

March 18, 2011

Comments of Barbara Durkin

Regulation Identifier Number (RIN)
1010-AD71

Thank you for the opportunity to provide public comments on the proposal to revise regulations regarding non-competitive acquisition of an Outer Continental Shelf (OCS) renewable energy lease.

I am opposed to a revision of regulations at 30 CFR part 285 §§ 285.231 and 285.232 that pertain to noncompetitive acquisition of an OCS wind energy lease.

A fair return to the Nation for the use of our resources is not something that BOERME has achieved with the Cape Wind project by "no bid" deal.

While BOERME maintains a rigorous review was conducted of the Cape Wind project, the fishermen and Tribes and stakeholders with whom I'm in communication consider BOERME has been non-responsive to their rights under applicable laws, international treaties and even the Energy Policy Act of 2005 Section 388, "use for a fishery". As it stands, Cape Wind introduces what local navigators consider poses a threat to their safety. Count among them the SSA Steamship Authority transporting over 3 million annual passengers. Fishermen in my presence have informed BOERME of their concerns about snagging a cable within the spiderwebs that connect turbine to turbine and return to the ESP. Fishermen and navigators are also concerned about defensive actions that would be limited by the presence of 130, 440' tall turbines, and the fog that will prevent them from seeing these turbines, until perhaps it's too late. Radar interference determined caused by wind turbines poses a problem for navigators of the airspace and waterway.

The risks assumed on our (their) behalf by BOERME compromise BOERME's integrity and reputation as BOERME intends to put navigators in harms way. Your choice is to push Cape Wind into an area where there exists competing and incompatible, historic and pre-existing use despite repeated warnings.

I do not support any fast tracking efforts by BOERME that has not appropriately responded to public safety, socioeconomic, or environmental concerns expressed by those most familiar with this region and this project.

For these reasons, I ask that you continue to require the publication of a second RFI notice to confirm the absence of competition before proceeding with the noncompetitive process.

The following supplemental comments respond to BOERME's interest in streamlining the offshore permitting process for offshore renewable energy. These comments illustrate that insufficient consideration has been given by BOERME to comments provided during the precedent Cape Wind review process. BOERME exhibits its willingness to compromise public safety as the most important public policy consideration.

Comments of Barbara Durkin

Regulation Identifier Number (RIN)
1010-AD71

Cape Cod Times

'FAA gives clearance to Cape Wind'

May 18, 2010 (excerpt)

"I just believe that politics has trumped safety," said John T. Griffin, Jr., a member of the Barnstable Municipal Airport Commission and a former ferry captain and pilot. The FAA's decision directly contradicts a study by the British Ministry of Defense that found wind farms on the ocean have a substantial impact on air navigation radar, Griffin said.

Pilots used to be able to take off from airports on the Cape and Islands and then duck down to fly low over the Sound to avoid clouds, he said.

"If you try to do that with these towers now — and you've got to be 500 feet above these towers — that's putting you in the soup," he said. "We're bowing to the green god or the greed god."

<http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20100518/NEWS/5180327>

The MMS FEIS anticipates 1.43 vessel strikes by introduction of Cape Wind per year.

Calculated as [30 yrs. divided by "21 spills from vessels colliding with one of the proposed action structures"]

Cape Wind Electrical Service Platform and appurtenant structures that include wind turbines, would introduce 65, 000 gallons of oil in various Cape Wind project containments. While all structures will not likely simultaneously combust, (MMS FEIS "less than one in a million"), the Cape Wind project may alone result in 1.43 vessel strikes per year. Will one these predicted vessel strikes involve loss(es) of life, an oil tanker spill, a passenger ferry collision, and/or a fishing boat collision?

The United States Passenger Vessel Association is the U.S. Coast Guard Commandant Admiral Thad W. Allen defined "face of the port" of the private sector.

"Admiral Thad W. Allen assumed the duties of the 23rd Commandant of the U.S. Coast Guard on May 25th, 2006. As such, he leads the largest component of the Department of Homeland Security (DHS), comprised of about 42,000 men and women on Active Duty, 7,000 civilians, 8,000 Reservists and 34,000 volunteer Auxiliarists."

