste."

"The Corps has allowed the mining industry to obliterate hundreds of miles of Appalachian waterways. ..."

"The Corps told the court it has authorized at least 22 mining operations to continue to dump mining waste. ..."

"... coal companies blow up mountaintops to access thin seams of coal beneath the surface."

"... after removing the coal, they dump the rest of the rocks and dirt in nearby valleys. These 'valley fills' bury streams under tens of thousands of tons of waste rock and dirt, killing all aquatic life below."

This is a flagrant violation of the Clean Water Act, and contempt of a federal court order. It also shows the extent to which the Corps will allow the destruction of the environment to satisfy a developer, and it is only one of many such destructive projects controlled by that agency. The terms "environment" and "Army Corps of Engineers" - the ultimate oxymoron.

Ms. Eleanor Harrison
205 A Pine Lane
Osterville, MA 02655

TIME TO TALK

Unless Cape and Island residents have a better idea, we could have a...

THINK ABOUT . . .

- ... the Bourne and Sagamore bridges, reaching high over the Cape Cod Canal. Add more than 100 feet on top. That's the height of the towers in the proposed wind power plant. Think about 130 of them.
- ... a jumbo jet. The arc of the rotating blades on each tower is 328 feet. 100 feet longer than a Boeing 747.
- ... 130 huge towers drilled 80 feet into the ocean floor.
- ... 520 flashing navigation lights on 130 towers taller than the Statue of Liberty. Think about a city skyline.
- ... a private developer taking over 24 square miles of the Sound (almost as large as Manhattan) - for free. Better than free - subsidized by millions of tax dollars. Think about paying a developer to make money.
- ... nearly five million people visiting the Cape and Islands every year, confronted by 130 huge towers in the Sound.
- ... households saving just 10 cents a month on electric bills. 10 cents at best.
- ... the cost of offshore wind power. Twice as much as gas or onshore wind power. Offshore power only works with taxpayer subsidies.
- ... millions of migrating birds on the Atlantic flyway, faced with 130 blades spinning in an arc as long as a football field. How many birds won't get through?
- ... what comes after 130 turbine towers on Horseshoe Shoal. Another 390 (or more!) in the Sound, if all sites are built.
- ... a Federal agency in charge of docks and piers permitting the wind plant, despite no right to give away public land.
- ... a risky new technology and a developer who has never built a wind plant. The world's largest offshore plant, off Denmark, is being dismantled and brought to shore for repairs after only two years.
- ... who is conducting the studies in the environmental impact statement for the Cape Wind power project. Consultants paid by Cape Wind.

REACTION!

Industrial scale wind power plant right in the middle of Nantucket Sound

3232

- ... who opposes the proposed wind power plant. Senator Edward Kennedy, Governor Mitt Romney, Senator Robert O'Leary, Congressman William Delahunt, Attorney General Tom Reilly, State Representative Demetrius Atsalls, and the majority of Cape residents.
- ... a 10-story tall oil-filled transformer station just off our beaches in Nantucket Sound.

- ... how much new energy we need. Instead of more power plants (we have an oversupply of electricity), why not serious conservation and better transmission?
- ... reducing dependence on foreign oil. Electricity represents only two percent of U.S. oil demand. Mileage efficiency would be far more significant.
- ... a balanced energy program of conservation and alternative energy sources (like land-based wind power) that doesn't compromise great natural resources.