

US EPA ARCHIVE DOCUMENT

From: Bjdurk@aol.com
To: Brendan Mccahill/R1/USEPA/US@EPA
Date: 07/16/2010 02:41 PM
Subject: Cape Wind air quality certificate is threat to public safety and fishing trade

July 16, 2010

Brendan McCahill Environmental Engineer
U.S. Environmental Protection Agency-Region
15 Post Office Square, Suite 100, Attn. OEP-5-02, Boston, MA 02109-3912

RE: Cape Wind air quality certificate

Dear Mr. McCahill:

Thank you for this opportunity to comment on the Cape Wind air quality certificate. Please do not take any action that should be anticipated by EPA to introduce a threat to public safety by Cape Wind. Cape Wind compelling evidenced provided herein demonstrates that this project poses a threat to public safety, and a "taking" of fishing grounds.

Page 65 of 322, of Section 5, of the **Cape Wind MMS FEIS** anticipates "**vessels colliding with one of the proposed action structures**." Cape Wind is under NEPA review that provides Americans the assurance of public safety.

Furthermore;

APPENDIX A SECTION 388 OF THE ENERGY POLICY ACT OF 2005, PUBLIC LAW 109-58

(4) REQUIREMENTS- The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for--
(A) safety;

Excerpt from Page 65 of 322, of Section 5, of the **Cape Wind MMS FEIS** anticipates "**vessels colliding with one of the proposed action structures**":

"The analysis shows that the highest possibility of an oil spill occurring in the area in and around Nantucket Sound is related to vessels transiting the area, regardless of the presence of the proposed action structures and related work vessels. Over the course of 30 years, transiting vessels alone may result in 21 spills from vessels colliding with one of the proposed action structures. When the presence of the proposed action components are combined with transiting vessels, the possibility for a spill over the 30-year period increases slightly to 22.443 spills. The oil spill probability analysis shows that only 7 percent of all spills expected in Nantucket Sound during a 30 year period could be attributed to the addition of the proposed facility. It is possible that 2 spills attributable to the proposed action itself could occur during the same 30 year period. Of these spills, there is a 90 percent chance that they would involve 50 gallons (189 liters) or less, and a 1 percent chance they would involve volumes of 10,000 gallons (37,854 liters). The

probability of a spill in the same 30 year period involving the entire 68,000 gallons (207,408 liters) of oil contained within the 130 WTGs and the ESP is less than one in a million. (Report No. 3.3.5-1.)"

<http://www.mms.gov/offshore/AlternativeEnergy/PDFs/FEIS/Section5.0EnvironmentalandSocioeconomicConsequences.pdf>

My summary of the above MMS FEIS citation from Section 5 of the Cape Wind MMS FEIS:

The federal government's lead agency reviewing Cape Wind produced the project final ***MMS Final Environmental Impact Statement analysis that anticipates 1.43 vessel strikes by introduction of Cape Wind per year.*** / calculate as [30 yrs. divided by "21 spills from vessels colliding with one of the proposed action structures"]

It's important to note that the Cape Wind Electrical Service Platform and appurtenant structures that include wind turbines, would introduce 65, 000 gallons of oil in various Cape Wind project containments. While all structures will not likely simultaneously combust, ("less than one in a million"), the Cape Wind project, according to the federal MMS FEIS representation, may alone result in 1.43 vessel strikes per year. Will one these predicted vessel strikes involve loss(es) of life, an oil tanker spill, a passenger ferry collision, and/or a fishing boat collision?

The Martha's Vineyard Times: 7/08/10 Martha's Vineyard fishermen file federal lawsuit to stop

By [Nelson Sigelman](#)

A Washington-based law firm has filed a lawsuit in the U.S. District Court for the District of Cape Wind project on Horseshoe Shoal in Nantucket Sound.

The plaintiffs are the Martha's Vineyard/ Duke's County Fishermen's Association (MV/DCFA), Secretary of Interior Ken Salazar and the Interior Department's Bureau of Ocean Energy Management.

Mr. Mayhew is a long-time commercial fisherman and Chilmark selectman.

The MV/DCFA represents Island commercial fishermen from a number of fisheries.

"We support sustainable, clean energy. However, the planning of this entire project was not in the interests," MV/DCFA President Warren Doty said in a press release.

Following almost a decade of review, Mr. Salazar traveled to Boston on April 28 to announce the renewable energy project, clearing the stage for construction to begin.