<http://www.uscg.mil/FLAG/cg00.asp>

March 3, 2009

Dear Commandant Allen:

I have read your expression of the importance of the of the Coast Guard partnership with the private sector, "face of the port", the Passenger Vessel Association, (copied below), 'Passenger Vessel Association Meeting 10 Jan 2009'.

I ask you to please deeply consider that one month following your meeting with PVA leadership in San Francisco, the PVA BOD approved their revised resolution in opposition to the Cape Wind project, "because of its hazardous impact on navigation and safety of passengers on ferry vessels".

Most Respectfully,

Barbara Durkin
Northboro, MA 01532

"The Board of Directors of the Passenger Vessel Association – the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types – continues to oppose the construction of a proposed offshore wind energy facility in Nantucket Sound, Massachusetts, because of its hazardous impact on navigation and safety of passengers on ferry vessels.

The location of 130 wind towers in close proximity to existing ferry routes to the island of Nantucket and Martha's Vineyard poses unacceptable safety risks, including possible collision, allision with the wind towers, and interference with navigational radar generated by the wind energy facility.

PVA members, including the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority and Hy-Line Cruises, provide essential year-round transportation services to Martha's Vineyard and Nantucket, and the safety of their vessels, passengers, and crew is paramount.

Existing navigational uses of and traditional ferry routes in Nantucket Sound must be protected and should take precedence over proposed new usages that jeopardize navigational safety.

The Final Environmental Impact Statement of January 2009 is flawed with regard to navigational safety and demonstrates insufficient concern about and attention to this issue, especially with regard to high-speed passenger vessels and operations in reduced visibility or adverse sea conditions. The U.S. Minerals Management Service should refrain from issuing a permit for construction of the Nantucket Sound wind energy project. (approved February 17, 2009)

The Board of Directors of the Passenger Vessel Association – the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types – continues to oppose the construction of a proposed offshore wind energy facility in Nantucket Sound, Massachusetts, because of its hazardous impact on navigation and safety of passengers on ferry vessels.

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Tuesday, January 13, 2009
U.S. Coast Guard Commandant Admiral Thad W. Allen

Passenger Vessel Association Meeting 10 Jan 2009

Shipmates,

I recently met in San Francisco with the Passenger Vessel Association. PVA represents the "non-foreign cruise ship" passenger vessel industry. I previously met with PVA in 2007 at their meeting in Charleston, SC. This is a very important partnership for the Coast Guard. Many PVA members are small businesses that represent the maritime culture of their operating areas including dinner cruises, water taxis, charter cruises, and ferries. In many ways they are the private sector "face of the port" in much the same way that our coastal stations are the face of the Coast Guard.

I met with the executive leadership of PVA and then addressed their general membership, taking questions in both fora. The topics addressed included the transition to the Transportation Worker Identification Card (TWIC), biometrics, licensing, proposed changes to water discharge permits (overboard discharges), potential changes in weight standards for passengers in assessing capacity and stability of vessels carrying passengers for hire, automated identification systems (AIS), wind farms, and ballast water management (invasive species).

If I were to summarize the most significant theme from our discussions it would their desire for the federal government to be able to assess the collective impact of regulations on small passenger vessel operations. In fact, they raised a good point. We tend to look at a particular rule (regulation) in a stovepipe related to the cause for action or statutory mandate. I have asked our marine safety folks to take a look at this.

We appreciated the hospitality and the honest, open feedback as we continue to implement improvements in our Marine Safety program.

ADM A

http://www.uscg.mil/comdt/blog/archive/2009_01_01_archive.asp

Sent by Massachusetts Fishermen's Partnership as an organization of commercial fishermen's associations from all gear and geographic sectors of the Massachusetts fishing industry:

January 12, 2009

Senator Daniel K. Inouye
Chairman
Committee on Commerce, Science and Transportation
508 Dirkson Senate Office Building
Washington, DC 20510-6125

To the Honorable Chairman Inouye:

The U.S. Coast Guard Sector Southeast New England has contracted an independent study "on how the wind turbine generators may impact marine radar systems and navigation on vessels operating in the area" of Nantucket Sound.

