



Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions

August 16, 2002

By Telecopier and Mail

The Honorable R. Les Brownlee
Under Secretary of the Army
United States Army
102 Army Pentagon, Room 3E732
Washington, D.C. 20310-0102

Re: Cape Wind Associates, LLC Scientific Measurement Devices Station
Draft Permit No. 199902477

Dear Under Secretary Brownlee:

We are writing with regard to concerns that have been expressed by Senator John Warner about issuance of the draft permit referred to above.

The Conservation Law Foundation (CLF) and Union of Concerned Scientists agree with many others in Massachusetts that there should be a rigorous environmental review process for Cape Wind Associates' wind farm proposal. CLF is New England's leading public interest environmental advocacy organization. For over three decades, CLF has worked to solve the environmental problems that threaten the people, natural resources and communities of New England. CLF has an unparalleled record of advocacy on behalf of the region's marine environment and the scenic qualities of Cape Cod and the Islands. For example, CLF has brought three successful lawsuits to prevent drilling for oil and gas on Georges Bank; the lawsuit that led to the Boston Harbor clean-up project; another lawsuit that vastly reduced off-road vehicle use on the beaches and dunes of the Cape Cod National Seashore; and multiple lawsuits to reduce overfishing in the North Atlantic.

The Union of Concerned Scientists (UCS), a nationwide independent nonprofit organization of 50,000 citizens and scientists working for practical environmental solutions, is equally committed to the protection of New England's precious environmental resources.

Global warming and the severe air pollution resulting from fossil fuel combustion are two of the most serious threats facing New England's environment. This week, Cape Cod and other parts of Massachusetts are experiencing extraordinarily high levels of ground-level ozone – to which children and the elderly are particularly vulnerable – due in large part to the operation of coal- and

oil-fired power plants. Substantial reductions in emissions of greenhouse gases, nitrogen oxides, and particulate matter from the regional power system must be achieved. Emissions reductions need to be made soon. Air pollution causes thousands of premature deaths in New England every year. High levels of greenhouse gas pollution released today will linger in the atmosphere for many years, so delay in reducing emissions would mean that more extreme reductions would need to occur in the future.

Wind energy must be a central part of New England's energy strategy. It is affordable and uses off-the-shelf technology, while technological and/or economic issues currently limit the potential of other renewable energy sources here. New England's foremost wind resource area lies off the coast of Massachusetts. The only other places where wind energy development is feasible, in lesser quantities, are mountainous areas in northern New England.

A considerable amount of data must be gathered, studied and debated before New England's communities and regulatory agencies can decide where offshore wind energy development should take place. It would be premature for our organizations or anyone else to say that Cape Wind Associates' wind farm proposal – although it is a credible proposal – should receive a permit and, if so, what terms the permit should include. The environmental review process for the wind farm proposal has just begun.

Precisely because of the need to collect data that will help New England decide where and how to develop wind energy and make an informed decision about Cape Wind Associates' proposal, it is critically important for the Corps of Engineers to issue a permit for the proposed scientific measurement devices station (SMDS) as soon as possible. There is far too much at stake for data collection and informed discussion to be delayed. The U.S. Fish and Wildlife Service and others have considered the SMDS proposal carefully and concluded that the Corps should issue a permit.

Section 10 of the Rivers and Harbors Act, together with the National Environmental Policy Act, provide clear authority to conduct a comprehensive environmental review process and to issue permits for the SMDS and ultimately, should it be appropriate, for a wind farm. CLF is this region's leading advocate for a better-developed resource management and regulatory framework for the marine environment. At the same time, it is the position of CLF and UCS that the Section 10 and NEPA processes can and should be used to produce good offshore wind energy siting decisions in the near term.

In comments on Cape Wind Associates' SMDS permit application, CLF wrote:

The proposed scientific measurement devices station . . . represents a private investment in research and development for a new energy resource of vital importance to our region and nation. . . . In light of the important public purpose to be served by this station and the negligible environmental impacts its construction and operation will have, we urge you to approve the permit application forthwith.

We reiterate this recommendation now, and in the strongest possible terms. We do not believe there is any reasonable basis for delaying the collection and analysis of such important data.

Very truly yours,

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cc: The Honorable Ted Kennedy
The Honorable John F. Kerry
The Honorable John Warner
Colonel Thomas L. Koning, Commander, New England District, USACE