Gov. Deval Patrick, who joined Mr. Salazar at the State House for the April announcement, said the farm in Nantucket Sound to begin within a year.

In a [16-page complaint](#) (available at mvtimes.com) attorneys David Frulla and Shaun Gehring ask the court find the record of decision "was an abuse of discretion, in excess of authority and unauthorized use of the property to the windmill developers."

The Cape Wind energy project would effectively end all commercial fishing on Horseshoe Shoal, according to a law firm press release.

"Island fishermen are under a tremendous amount of regulatory pressure and are already announcing the lawsuit. "There are other solutions and alternatives that could better safeguard the interests of local residents."

The MV/DCFA is a creation of the Dukes County commissioners. The commissioners appointed a meeting space and support, county manager Russell Smith told The Times. Mr. Smith said his office's commission was not asked to be a party to the lawsuit.

In a press release, the lawyers outlined objections to the Cape Wind project.

"After lengthy study, the Coast Guard concluded that the wind farm could interfere with vessel safety steps that will make their fishing activities prohibitively uneconomic," the release said.

"Specifically, the Coast Guard will require fishing vessels to carry an extra crewmember to man the vessel. Because they are generally small operators, the requirement to carry and compensate an extra man creates a significant financial burden."

"The Coast Guard also will require establishment of traffic lanes and designated vessel routes to avoid compromised radar systems. Of course, fish do not swim in traffic lanes along designated vessel routes to obviate commercial fishing operations. In addition, fishermen have explained that the wind turbines caught on wind turbine pilings and whose maneuverability within the turbine field would be compromised.

In a telephone call Monday, Mr. Doty, who is also a Chilmark selectman and an advocate for the organization has a membership list of about 100, not all of whom are fishermen. "They all have provided and left their name, phone number, and email address," he said. "We are defining membership as anyone who is a resident of the Island and is involved in fishing."

Mr. Doty said the association represents about 15 Vineyard lobstermen, 20 conch fishermen, and 25 other fishermen.

Mr. Doty said fishermen had been pressing officials to find out how the turbines would affect fishing. A comment period was closed. He said the restrictions would greatly affect fishing activity in the area.

Mr. Doty said that Mr. Frulla has represented many fishing groups, writes about fishing issues, and is a member of the association.

Asked how the group planned to pay for the suit, Mr. Doty said, "That's a good question. A lot of lawyers."

In a telephone call Tuesday, Mr. Frulla said, "Our clients think that their way of life is at stake and they will be able to continue to fish and live on the Island and carry on as year-round residents."

Asked for comment on the lawsuit, Mark Rodgers, a spokesman for Cape Wind Associates, said, "it is unusual for a law firm to put out a press release about filing a lawsuit," Mr. Rodgers said.

"As to the lawsuit itself," Mr. Rodger wrote, "the nine-year review of Cape Wind was the most comprehensive project in New England, including all the nuclear and fossil fuel power plants that now provide power. The decision to approve Cape Wind will be upheld in court."

"On fishing and navigation, with the artificial reef effect from the clean energy foundation, the area is going to be better than ever and we encourage commercial and recreational fishermen. The turbines will be separated six to nine football fields apart, in straight lines, so any competent fisherman can navigate the area."

"Moreover, clean energy projects like Cape Wind are needed to mitigate the effects of climate change on important fisheries in this region."

This page URL: <http://www.mvtimes.com/marthas-vineyard/article.php?id=1487>

Mass. Fishermen's Partnership cites Cape Wind threat to fishing trade

News Type: Event — Sat Feb 20, 2010 10:48 PM EST

January 5, 2009

The Honorable James L. Oberstar
 Chairman
 Transportation and Infrastructure Committee
 U.S. House of Representatives
 Washington, D.C. 20514

To Chairman Oberstar:

The U.S. Coast Guard Sector Southeast New England has contracted an independent study "on how the wind turbine generators may impact marine radar systems and navigation on vessels operating in the area" of Nantucket Sound.

I am thankful for the invitation to participate in the Coast Guard Cape Wind Radar Workshop. I am a commercial fisherman who fishes Nantucket Sound as owner and operator of the fishing vessel SIRIUS. I am the President of the Massachusetts Fishermen's Partnership (MFP), an organization of commercial fishermen's associations from all gear and geographic sectors of the Massachusetts fishing industry. Established in 1995, the partnership works to provide solutions to problems common to all fishermen.