I am thankful for the invitation to participate in the Coast Guard Cape Wind Radar Workshop. I am a commercial fisherman who fishes Nantucket Sound as owner and operator of the fishing vessel SIRIUS. I am the President of the Massachusetts Fishermen's Partnership (MFP), an organization of commercial fishermen's associations from all gear and geographic sectors of the Massachusetts fishing industry. Established in 1995, the partnership works to provide solutions to problems common to all fishermen.

At the stakeholder briefing of December 5, 2008, I requested a copy of the completed Radar Study from Sector Southeast New England Captain Perry. I have not been provided with that by the U.S. Coast Guard. However; I respectfully submit my comments for your consideration regarding currently available information, and applicable law.

Representations made by Captain Perry on December 5th provided herein, confirm that Cape Wind would interfere with reasonable uses of the exclusive economic zone, the high seas, and the territorial seas.

APPENDIX A SECTION 388 OF THE ENERGY POLICY ACT OF 2005, PUBLIC LAW 109-58; provision (I) prevents the interference with reasonable uses of the exclusive economic zone, the high seas, and territorial seas.

[1.] The MMS Cape Wind Project Plan Filing (page 16) "NONCOMPETITIVE LEASE, EASEMENT AND RIGHT-OF-WAY (THIRTY YEARS)" states:

"...Rights granted are subject to applicable laws, the terms, conditions, and attached stipulations of this lease, easement or right-of-way, the Secretary of the Interior's regulations and formal orders in effect as of issuance, and to regulations and formal order hereafter promulgated when not inconsistent with rights granted or specific provisions of this lease, easement or right-of-way."

Applicable law:

Alternative Energy Programmatic EIS A-3 October 2007 APPENDIX A SECTION 388 OF THE ENERGY POLICY ACT OF 2005, PUBLIC LAW 109-58

(4) REQUIREMENTS- The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for--

(A) safety;

(B) protection of the environment;

Alternative Energy Programmatic EIS A-5 October 2007

(C) prevention of waste;

(D) conservation of the natural resources of the outer Continental Shelf

(E) coordination with relevant Federal agencies;

(F) protection of national security interests of the United States;

(G) protection of correlative rights in the outer Continental Shelf;

(H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;

(I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;

(J) consideration of--

(i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and

(ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;

Sector Southeast New England Captain Perry's representations to stakeholders, during the December 5th conference call, confirm the "activity" proposed as Cape Wind cannot be carried out in a manner that provides for safety as required by Section 388 of the Energy Policy Act of 2005.

Given the fact that 1/3 mile spacing between the WTGs will be unsafe for us as mobile gear fishermen, in this designated Essential Fish Habitat and spawning ground, Cape Wind represents the termination of our rights assured under Section 388 that include, "use for a fishery".

The Cape Wind present proposal represents a closure of this 24 square mile economic zone to mobile gear fishermen based on safety risks identified during the December 5th conference call by Captain Perry who stated:

"The other scenario is vessels operating in the scenario, within in wind farm and trying to do collision avoidance operations in there. That to me was problematic. When we looked at what came out of that. Ah, we found it very difficult for one vessel to see another vessel. And, although if you were concentrating on the radar, you could argue, you could say yep, I could find that vessel and we could see it and I could track it and I could avoid it. But it was very difficult. Ah, so that kind of comes, where the human element comes into play. An individual or a crew would really have to concentrate on that and ah I think it's well above and beyond what we should expect the mariner to do."

"It's a tough situation you I think that ya know I'm very sympathetic to the fishermen having been a commercial fisherman myself and I certainly understand that hey ya know this is tough because, am I, and we don't know this, I mean, we're come up with, if you can't fish in here because it's unsafe then you don't fish in there. That's outside the Coast Guard realm. OK? You can fish someplace else. But it's another thing if he's a boater that can only operate in this area. You can't operate anyplace else. He can only do his right in

there. Then I can kind of come in and weigh in on the freedom of navigation. In fact I can say ya know, the waterways for everybody. The freedom??? From the US promotes and stands by and if we're gonna restrict somebody from using in there then maybe I might say no my recommendation is that this project doesn't go forward for that. You can fish someplace else it may stink but it may be costly to him but unfortunately that's outside of my authority the Coast Guard's authority to do that."

