

Key wind farm permits approved

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The state Energy Facilities Siting Board voted unanimously yesterday to approve a bundle of permits for the proposed Nantucket Sound wind farm, marking a major milestone for the hotly contested project.

"I think we met the statutory requirements of the siting board," Cape Wind president Jim Gordon said after the decision was announced. "They obviously have analyzed this project for many years."

After three hours of deliberation at Boston's South Station Transportation Center, the siting board voted 7-0 to approve a so-called super permit for the project, siting board spokesman Tim Shevlin said.

Yesterday's decision overrides a 2007 denial of the project by the Cape Cod Commission. It also encompasses an additional eight local and state permits, including wetland and road opening permits in Yarmouth and Barnstable needed for the project's electrical transmission lines.

The permits represent all of the remaining state and local regulatory approvals required for the project.

Cape Wind must still secure a "record of decision" from the U.S. Minerals Management Service, the lead federal agency reviewing the project. MMS released a final environmental report on the project in January that found mostly minor or negligible impacts expected from the wind farm.

There is no new information on when MMS will issue a final approval, a spokeswoman for the agency said yesterday.

The U.S. Army Corps of Engineers and the Federal Aviation Administration also must sign off on the 130 turbines Cape Wind wants to build in the sound.

In 2005, the Army Corps released a largely positive draft environmental impact statement on Cape Wind's plans.

The FAA has issued a "presumed hazard" finding for the turbines and has recommended expensive measures to mitigate the potential impact on aviation radar.

Gordon and Cape Wind's supporters praised yesterday's siting board decision as a boost for efforts to combat climate change and provide clean energy jobs.

But opponents of the project called the move a dangerous precedent that could erode local authority. "That is a concern to municipalities," said Charles McLaughlin, an attorney for the town of Barnstable.

The Cape Cod Commission reviews projects that are deemed to have a regional impact. In 2007, the commission cited a lack of information in its denial of Cape Wind's plan to connect the proposed wind farm to the electric grid.

The state siting board's mission is to help provide Massachusetts reliable energy supplies with minimal impact on the environment and at the lowest possible cost.

Barnstable sued the siting board and Cape Wind last year, claiming the Cape Cod Commission had jurisdiction over the transmission lines for the project rather than the siting board.

A Barnstable Superior Court judge threw the lawsuit out earlier this month, citing the ongoing review by the siting board and noting the town's right to take any final decision by the siting board to court.

Yesterday's vote marks the first time the state agency has issued a super permit, wrapping all required state and local permits for a project into a single decision.

The project's most vociferous detractors decried Cape Wind's appeal to the siting board to obtain a super permit as contrary to the law that created the Cape Cod Commission, which serves the Cape's regional planning and

regulatory agency.

“We always felt that under the Cape Cod Commission Act, the appeal that Cape Wind had should have gone to the courts to begin with,” said Glenn Wattley, president and CEO of the Alliance to Protect Nantucket Sound.

Both Wattley and McLaughlin said they would appeal yesterday’s siting board decision to the state Supreme Judicial Court.

Gordon said the siting board decision was based on a deliberative process and it’s time for the project to move forward.

“Certainly, the opponents were very involved from day one, and everybody has been afforded equal opportunities to present information and witnesses and consultants, and they did that, and ultimately the merits of this project prevailed,” he said.

The Cape Cod Commission has not decided how to proceed, said Paul Niedzwiecki, the agency’s executive director.

“There are no surprises,” he said of the siting board’s decision.

Yesterday’s decision could have far-reaching consequences, affecting the state’s new ocean management law, the Green Communities Act, and legislation filed recently that would give the siting board increased powers over the siting of land-based wind turbines, Niedzwiecki said.