At the stakeholder briefing of December 5, 2008, I requested a copy of the completed Radar Study from Sector Southeast New England Captain Perry. I have not been provided with that by the U.S. Coast Guard. However, I respectfully submit my comments for your consideration regarding currently available information, and applicable law.

[1.] The MMS Cape Wind Project Plan Filing (page 16) "NONCOMPETITIVE LEASE, EASEMENT AND RIGHT-OF-WAY (THIRTY YEARS)" states:

"...Rights granted are subject to applicable laws, the terms, conditions, and attached stipulations of this lease, easement or right-of-way, the Secretary of the Interior's regulations and formal orders in effect as of issuance, and to regulations and formal order hereafter promulgated when not inconsistent with rights granted or specific provisions of this lease, easement or right-of-way."

Applicable law:

Alternative Energy Programmatic EIS A-3 October 2007 APPENDIX A SECTION 388 OF THE ENERGY POLICY ACT OF 2005, PUBLIC LAW 109-58

(4) REQUIREMENTS- The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for--

(A) safety;

(B) protection of the environment;

Alternative Energy Programmatic EIS A-5 October 2007

(C) prevention of waste;

(D) conservation of the natural resources of the outer Continental Shelf

(E) coordination with relevant Federal agencies;

(F) protection of national security interests of the United States;

(G) protection of correlative rights in the outer Continental Shelf;

(H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;

(I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;

(J) consideration of--

(i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and

(ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;

Sector Southeast New England Captain Perry's representations to stakeholders, during the December 5th conference call, confirm the "activity" proposed as Cape Wind cannot be carried out in a manner that provides for safety as required by Section 388 of the Energy Policy Act of 2005.

Given the fact that 1/3 mile spacing between the WTGs will be unsafe for us as mobile gear fishermen, in this designated Essential Fish Habitat and spawning ground, Cape Wind represents the termination of our rights assured under Section 388 that include, "use for a fishery".

The Cape Wind present proposal represents a closure of this 24 square mile economic zone to mobile gear fishermen based on safety risks identified during the December 5th conference call by Captain Perry who stated:

"The other scenario is vessels operating in the scenario, within in wind farm and trying to do collision avoidance operations in there. That to me was problematic. When we looked at what came out of that. Ah, we found it very difficult for one vessel to see another vessel. And, although if you were concentrating on the radar, you could argue, you could say yep, I could find that vessel and we could see it and I could track it and I could avoid it. But it was very difficult. Ah, so that kind of comes, where the human element comes into play. An individual or a crew would really have to concentrate on that and ah I think it's well above and beyond what we should expect the mariner to do."

"It's a tough situation you I think that ya know I'm very sympathetic to the fishermen having been a commercial fisherman myself and I certainly understand that hey ya know this is tough because, am I, and we don't know this, I mean, we're come up with, if you can't fish in here because it's unsafe then you don't fish in there. That's outside the Coast Guard realm. OK? You can fish someplace else. But it's another thing if he's a boater that can only operate in this area. You can't operate anyplace else. He can only do his right in there. Then I can kind of come in and weigh in on the freedom of navigation. In fact I can say ya know, the waterways for everybody. The freedom??? From the US promotes and stands by and if we're gonna restrict somebody from using in there then maybe I might say no my recommendation is that this project doesn't go forward for that. You can fish someplace else it may stink but it may be costly to him but unfortunately that's outside of my authority the Coast Guard's authority to do that."

[1.] MMS Cape Wind Project Plan Filing (page 1, paragraph 2):

"The Project has been designed with sufficient spacing between WTGs (a minimum of 0.34 nautical mile (629 meters) x 0.56 nautical mile (1,000 meters) grid) so that the construction and operation of the proposed Project will not preclude or prohibit traditional uses of the water-sheet area within or around the Wind Park turbine array. Use of the water sheet area within the turbine array would include the continuation of general commercial and recreational navigation, commercial and recreational navigation, commercial and recreational aviation, commercial and recreational fishing, and other traditional water-based activities that promote the use and enjoyment of this area of Nantucket Sound."

Refuting MMS Project Plan Filing assertions are the Division of Marine Fisheries comments on the Cape Wind ACOE-DEIS/R by letter [2.] to MMS dated July 14, 2006 that state:

"Fishermen are concerned that the safe and effective use of mobile gear would be impossible in a field of WTGs for the following reasons":

1. "The otter-trawl gear typically extends from about 775' to 1400' behind the boat depending on the size of the trawler and species being targeted. The trawl doors spread the gear to between 300-400 feet apart. The targeted species tend to be aggregated in schools not evenly distributed over the area. Therefore, it will it would be very difficult for fishermen to fish with this gear in between a row of WTGs."