[1.] MMS Cape Wind Project Plan Filing (page 1, paragraph 2):

"The Project has been designed with sufficient spacing between WTGs (a minimum of 0.34 nautical mile (629 meters) x 0.56 nautical mile (1,000 meters) grid) so that the construction and operation of the proposed Project will not preclude or prohibit traditional uses of the water-sheet area within or around the Wind Park turbine array. Use of the water sheet area within the turbine array would include the continuation of general commercial and recreational navigation, commercial and recreational navigation, commercial and recreational aviation, commercial and recreational fishing, and other traditional water-based activities that promote the use and enjoyment of this area of Nantucket Sound."

Refuting MMS Project Plan Filing assertions are the Division of Marine Fisheries comments on the Cape Wind ACOE-DEIS/R by letter [2.] to MMS dated July 14, 2006 that state:

"Fishermen are concerned that the safe and effective use of mobile gear would be impossible in a field of WTGs for the following reasons":

1. "The otter-trawl gear typically extends from about 775' to 1400' behind the boat depending on the size of the trawler and species being targeted. The trawl doors spread the gear to between 300-400 feet apart. The targeted species tend to be aggregated in schools not evenly distributed over the area. Therefore, it will it would be very difficult for fishermen to fish with this gear in between a row of WTGs."
2. "Fishermen concentrate their efforts where they have located the schools and need to be able to turn on the fish. A trawler cannot make sharp turns with its net in the water. It requires a large turning radius of 1/2 to 1 mile to prevent gear collapsing. This is more than the distance between WTGs."
3. "Fishing is dynamic activity with boats going along every possible compass heading. Having to take account of the winds and tidal currents, locations of fish, and locations and courses of other boats in the area requires considerable skill on the part of the captains to safely ply their trade. The presence of WTGs throughout the fishing area would make safe maneuvering extremely difficult and pose an ever present danger of collision. The probability of accidental collision with the structures or other vessels whose presence may be visually obstructed by the towers would be enhanced under conditions of foul weather or visibility for which the area is noted."

Whereas MMS is clear in their expressed intent [1] MMS Cape Wind Project Plan Filing (page 1, paragraph 2) to: "not preclude or prohibit traditional uses of the water-sheet area within or around the Wind Park turbine array." And "the turbine array would include the continuation of general commercial and recreational navigation, commercial and recreational navigation, commercial and recreational aviation, commercial and recreational fishing"

Whereas MMS representation of the dynamic activity of mobile gear fishing conflicts with my 30 years of fishing experience that mobile gear fishing will not be able to take place within an industrial development where WTG are spaced at 1/3 mile apart.

Whereas the Division of Marine Fisheries comments on the Cape Wind ACOE-DEIS/R by letter [2.] to MMS dated July 14, 2006 provides further evidence that mobile gear fishing will not be able to take place within an industrial development where WTG are spaced at 1/3 mile apart.

Whereas U.S. Coast Guard Captain Perry stated during the December 5th conference call: "You can fish someplace else." And, "An individual or a crew would really have to concentrate on that and ah I think it's well above and beyond what we should expect the mariner to do."

Whereas U.S. Coast Guard Captain Perry confirms that Cape Wind represents interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;

I respectfully request that alternate project sites to Nantucket Sound be pursued. The spacing between WTG's is increased as per DMF 07/14/06 comments to MMS. Or, appropriate economic mitigation to fishermen displaced by Cape Wind is mandated.

Most Respectfully,

Edward Barrett
President of Massachusetts Fishermen's Partnership
<http://www.fishermenspartnership.org/>

[1.] The MMS Cape Wind Project Plan Filing
See page 1, paragraph 2; and page 16 "NONCOMPETITIVE LEASE, EASEMENT AND RIGHT-OF-WAY (THIRTY YEARS)"
<http://www.mms.gov/offshore/PDFs/CapeWindProjectPlanFiling2.pdf>

[2.] Copy of DMF comments on the Cape Wind project available upon request

Cc: Senator Edward M. Kennedy
Senator John F. Kerry
Congressman William Delahunt
Senator Kay Bailey Hutchison
Randal Luthi, Director MMS
Rodney Cluck Cape Wind Project Manager
[End]

The British Chamber of Shipping:

"has confirmed that there may be an impact on air and marine radar within 1.5 nautical miles of turbines" and "advocates the adoption of a precautionary separation zone of at least two nautical miles from recognized shipping lanes."

