

## **Says his intention all along was to give the US Coast Guard final say over Cape Wind**

By **Dick Farley** - Cape Cod TODAY Washington Correspondent

**W**ASHINGTON, DC (June 7, 2006) -- Senator Ted Stevens (R-AK) is backpedaling from his previous insistence that the Massachusetts governor be given veto power over the wind farm proposed for Nantucket Sound, but he's intent on giving the Coast Guard primary authority for Cape Wind siting decisions.

Stevens now says his intention all along was to give the US Coast Guard final say over whether Cape Wind's 130 proposed wind turbines should be allowed in the Horseshoe Shoals area of the sound. This despite a lengthy May 9 speech in the Senate justifying his previous support for the gubernatorial veto exclusive to Nantucket Sound, citing "states rights" and saying the governor and "the state's senior senator" should also have a say. See complete text of Stevens' speech *here* [1].

### **Doesn't want Interior Dept. to have jurisdiction over navigable waters**

Stevens' shift away from supporting the gubernatorial veto provision, on April 6, 2006 tucked into a conference report for H.R.889, the U. S. Coast Guard reauthorization by the Senator's legislative colleague from Alaska, Republican Representative Don Young, comes after Senator Ted Kennedy (D-MA) last week signaled he was backing away from giving Governor Mitt Romney the Cape Wind veto, apparently leaving Stevens to juggle his reasoning.

"My position has been to try and make sure that the siting is governed by the Coast Guard," Stevens is quoted as saying, ignoring the gubernatorial veto provision in a transcript provided to Cape Cod Today by the Senate Commerce Committee, which Stevens chairs.

"This is a facility to be placed, sited in navigable waters and I don't believe that the Interior Department... I used to be in the Interior Department... I don't believe that the Interior Department should have jurisdiction over navigable waters," Stevens is quoted as saying.

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**"The new language... would require an application to the Coast Guard and not to Department of Interior for offshore application."  
- Stevens**

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**"My position has been to try and make sure that the siting is governed by**

"The Coast Guard does (have jurisdiction over navigable waters), and at the very least we've got to have the approval of the Coast Guard as to the siting of such a facility," continued the Senator. "It will be the largest wind farm in the world (sic). It's going to have stanchions that go right down to the bedrock. It needs to be sited where it will not interfere with ocean navigation, air navigation or communications."

the Coast Guard," - Sen. Stevens

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Stevens reportedly bristled when the reporter pressed him, "So will you still insist on a gubernatorial veto or will you follow Senator Kennedy's lead on that?"

"I just told you what I was going to do, okay?" Stevens apparently snapped to the reporter.

Later in the transcript, which is described as arising from a "gaggle" of reporters trailing Stevens on his way back to his office, Cape Wind came up again with a different reporter.

"Excuse me, Senator, I got here a little bit late," the reporter is quoted as saying. "Has there been a new development on the Cape Wind issue or a new proposal?"

Stevens reiterated his previous assertion that the Coast Guard should have veto power over Cape Wind, apparently unaware that the Energy Policy Act of 2005, Section 388 requires the the Interior Department's Minerals Management Service, the lead agency on offshore renewable energy siting, to consult with the Coast Guard during site consideration.

Coast Guard consultation is required for all proposed offshore renewable energy installations, just as it is for the siting of offshore oil and gas platforms, for which MMS has had principal regulatory authority since 1982. (See the specific Coast Guard references **here [2]**) and the MMS siting process language **here [3]**.

### **Amendment language will still kill Cape Wind alone**

Stevens confirmed that the legislative vehicle for the language specific to Cape Wind would remain the Coast Guard reauthorization bill (H. B. 889).

The senator also indicated that the "logjam," in the words of a reporter, over that legislation continues, principally because of opposition to the previous Young-Stevens-Kennedy insistence on a gubernatorial veto.

Many of his senate colleagues, led by New Mexico senators Pete Domenici and Jeff Bingaman, have openly criticized Stevens' insistence on taking Cape Wind siting away from the Interior Department and singling out federal waters in Nantucket Sound for gubernatorial veto power.

"My staff are working with them," Stevens is quoted as saying about

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Domenici and Bingaman, who were unavailable to Cape Cod Today late

## proposal

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Wednesday for comment.

"We've had several exchanges and those exchanges keep coming back to having the Interior Department decide where items are sited in navigable waters," Stevens said.

Stevens cited his own state's geography in justifying his proposed de facto rewriting of the Energy Policy Act of 2005 and its designation of MMS to handle offshore energy siting.

"Don't forget I've got half the coastline in the United States and there's wind farms going to be up in our state too," Stevens reportedly said. "And we want to know that they're going to be consistent with the policies of the Coast Guard and also protect the basic resources, our fishery resources."

Apparently defending himself against allegations his and Rep. Young's previously inserted wording in the Coast Guard reauthorization conference report was a sweetheart deal for Senator Kennedy, an outspoken opponent of Cape Wind and its location off the Kennedy family compound at Hyannis, Stevens generalized his concerns to the reporters.

"This is not just some isolated incident, as far as I am concerned. It's the first major offshore wind farm in the United States and the largest in the world (sic). So, if you're going to go into wind farms and they're going to be located in navigable waters, the decision is going to be made by the Coast Guard where they're going to be sited, as far as I am concerned," he said.

Notwithstanding his expression of general concern for wind farm siting around the US coast, Stevens acknowledged that his new language giving the Coast Guard siting authority would apply only to the Cape Wind proposal.

After a reporter asked the senator, "And would the language be specific then to the Nantucket Sound area or is it broader?", Stevens responded, "It is specific to Nantucket. You only cross one bridge at a time."

Still later in the "gaggle," the Commerce Committee's transcript suggests that Senator Stevens hasn't yet cleared his proposed new language with the original provision's sponsor, Rep. Don Young.

In response to a reporter's question whether Young would support or had even seen the new language, Stevens said, "I don't know. I've been gone a week, you know. I don't know what's happened in the week I've been gone." Young and his staff were also not available for any comment.

Stevens did confirm that the new language he says he is supporting for the Cape Wind veto no longer give it to the governor.

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**Minerals Management Service of the Interior Department would lose its authority over the Cape Wind siting process to the Coast Guard if Stevens' proposed new language is approved**

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In reply to a reporter's final question about that, Stevens said, "No, at Senator Kennedy's request that was deleted."

Clearly vexed at the reporter's persistence, Stevens at last clarified what he is proposing.

- ▶ **Reporter:** "... on the wind farm, if it deletes the, (sic) because the original language in the conference report had a provision for the Coast Guard Commandant to sign off on a wind farm, does the new language just delete, then, the gubernatorial veto part of it or does it do something else in addition?"
- ▶ **Stevens:** "Well..."
- ▶ **Reporter:** "I guess my question is: What does the new language do?"
- ▶ **Stevens:** "The new language deals with the siting of the wind farm in that area and would require an application to the Coast Guard and not to Department of Interior for offshore application. I do not want to see a precedent that says you can turn over control of navigable waters to the Department of Interior when it comes to matters that would affect navigation or air transportation over those waters or the resources that might be affected by them."

The Minerals Management Service of the Interior Department, which would lose its authority over the Cape Wind siting process to the Coast Guard if Stevens' proposed new language is approved, has not yet responded to Cape Cod Today's request for their response to Sen. Steven's latest comments and their implications for the Offshore Renewable Energy siting process that MMS is currently establishing.

Neither have the Coast Guard, its parent agency the Department of Homeland Security or the Federal Aviation Administration, all of whom currently have consultative roles in the MMS siting process, responded to Cape Cod Today's requests for comments.