2. "Fishermen concentrate their efforts where they have located the schools and need to be able to turn on the fish. A trawler cannot make sharp turns with its net in the water. It requires a large turning radius of 1/2 to 1 mile to prevent gear collapsing. This is more than the distance between WTGs."

3. "Fishing is dynamic activity with boats going along every possible compass heading. Having to take account of the winds and tidal currents, locations of fish, and locations and courses of other boats in the area requires considerable skill on the part of the captains to safely ply their trade. The presence of WTGs throughout the fishing area would make safe maneuvering extremely difficult and pose an ever present danger of collision. The probability of accidental collision with the structures or other vessels whose presence may be visually obstructed by the towers would be enhanced under conditions of foul weather or visibility for which the area is noted."

Whereas MMS is clear in their expressed intent [1] MMS Cape Wind Project Plan Filing (page 1, paragraph 2) to: "not preclude or prohibit traditional uses of the water-sheet area within or around the Wind Park turbine array." And "the turbine array would include the continuation of general commercial and recreational navigation, commercial and recreational navigation, commercial and recreational aviation, commercial and recreational fishing"

Whereas MMS representation of the dynamic activity of mobile gear fishing conflicts with my 30 years of fishing experience that mobile gear fishing will not be able to take place within an industrial development where WTG are spaced at 1/3 mile apart.

Whereas the Division of Marine Fisheries comments on the Cape Wind ACOE-DEIS/R by letter [2.] to MMS dated July 14, 2006 provides further evidence that mobile gear fishing will not be able to take place within an industrial development where WTG are spaced at 1/3 mile apart.

Whereas U.S. Coast Guard Captain Perry stated during the December 5th conference call: "You can fish someplace else." And, "An individual or a crew would really have to concentrate on that and ah I think it's well above and beyond what we should expect the mariner to do."

I respectfully request that alternate project sites be pursued. The spacing between WTG's is increased as per DMF 07/14/06 comments. Or, appropriate economic mitigation to fishermen displaced by Cape Wind should otherwise be mandated.

Most Respectfully,

Edward Barrett
President of Massachusetts Fishermen's Partnership
<http://www.fishermenspartnership.org/>

[1.] The MMS Cape Wind Project Plan Filing
See page 1, paragraph 2; and page 16 "NONCOMPETITIVE LEASE, EASEMENT AND RIGHT-OF-WAY (THIRTY YEARS)"

<http://www.mms.gov/offshore/PDFs/CapeWindProjectPlanFiling2.pdf>

[2.] Copy of DMF comments on the Cape Wind project available upon request

Cc: Admiral Thad Allen USCG
Captain Raymond Perry USCG
Captain Edward LeBlanc USCG
Senator Edward M. Kennedy
Senator John Kerry
Congressman William Delahunt

February 17, 2010

To the Honorable Secretary Ken Salazar:

As the President of Mass Fishermen's Partnership, I wish to address representations made in the U.S. Office of Inspector General **Investigative Report of Cape Wind Associates, LLC Report Redacted** dated January 8, 2010.

Specifically, Page 23 paragraph 4:

"The USCG Captain said that he has spoken directly to representatives from the WMNSA and the Massachusetts Fishermen's Partnership, Inc. about their concerns of the hazards of navigation and loss of commercial fishing grounds. He said he has spoken off-the-record with a few persons from these groups and has been able to partly assuage their fears."

I wish to state for the record that the USCG Captain did not "assuage" my fears during our discussions regarding Cape Wind on or off-the-record.

On behalf of Massachusetts Fishermen's Partnership, I stand by MFP comments submitted to the Honorable James L. Oberstar Chairman of the Transportation and Infrastructure Committee of the U.S. House of Representatives dated January 5, 2009 and attached.

Most Respectfully,

Edward Barrett
President of Massachusetts Fishermen's Partnership
<http://www.fishermenspartnership.org/>

SENT BY EMAIL TO U.S. COAST GUARD COMMANDANT THAD ALLEN: March 3, 2009

Dear Commandant Allen:

I have read your expression of the importance of the of the Coast Guard partnership with the private sector, "face of the port", the Passenger Vessel Association, (copied below), 'Passenger Vessel Association Meeting 10 Jan 2009'.