The McGowan Group, in its February, 2006 assessment report: Impact of UK Offshore Renewable Energy Guidelines, concluded that under UK standards and guidelines, the [Cape Wind] project lacks a detailed navigation risk assessment:

"The impacts of this project to marine transportation, the marine environment and public safety are significant in a region plagued with challenging weather and currents for its varied waterway traffic." [the Cape Wind project is], "incompatible with the needs of marine transportation" in Nantucket Sound and poses unacceptable and unnecessary risk to cruise ships and ferry vessels, oil transport, fishing, and recreational users due to its proximity to active shipping channels."

Wayne Lampson, General Manager of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority SSA that operates 56 transits per day between Wood's Hole and Martha's Vineyard; and twenty eight between Hyannis and Nantucket commented to the lead agency, Minerals Management Service MMS, in response to the Cape Wind draft EIS:

"The Steamship Authority continues to have serious concerns about the potential hazards and impacts of the proposed Cape Wind project to the safe navigation and operation of our vessels in Nantucket Sound."

Wood's Hole, Martha's Vineyard and Nantucket Steamship Authority SSA Cape Wind MMS Scoping comment to MMS:

"My name is Captain Charles Gifford, I am the Port Captain for the Wood's Hole, Martha's Vineyard, Nantucket Steamship Authority. I'm a U.S. Coast Guard licensed Master Mariner and an approved instructor at the Massachusetts Maritime Academy."

"The Steamship Authority annually makes 22,000 trips transporting close to three million passengers and over 600,000 cars and trucks to the Islands of Martha's Vineyard and Nantucket. It is our opinion that the 130 wind turbines planned for Horseshoe Shoals and Nantucket Sound has a potential for creating a significant hazard to safe navigation for our vessels and other users of the waterways."

The Wood's Hole, Martha's Vineyard and Nantucket Steamship Authority on April 16, 2008 stated to MMS in the comments regarding the Cape Wind DEIS proposed wind energy facility in Nantucket Sound:

"The Steamship Authority continues to have a number of other serious concerns regarding navigational safety. These concerns include the potential interference of wind turbines with radar systems, the close proximity of the proposed wind farm to existing ferry routes and the probable interruption of slowing of normal ice flow within Nantucket Sound that could hinder navigation and disrupt ferry service to and from the islands."

Reuters Press Release

National Organizations Call Upon Feds to Halt Review of Cape Wind
Sat Apr 11, 2009 7:27am EDT

"HYANNIS, Mass., April 10 /PRNewswire-USNewswire/ -- Local stakeholders have long opposed the Cape Wind project for the unacceptable threats it poses to

local Tribes and public safety -- and now several national organizations have requested a halt to any further action on the costly proposal.

In support of the Aquinnah and Mashpee Wampanoag Tribes, the United South and Eastern Tribes (USET), a coalition of 25 federally recognized Tribes, has objected to the proposed Cape Wind location due to unavoidable cultural, religious, and archaeological impacts. In a February 12, 2009, resolution, USET called upon the Department of Interior (DOI) to halt any further action on Cape Wind stating that the project "will forever change the physical integrity of the Sacred Site." The Aquinnah and Mashpee Wampanoag Tribes have long stated the project would desecrate their religious freedoms as a sovereign nation spiritually connected to Nantucket Sound.

The Passenger Vessel Association (PVA), the national trade group representing U.S.-flagged passenger vessels, recently issued a resolution calling upon DOI's Minerals Management Service (MMS) to refrain from issuing a permit for Cape Wind. In its February 17, 2009, resolution, PVA restated its enduring opposition to Cape Wind because of the project's "hazardous impact on navigation and safety of passengers on ferry vessels." The Steamship Authority and Hy-Line Cruises, the local ferry operators that transport 3 million passengers a year between Cape Cod and the islands of Martha's Vineyard and Nantucket, have opposed Cape Wind because of its close proximity to ferry routes and interference to navigational radar.

