

Wind farm vote stalled

■ A state panel may review the Army Corps of Engineers' report before ruling on underwater electric cables.

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BOSTON — The proposed Nantucket Sound wind farm was dealt a temporary setback yesterday when the Massachusetts Energy Facilities Siting Board delayed an expected vote on the major state permit needed for the project.

The state board was scheduled to vote on Cape Wind Associates' application for two 18-mile transmission lines that would run through state waters from the wind farm to Yarmouth, then underground to the NStar switching station in Barnstable. The board's staff gave the transmission lines tentative approval in July.

But after a three-hour hearing yesterday, the board voted 5 to 1 to delay a vote while the agency considers whether to reopen its review to include all or part of a draft environmental impact statement on the wind farm that was released last month by the Army Corps of Engineers.

The siting board vote could be put off



James Gordon

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Cable: Delay in wind farm vote

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for months.

The delay does not affect the Army Corps' overall review of the proposed, 130-turbine wind farm in Horseshoe Shoal, which is in federal waters. The draft environmental report found that the wind farm offered significant benefits and little long-term environmental disruption.

Cape Wind's lawyer, David Rosenzweig, objected to the siting board delay. He said the board had already taken 27 months to review the application, when it customarily decides cases within a year.

Rosenzweig implied it was a delaying tactic by the project's opponents.

"This will cause delay," he said. "And on some party's part, it may be intended for nothing but to cause a delay. Delays kill projects such as this."

Rosenzweig also said there was nothing substantial in the Army Corps' report about the transmission cables that was not also addressed by the siting board.

"On behalf of Cape Wind, I can tell you in the most vehement terms that we object to this," Rosenzweig told the board. "These issues have been addressed exhaustively throughout the last two years. There is no basis to reopen this proceeding to consider such information at this time."

The Alliance to Protect Nantucket Sound, which opposes the wind farm, has asked the board to include the entire, 4,000-page draft environmental impact statement in its review. The Army Corps released the report Nov. 7, long after the siting board had concluded its study.

"Given that the document is far more comprehensive than anything that has been presented to (the siting board), it needs to be included ... so the ruling, however it goes, is as fully informed as it can be," alliance spokesman Ernie Corrigan said after the meeting.

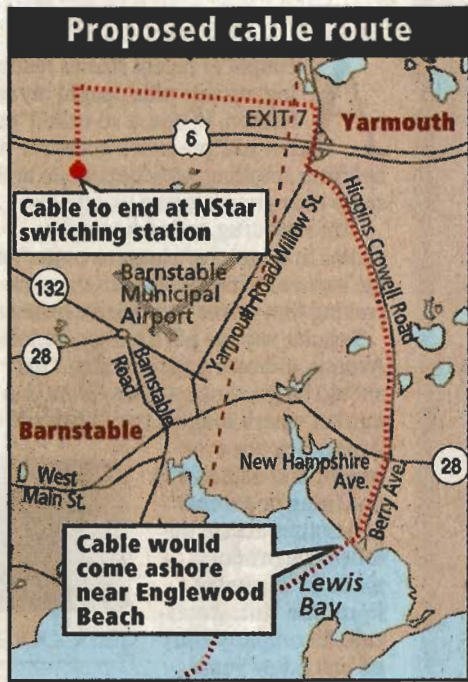
The alliance said a delay in approval of the transmission lines should not matter to Cape Wind, since the federal review of the wind farm will still take months to complete.

Considerations

Board member Stephen Pritchard, who represents Gov. Mitt Romney's Environmental Affairs secretary, Ellen Roy Herzfelder, on the board, made the motion to delay the vote. Romney opposes the wind farm. But Pritchard said the board needed to know if there was new information in the DEIS.

John Young, a siting board analyst, said the two reviews looked similar, but he had only flipped through the Army Corps document.

"We haven't had the opportunity to look



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Deirdre Manning, commissioner at the state Department of Telecommunications and Energy

at the length of the document, whether it's four thousand pages or thirty-eight hundred," Pritchard told the board. "We shouldn't necessarily just rely on the representation of the parties here."

The delay was opposed by board member Deirdre Manning, who is a commissioner at the state Department of Telecommunications and Energy.

"I don't see how introducing this report would help the siting board in making a very difficult decision," Manning said. "The opposition to this project is the worst form of NIMBYism. The transmission lines should be approved today."

The siting board, a quasi-judicial body, gave both sides until Dec. 30 to file legal briefs on whether the record should be reopened to include all or part of the DEIS.

Cape Wind, the alliance and two other parties - Commonwealth Electric Co. and the Massachusetts Audubon Society - also have until Jan. 13 to file response briefs.

Then the board's hearing officer will make a recommendation to the board.

The delay comes at a time when Cape Wind, armed with the generally favorable Army Corps report, is seeking investment bankers to finance the \$700 million to \$800 million project.

"We're disappointed that the board didn't vote today," Cape Wind President James Gordon said after the meeting. "We think the record is compelling and clear for a positive vote today."

Lawmakers weigh in

The Alliance to Protect Nantucket Sound said that the board should reject the permit, claiming that the state's Ocean Sanctuary Act forbids a power generating facility in the sound.

"What did the Legislature think about power plants in Nantucket Sound?" asked the alliance's lawyer, Christopher Kallahaer. "They don't want them. They banned them."

Cape Wind said the siting board only had authority to rule on the transmission cables - not the overall wind farm - and cables were allowed under an exemption in the ocean sanctuary law.

When the board finally rules, the losing party can appeal to the Supreme Judicial Court, a fact that was not lost on the board members. Board chairman Paul Afonso, who also chairs the DTE, said the siting board had an obligation to look at the environmental impact statement, or the issue could be used in court.

"Otherwise, I believe it would be reversible error," he said.

State Reps. Thomas George, R-Yarmouth and Matthew Patrick, D-Falmouth, urged the board to approve the application based on its review. They said the project, which would be the nation's first offshore wind farm, would help the environment and the Cape's economy.

"We have an opportunity with this project to be a leader, not only in the country, but in the world," Patrick said.

State Reps. Daniel Bosley, D-North Adams, the co-chairman of the Government Regulations Committee, and John Binienda, D-Worcester, the co-chairman of the Energy Committee, wrote to the board also asking them to approve the transmission lines.

State Sen. Robert O'Leary, D-Barnstable, who co-chairs the Energy Committee and opposes the wind farm, told the board it should consider all the impacts, not just the transmission lines.

Otherwise, O'Leary called it "akin to examining the lamp, but only looking at the plug."