I ask you to please deeply consider that one month following your meeting with PVA leadership in San Francisco, the PVA BOD approved their revised resolution in opposition to the Cape Wind project, "because of its hazardous impact on navigation and safety of passengers on ferry vessels".

Most Respectfully,

Barbara Durkin

"The Board of Directors of the Passenger Vessel Association – the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types – continues to oppose the construction of a proposed offshore wind energy facility in Nantucket Sound, Massachusetts, because of its hazardous impact on navigation and safety of passengers on ferry vessels.

The location of 130 wind towers in close proximity to existing ferry routes to the island of Nantucket and Martha's Vineyard poses unacceptable safety risks, including possible collision, allision with the wind towers, and interference with navigational radar generated by the wind energy facility.

PVA members, including the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority and Hy-Line Cruises, provide essential year-round transportation services to Martha's Vineyard and Nantucket, and the safety of their vessels, passengers, and crew is paramount.

Existing navigational uses of and traditional ferry routes in Nantucket Sound must be protected and should take precedence over proposed new usages that jeopardize navigational safety.

The Final Environmental Impact Statement of January 2009 is flawed with regard to navigational safety and demonstrates insufficient concern about and attention to this issue, especially with regard to high-speed passenger vessels and operations in reduced visibility or adverse sea conditions. The U.S. Minerals Management Service should refrain from issuing a permit for construction of the Nantucket Sound wind energy project. (approved February 17, 2009)

The Board of Directors of the Passenger Vessel Association – the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types – continues to oppose the construction of a proposed offshore wind energy facility in Nantucket Sound, Massachusetts, because of its hazardous impact on navigation and safety of passengers on ferry vessels.

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resolution approved April 25, 2006; additions to the original resolution are underlined).

{end}

U.S. Coast Guard Commandant Thad Allen addressing "Shipmates" Commandant's Website:

Tuesday, January 13, 2009

'Passenger Vessel Association Meeting 10 Jan 2009' Shipmates,

I recently met in San Francisco with the Passenger Vessel Association. PVA represents the "non-foreign cruise ship" passenger vessel industry. I previously met with PVA in 2007 at their meeting in Charleston, SC. This is a very important partnership for the Coast Guard. Many PVA members are small businesses that represent the maritime culture of their operating areas including dinner cruises, water taxis, charter cruises, and ferries. In many ways they are the private sector "face of the port" in much the same way that our coastal stations are the face of the Coast Guard.

I met with the executive leadership of PVA and then addressed their general membership, taking questions in both fora. The topics addressed included the transition to the Transportation Worker Identification Card (TWIC), biometrics, licensing, proposed changes to water discharge permits (overboard discharges), potential changes in weight standards for passengers in assessing capacity and stability of vessels carrying passengers for hire, automated identification systems (AIS), wind farms, and ballast water management (invasive species).

If I were to summarize the most significant theme from our discussions it would be their desire for the federal government to be able to assess the collective impact of regulations on small passenger vessel operations. In fact, they raised a good point. We tend to look at a particular rule (regulation) in a stovepipe related to the cause for action or statutory mandate. I have asked our marine safety folks to take a look at this.

We appreciated the hospitality and the honest, open feedback as we continue to implement improvements in our Marine Safety program.

ADM A

http://www.uscg.mil/comdt/blog/archive/2009_01_01_archive.asp

The Passenger Vessel Association

The Passenger Vessel Association, the national trade group of U.S. flagged passenger vessels, described the Cape Wind MMS DEIS as:

"...woefully inadequate in addressing the threat that the wind energy facility poses to the ferries and their passengers."

The British Chamber of Shipping:

"has confirmed that there may be an impact on air and marine radar within 1.5 nautical miles of turbines" and "advocates the adoption of a precautionary separation zone of at least two nautical miles from recognized shipping lanes."

The McGowan Group, in its February, 2006 assessment report: Impact of UK Offshore Renewable Energy Guidelines, concluded that under UK standards and guidelines, the [Cape Wind] project lacks a detailed navigation risk assessment:

"The impacts of this project to marine transportation, the marine environment and public safety are significant in a region plagued with challenging weather and currents for its varied waterway traffic." [the Cape Wind project is], "incompatible with the needs of marine transportation" in Nantucket Sound and poses unacceptable and unnecessary risk to cruise ships and ferry vessels, oil transport, fishing, and recreational users due to its proximity to active shipping channels."