Echoing the concerns of local airports, the Aircraft Owners and Pilots Association (AOPA), which represents two thirds of all pilots in the U.S., urged the Federal Aviation Administration (FAA) to issue a final determination of hazard for Cape Wind because of radar interference and impacts to visual flight rule (VFR) flights. In a March 20, 2009, letter to FAA, AOPA wrote that they oppose the project "due to the negative impact on both VFR operations as well as the impacts on air traffic radar systems that serve flight operations into Barnstable Municipal, Martha's Vineyard and Nantucket Memorial Airport." In February 2009, FAA issued a presumed hazard determination for the Cape Wind project due to radar interference to the 400,000 flights that travel over Nantucket Sound annually.

The Alliance and a growing chorus of stakeholders -- including the Wampanoag Tribes, Massachusetts Historical Commission, and local towns -- have called for MMS to consider a deepwater alternative location for the Cape Wind project, which would protect public safety, preserve Tribal interests, and enable our nation to pursue responsible, affordable offshore renewable energy. Visit www.SaveOurSound.org to view USET, PVA, and AOPA documents."

<http://www.reuters.com/article/pressRelease/idUS34646> ◆ Apr-2009+PRN20090411

'The Proposal is Reckless'

Boston Globe
April 23, 2006

Co-written by; John T. Griffin, vice chairman of the Barnstable Airport Commission, and Edward Barrett, president of the Massachusetts Fishermen's Partnership:

"More than 3 million people cross the sound every year on commercial ferries within close proximity to the planned turbine field. There are more than 400,000 flights through that airspace every year with hundreds of small aircraft barely flying above the 426 foot height of these turbine blades. Anyone who knows Nantucket Sound knows that a clear day can quickly turn into pea soup fog with nearly zero visibility, leaving even experienced mariners bewildered about who -- and what -- is out there in their path. Not to mention the commercial fishermen who rely on Nantucket Sound for half their catch and know full well that safety concerns will result in restrictions or outright prohibition on fishing in the Cape Wind grid."

http://www.boston.com/news/globe/editorial_opinion/oped/articles/2006/04/23/the_proposal_is_reckless/

Robert F. Kennedy Jr. is an environmental lawyer and professor at Pace University Law School:

"Nantucket Sound is among the most densely traveled boating corridors in the Atlantic. The turbines will be perilously close to the main navigation channels for cargo ships, ferries and fishing boats. The risk of collisions with the towers would increase during the fogs and storms for which the area is famous. That is why the Steamship Authority and Hy-Line Cruises, which transport millions of passengers to and from the cape and islands every year, oppose the project. Thousands of small businesses, including marina owners, hotels, motels, whale watching tours and charter fishing operations will also be hurt. The Beacon Hill Institute at Suffolk University in Boston estimates a loss of up to 2,533 jobs because of the loss of tourism - and over a billion dollars to the local economy.

Nantucket Sound is a critical fishing ground for the commercial fishing families of Martha's Vineyard and Cape Cod. Hundreds of fishermen work Horseshoe Shoal, where the Cape Wind project would be built, and make half their annual income from the catch. The risks that their gear will become fouled in the spider web of cables between the 130 towers will largely preclude fishing in the area, destroying family-owned businesses that enrich the palate, economy and culture of Cape Cod."

<http://www.nytimes.com/2005/12/16/opinion/16kennedy.html?ex=1292389200&en=58e5dd67e381fd58&ei=5090&partner=rssuserland&emc=rss>

Senator Ted Kennedy:

"The project is proposed directly adjacent to a major shipping lane and a major passenger ferry route in the midst of one of the most heavily trafficked maritime environments in the country. Each year, nearly 3 million people travel through the area by ferry or private vessel. The proposed site is too close to shipping channels to be safe: with only a 1,200-ft separation from established shipping channels and a 4,500-foot separation from established ferry routes, not enough time is available to respond to a structure or possibly to avoid another vessel.

