

# Cape Wind hit with another lawsuit

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Opponents of the proposed Nantucket Sound wind farm have filed a law suit challenging the Massachusetts Office of Coastal Zone Management's finding that the project meets state environmental requirements for activities in federal waters.

The state agency issued a pair of determinations Jan. 23 that the proposal by Cape Wind Associates, LLC, to build 130 wind turbines on Horseshoe Shoal in the sound is consistent with its policies that seek to balance human activities with the protection of coastal and marine resources.

The suit, filed by the anti-Cape Wind group, Alliance to Protect Nantucket Sound on Feb. 20 in Barnstable Superior Court, contends the agency's determination violates the law, according to a press release issued today by the Alliance.

"In its decision on Cape Wind's impacts, CZM has clearly violated the law and abandoned its own mission to protect our coastal environment," Glenn Wattlely, alliance president and CEO, said in a prepared statement.

CZM failed to consult with the Cape Cod Commission on its decision as required by law, alliance executive director Audra Parker said in a telephone interview. The agency also issued its finding prior to the issuance of all other permits required for the project, another violation of the law, Parker said.

The Cape Cod Commission issued a procedural denial of the project in October 2007, which is currently the subject of a review by the state's Energy Facilities Siting Board. The siting board could choose to overturn the commission decision and it is also considering whether to issue a "super permit" for Cape Wind that would encompass most other local and state permits.

There are other "substantive reasons" CZM's action violates the agency's own policies, Parker said.

These include inconsistencies with energy, protected area, water quality and ports policies, according to the alliance press release.

The town of Barnstable filed a similar law suit on Friday, according to town attorney Charlie McLaughlin.

The federal agency responsible for the review of Cape Wind, U.S. Minerals Management Service or MMS, released a favorable environmental report on the project Jan. 16 but a review of the impact of the project on tribal and historic sites must be complete before a final approval of any federal lease can be issued. Additionally, the Federal Aviation Administration has called for more studies of the projects impact on aviation radar and safety.

Cape Wind first proposed building a wind farm in the sound in 2001. Since that time opponents have mounted a number of law suits and political challenges to the project.

More legal action is expected after MMS makes its decision on whether to issue Cape Wind a lease for the 25 square miles it wants to use in the sound.