Wayne Lampson, General Manager of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority SSA that operates 56 transits per day between Wood's Hole and Martha's Vineyard; and twenty eight between Hyannis and Nantucket commented to the lead agency, Minerals Management Service MMS, in response to the Cape Wind draft EIS:

"The Steamship Authority continues to have serious concerns about the potential hazards and impacts of the proposed Cape Wind project to the safe navigation and operation of our vessels in Nantucket Sound."

Wood's Hole, Martha's Vineyard and Nantucket Steamship Authority SSA Cape Wind MMS Scoping comment to MMS:

"My name is Captain Charles Gifford, I am the Port Captain for the Wood's Hole, Martha's Vineyard, Nantucket Steamship Authority. I'm a U.S. Coast Guard licensed Master Mariner and an approved instructor at the Massachusetts Maritime Academy."

"The Steamship Authority annually makes 22,000 trips transporting close to three million passengers and over 600,000 cars and trucks to the Islands of Martha's Vineyard and Nantucket. It is our opinion that the 130 wind turbines planned for Horseshoe Shoals and Nantucket Sound has a potential for creating a significant hazard to safe navigation for our vessels and other users of the waterways."

The Wood's Hole, Martha's Vineyard and Nantucket Steamship Authority on April 16, 2008 stated to MMS in the comments regarding the Cape Wind DEIS proposed wind energy facility in Nantucket Sound:

"The Steamship Authority continues to have a number of other serious concerns regarding navigational safety. These concerns include the potential interference of wind turbines with radar systems, the close proximity of the proposed wind farm to existing ferry routes and the probable interruption of slowing of normal ice flow within Nantucket Sound that could hinder navigation and disrupt ferry service to and from the islands."

'The Proposal is Reckless'

Boston Globe
April 23, 2006

Co-written by; **John T. Griffin, vice chairman of the Barnstable Airport Commission, and Edward Barrett, president of the Massachusetts Fishermen's Partnership:**

"More than 3 million people cross the sound every year on commercial ferries within close proximity to the planned turbine field. There are more than 400,000 flights through that airspace every year with hundreds of small aircraft barely flying above the 426 foot height of these turbine blades. Anyone who knows Nantucket Sound knows that a clear day can quickly turn into pea

soup fog with nearly zero visibility, leaving even experienced mariners bewildered about who -- and what -- is out there in their path. Not to mention the commercial fishermen who rely on Nantucket Sound for half their catch and know full well that safety concerns will result in restrictions or outright prohibition on fishing in the Cape Wind grid."

http://www.boston.com/news/globe/editorial_opinion/oped/articles/2006/04/23/the_proposal_is_reckless/

Robert F. Kennedy Jr. is an environmental lawyer and professor at Pace University Law School:

"Nantucket Sound is among the most densely traveled boating corridors in the Atlantic. The turbines will be perilously close to the main navigation channels for cargo ships, ferries and fishing boats. The risk of collisions with the towers would increase during the fogs and storms for which the area is famous. That is why the Steamship Authority and Hy-Line Cruises, which transport millions of passengers to and from the cape and islands every year, oppose the project. Thousands of small businesses, including marina owners, hotels, motels, whale watching tours and charter fishing operations will also be hurt. The Beacon Hill Institute at Suffolk University in Boston estimates a loss of up to 2,533 jobs because of the loss of tourism - and over a billion dollars to the local economy.

Nantucket Sound is a critical fishing ground for the commercial fishing families of Martha's Vineyard and Cape Cod. Hundreds of fishermen work Horseshoe Shoal, where the Cape Wind project would be built, and make half their annual income from the catch. The risks that their gear will become fouled in the spider web of cables between the 130 towers will largely preclude fishing in the area, destroying family-owned businesses that enrich the palate, economy and culture of Cape Cod."

<http://www.nytimes.com/2005/12/16/opinion/16kennedy.html?ex=1292389200&en=58e5dd67e381fd58&ei=5090&partner=rssuserland&emc=rss>

Senator Edward M. Kennedy:

"The project is proposed directly adjacent to a major shipping lane and a major passenger ferry route in the midst of one of the most heavily trafficked maritime environments in the country. Each year, nearly 3 million people travel through the area by ferry or private vessel. The proposed site is too close to shipping channels to be safe: with only a 1,200-ft separation from established shipping channels and a 4,500-foot separation from established ferry routes, not enough time is available to respond to a structure or possibly to avoid another vessel.

