



US Army Corps
of Engineers®
New England District

FACT SHEET

Project Name: Cape Wind Associates, LLC

Purpose of Work: Utility scale wind energy generation project for the NE grid

Location: Wind generating turbine towers at Horseshoe Shoals, Nantucket Sound, outside of Massachusetts State waters between Nantucket and Cape Cod with transmission lines connecting to Yarmouth & Hyannis on Cape Cod.

Description: Applicant has 2 projects: a research/data tower (permit issued and construction completed Dec. 2002); and construction of 130 energy producing wind turbines on monopole structures spread throughout an ocean area of approx. 24 sq. miles in Nantucket Sound. There will be a collection grid of subsurface lines and then two transmission lines connecting to the mainland grid on Cape Cod. The structures will be about 420 feet above the water surface with the hub height approx. 260 feet above the water surface. The site was proposed based on intensity of sustained winds, the water depths, and its accessibility to the transmission grid.

Background/Issues: Offshore wind farms have operated in Europe for the past 10 years but this would be the first in the US. The towers are proposed for an area outside of state waters on the Outer Continental Shelf (OCS). Under Section 10 of the Rivers and Harbors Act, the Corps regulates all structures and work in navigable waters of the United States. Section 4(f) of the Outer Continental Shelf Lands Act of 1953 extends Corps authority under Section 10 of the Rivers and Harbors Act of 1899 for fixed structures and artificial islands to include the Outer Continental Shelf. Opponents are concerned about the lack of property rights, the "precedent" of private gain in public waters without compensation, and a need for broader planning. Other major issues include potential impacts to birds including endangered Roseate Terns and Piping Plovers, marine mammals including some endangered species such as Right Whales, the economy (tourism), fishing, boating, aviation and changes in the seascape.

Current Status: a. Data Tower. In Nov. 2001 we received an application for a single scientific data-gathering tower on the OCS outside of state waters and issued the permit on Aug. 19, 2002. On Aug. 30, 2002 we were sued in Federal Court (Civil Action No. 02-11749-JLT) challenging issuance of the permit. Opponents contend the Corps lacks jurisdiction, that the applicant has no property interests, and that the EA is deficient based on the alternatives analysis and the lack of public review of the draft EA. The Federal Court decision issued September 18, 2003 concurred with the government on all points. The decision was upheld in appeal.

b. Wind Farm. The application for the entire 130 turbine wind farm and connecting transmission lines was also received in Nov. 2001. The Corps determined that an EIS was required for the overall wind farm project (Dec. 2001). We are working with the state's MEPA office to develop a joint EIR/EIS. Our EIS scoping meetings were held in Spring 2002. The Corps participated as a resource agency at the Massachusetts Technology Collaborative (MTC) stakeholder meetings. The DEIS Notice of Availability was published in the November 9, 2004 Federal Register. Copies of the 4-volume document are available at public libraries in all towns around Nantucket Sound and in Boston. It is available both on cd and from our web site: <http://www.nae.usace.army.mil/projects/ma/ccwf/windfarm.htm>. Public hearings were held in December 2004 at Oak Bluffs West Yarmouth, Nantucket, MA and Cambridge, MA.

Next Action: Comments received on the DEIS are being reviewed and summarized. The Final EIS will address all the comments from the DEIS. A permit decision is not expected until 2006. The Energy Policy Act of 2005 granted Minerals Management Service (MMS) management authority for offshore wind power projects through an amendment to the OCS Lands Act. MMS is now the lead federal agency for completion of the EIS. MMS issued a press release on October 6, 2005. Corps staff is working with MMS to facilitate the transfer of lead federal agency responsibility.

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