Vessels traveling at just 6 nautical miles per hour will encounter a new 417-foot spinning turbine every 3 minutes; vessels traveling 20 nautical miles per hour will encounter a

turbine approximately every 50 seconds. Factoring in that Nantucket Sound often experiences dense fog causing zero visibility conditions, John T. Griffin, Vice Chairman of the Barnstable Airport Commission, and Edward Barrett, of the Massachusetts Fishermen's Partnership, recently wrote that the Cape Wind proposal was "utter recklessness."

<http://www.tedkennedy.com/content/860/concerns-with-the-cape-wind-proposal>

Flying Cloud Captain Bruce Malenfant:

Said he is "horrified" at how close the proposed wind farm would be to his Barnstable-Nantucket route. He called this proposal "well within an area we operate in" and he referred to the displacement of boating traffic by Cape Wind saying, "That is a dangerous recipe."

William H. Rypka retired lieutenant commander in the U.S. Coast Guard:

"Accidents can and will happen, and the wind plant would increase both their frequency and the potential for loss of life and oil spills. There is an active commercial fishery in the Sound along with the many fishing boats, ferries and pleasure craft that transit the area. The 130 steel and concrete structures would be located adjacent to the main shipping channel and would be huge hazards to navigation; they could not possibly be viewed as navigation aids."

William H. Rypka, retired Coast Guard Lieutenant Commander:

"Had [the turbines] been in place there is no possible way that a safe search by helicopter could have been conducted, much less the person rescued."

Mass Fishermen's Partnership

"Cape Wind puts fishermen at risk"

"MFP is a Coalition of 18 Massachusetts commercial fishing organizations that call on Cape Wind to "stop making false claims" about their offshore wind project's impact on fishing. "Navigation of mobile fishing gear between the 130 wind towers would be hazardous or impossible"

David F. Scudder, Vice President of Hy-Line Cruises in his letter to Senate and House Conferees of February 26, 2006:

"On the basis of public safety concerns, we have consistently and adamantly been against the wind farm project in the Sound since its inception. Navigating Nantucket Sound in all kinds of weather and traffic conditions is challenging enough without the introduction of these structures to complicate and restrict our routes."

Federally Recognized Mashpee Wampanoag Tribe:

'Historically the Sound is of great importance to the tribe,' tribal spokesman Scott Fearson said. 'The tribe considers the Sound to be ancestral waters. There are a number of concerns about this project.' 'The Tribe's economic health and cultural heritage are virtually defined by our reliance on our coastal resources. 'The Cape Wind project would disrupt the fragile habitat of these aboriginal fishing grounds and pose new navigational hazards to our fleet.

The consequences would be devastating, in terms of both economic development and public safety.'

Eric R. Dawicki, international maritime safety and security expert, and president of the Northeast Maritime Institute in Fairhaven:

"To the best of my knowledge these monstrosities will be a threat to environment, navigational safety and most importantly will be an impediment to security."

"The damage done to marine life, marine flora and fauna is undeterminable in an already abused environment. Navigational safety problems are imminent."

Air Traffic Controllers Union at Cape Approach: "could not think of a worse place to put these turbines."

The Department of Defense: "The results from those flight trials documented that state-of the art utility-class wind turbines can have a significant impact on the operational capabilities of military air defense radar systems."

Woods Hole, Martha's Vineyard and Nantucket Steamship Authority: Project has the "potential for creating as significant hazard to safe navigation for our vessels and other users of the waterways."

Flying Cloud Captain Bruce Malefant: stated to the USACE that he is "horrified" at the proposed wind plant's close proximity to his Barnstable Nantucket Route. Barnstable Airport officials call this project: "Lethal."

The Department of Defense: "The results from those flight trials documented that state-of the art utility-class wind turbines can have a significant impact on the operational capabilities of military air defense radar systems."

Martha's Vineyard Gazette; October 6, 2006:

"Pentagon officials are calling for additional studies to determine whether the proposed wind farm in Nantucket Sound would impair a crucial missile detection radar system located on Cape Cod."

Submitted by,

Barbara Durkin

48 Moore Lane

Northboro, MA 01532

Telephone: (508) 612-4133