Vessels traveling at just 6 nautical miles per hour will encounter a new 417-foot spinning turbine every 3 minutes; vessels traveling 20 nautical miles per hour will encounter a turbine approximately every 50 seconds. Factoring in that Nantucket Sound often experiences dense fog causing zero visibility conditions, John T. Griffin, Vice Chairman of the Barnstable Airport Commission, and Edward Barrett, of the Massachusetts Fishermen's Partnership, recently wrote that the Cape Wind proposal was "utter recklessness."

<http://www.tedkennedy.com/content/860/concerns-with-the-cape-wind-proposal>

Flying Cloud Captain Bruce Malenfant:

Said he is "horrified" at how close the proposed wind farm would be to his Barnstable-Nantucket route. He called this proposal "well within an area we operate in" and he referred to the displacement of boating traffic by Cape Wind saying, "That is a dangerous recipe."

William H. Rypka retired lieutenant commander in the U.S. Coast Guard:

"Accidents can and will happen, and the wind plant would increase both their frequency and the potential for loss of life and oil spills. There is an active commercial fishery in the Sound along with the many fishing boats, ferries and pleasure craft that transit the area. The 130 steel and concrete structures would be located adjacent to the main shipping channel and would be huge hazards to navigation; they could not possibly be viewed as navigation aids."

William H. Rypka, retired Coast Guard Lieutenant Commander:

"Had [the turbines] been in place there is no possible way that a safe search by helicopter could have been conducted, much less the person rescued."

Mass Fishermen's Partnership

"Cape Wind puts fishermen at risk"

"MFP is a Coalition of 18 Massachusetts commercial fishing organizations that call on Cape Wind to 'stop making false claims' about their offshore wind project's impact on fishing. 'Navigation of mobile fishing gear between the 130 wind towers would be hazardous or impossible'"

David F. Scudder, Vice President of Hy-Line Cruises in his letter to Senate and House Conferees of February 26, 2006:

"On the basis of public safety concerns, we have consistently and adamantly been against the wind farm project in the Sound since its inception. Navigating Nantucket Sound in all kinds of weather and traffic conditions is challenging enough without the introduction of these structures to complicate and restrict our routes."

Federally Recognized Mashpee Wampanoag Tribe:

'Historically the Sound is of great importance to the tribe,' tribal spokesman Scott Fearson said. 'The tribe considers the Sound to be ancestral waters. There are a number of concerns about this project.' 'The Tribe's economic health and cultural heritage are virtually defined by our reliance on our coastal resources. 'The Cape Wind project would disrupt the fragile habitat of these aboriginal fishing grounds and pose new navigational hazards to our fleet. The consequences would be devastating, in terms of both economic development and public safety.'

Eric R. Dawicki, international maritime safety and security expert, and president of the Northeast Maritime Institute in Fairhaven:

"To the best of my knowledge these monstrosities will be a threat to environment, navigational safety and most importantly will be an impediment to security."

"The damage done to marine life, marine flora and fauna is undeterminable in an already abused environment. Navigational safety problems are imminent."

Air Traffic Controllers Union at Cape Approach: "could not think of a worse place to put these turbines."

The Department of Defense: "The results from those flight trials documented that state-of the art utility-class wind turbines can have a significant impact on the operational capabilities of military air defense radar systems."

Woods Hole, Martha's Vineyard and Nantucket Steamship Authority: Project has the "potential for creating as significant hazard to safe navigation for our vessels and other users of the waterways."

Flying Cloud Captain Bruce Malefant: stated to the USACE that he is "horrified" at the proposed wind plant's close proximity to his Barnstable Nantucket Route. Barnstable Airport officials call this project: "Lethal."

The Department of Defense: "The results from those flight trials documented that state-of the art utility-class wind turbines can have a significant impact on the operational capabilities of military air defense radar systems."

Martha's Vineyard Gazette; October 6, 2006:

"Pentagon officials are calling for additional studies to determine whether the proposed wind farm in Nantucket Sound would impair a crucial missile detection radar system located on Cape Cod."

Senator Edward M. Kennedy:

"...One reason Massachusetts needs a voice here is because the project threatens the livelihoods of Massachusetts' fishermen. Nantucket Sound has accounted for annual catches of over a million pounds of squid and fish. Nearly 50 to 60 percent of that catch is from the portion of the Nantucket Sound where EML wants to place massive wind turbines.

That is why the Massachusetts Fishermen's Partnership strongly opposes the Cape Wind project, and why the Massachusetts Division of Marine Fisheries has stated that it "remains greatly concerned that this project may have substantial . . . impacts to fisheries resources, habitat and harvest activities in Nantucket Sound."

This project also has serious implications for the safety of navigation in and around Nantucket Sound.

In its criticism of the Army Corps' draft environmental impact statement of the Cape Wind project, the Coast Guard noted that the report failed to consider a series of studies in Great Britain, which—unlike the United States—has extensive experience with offshore wind energy projects.

These British studies raised serious issues concerning the impact of wind turbines on radar and navigation. The Great Britain site has only 30 towers standing 220 feet tall in an area of just 3.8 square miles. The Cape Wind project has four times as many towers, that are twice as tall, and cover over six times the area.

The British reports found that "Small vessels, buoys, etc. might not be detectable within or close to the wind farm," that "the wind turbine generators blind and shadow areas," and that there was an "inability to effect surface rescues within the wind farm in restricted visibility."

Based on these studies, Britain now recommends a 1.5-nautical mile buffer between shipping channels and wind turbines, unless significant navigation control systems exist in the area. The Cape Wind project would be just a fifth of a mile from established shipping channels and only three-quarters of a mile from established ferry routes.

These concerns have been emphasized by the Passenger Vessel Association, the nation's largest trade association for US-flagged vessel operators, which passed a unanimous resolution on April 25th, stating:

"The Passenger Vessel Association opposes the construction of a proposed offshore wind energy facility in Nantucket Sound, Massachusetts, because of its hazardous impact on navigation and safety of passengers. . . The location of 130 wind towers in close proximity to existing ferry routes to the islands of Nantucket and Martha's Vineyard poses unacceptable safety risks, including possible collision and interferences with navigational radar."

If there were an accident involving a ferry, the wind energy project could turn it into a tragedy.

Retired US Coast Guard Lt. Cmdr. William H. Rypka, a former Coast Guard search and rescue helicopter pilot who's performed numerous searches in this very area has written that the proposed wind farm is an "extreme hazard to navigation" that the "potential for a collision with the windmills is huge."

He wrote that he's performed helicopter searches at 100 feet above sea level, which will not be possible in the 24 square-mile area once the 417-foot tall towers go up.

There are similar concerns with the effect of the wind energy project on the safety of air travel. Studies by the **British Ministry of Defence** have prompted the FAA to begin looking into the radar effects of large-scale wind turbines in close proximity to airports. In March, the FAA designated a wind energy project in Wisconsin a hazard to aviation, and informed Congressman William Delahunt that recent briefings with British Ministry of Defence representatives "seem to confirm our concern of potential interference from wind turbines to our own traffic control radar systems."

In a series of three studies published in 2005, the **Royal Air Force** found ample reason to believe that wind turbines affected radar performance as much as 24,000 feet above the wind farms. As a result of these British studies, Congress has asked the Department of Defense to lead an investigation into the possible effects of wind turbines on the nation's 59 different defensive radar systems. That investigation is underway.

This kind of aviation radar interference is an enormous public safety concern for the Cape and Islands, which rely heavily on air and sea travel. Three major airports surround the project site, and more 400,000 flights a year criss-cross the airspace over the proposed project site. This airspace is overseen by the Cape Cod Terminal Radar Approach Control located at Otis Air National Guard Base.

Mike Suriano, the National Air Traffic Controllers Association Facility Representative at Cape Approach Control wrote the Army Corps in 2004 opposing the siting of this project. In his letter, Suriano wrote "if you were to ask me, where is the worst place to construct a hazard to aviation and jeopardize safety in the Cape and Islands airspace, I couldn't have picked a better spot . . ."

The Aircraft Owners and Pilots Association (AOPA), which represents two thirds of all pilots in the U.S., urged the Federal Aviation Administration (FAA) to issue a final determination of hazard for Cape Wind because of radar interference and impacts to visual flight rule (VFR) flights. In a March 20, 2009, letter to FAA, AOPA wrote that they oppose the project "***due to the negative impact on both VFR operations as well as the impacts on air traffic radar systems that serve flight operations into Barnstable Municipal, Martha's Vineyard and Nantucket Memorial Airport.***"

Please do not take any action that could result in the construction of Cape Wind, a public safety hazard as predicted by navigators of the air and sea most familiar with Nantucket Sound and its present limitations.

Thank You,

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