208 South Great Road
Lincoln, MA 01773

March 10, 2010

US Department of the Interior
The Minerals Management Service
Branch of Environmental Assessment
Attention: James F. Bennett, Chief
381 Elden Street
Herndon, Virginia 20170

Re: *Cape Wind Energy Project, Environmental Assessment*
Submitted by hard mail to the above address and via email to: www.regulations.gov

Dear Chief Bennett:

Mass Audubon thanks the US Department of the Interior's (DOI) Minerals Management Service (MMS) for the opportunity to comment on the *Cape Wind Energy Project, Environmental Assessment* (EA); *March 4, 2010.*

Mass Audubon has previously submitted comments to the federal government on two Draft Environmental Impact Statements (DEIS) and the Final EIS (FEIS) for this project. We have reviewed the EA for "substantial changes in the proposed action" and reviewed for any "significant new circumstances or information" and found that a reanalysis of the FEIS alternatives on the Proposed Action is not warranted. Many of our initial concerns on this project were raised in our previous comments and have been addressed (http://www.massaudubon.org/wind/cape_wind.php). We therefore support MMS' conclusion on the Finding of No New Significant Impact and that no supplemental FEIS is necessary.

We have previously and tentatively concluded that the Cape Wind Energy Project would not pose an ecologically significant threat to the birds and associated marine habitat of Horseshoe Shoal, Nantucket Sound and environs. This conclusion was based on our ongoing assessment of state and federal environmental impact reviews, the U. S. Fish and Wildlife Service (USFS) Biological Opinion (Nov. 21, 2008); our own and the applicant's field data; relevant literature

review; consultation with ornithologists, scientists, and engineers, state and federal agencies, including MMS, the US Army Corps of Engineers and USFWS; and a visit to Denmark's offshore wind farms during the 2005 spring bird migration season. We have also requested, and MMS and the proponent have agreed to, an Environmental Management System (EMS) to document actual effects and apply adaptive management practices to the project. Mass Audubon supports the use of adaptive management to identify and implement any project modifications or conditions to mitigate[1] ecologically significant impacts.

We identified data gaps throughout the National Environmental Protection Act (NEPA) review process and are satisfied that they have been adequately addressed.

Mass Audubon supports consideration of the application of new technologies identified in the *EA* (Section 5,B; p. 13) to the Cape Wind Energy Project that, for post-construction monitoring purposes, will combine acoustic monitoring of bird flight calls with thermal imagery for up to one year, twenty-four hours a day, year round.

We also support MMS consideration of the application of software to automate the analysis of such acoustic recordings.

If funded, we also encourage MMS to further consider applying to the Cape Wind Project the MMS pilot study which employs high definition video aerial surveys during each season of the year to obtain information about seasonal and annual variation in distribution and abundance of birds on the Atlantic OCS.

We believe that in combination, these new technologies could provide MMS with additional information regarding bird activity on Horseshoe Shoals in particular and the Atlantic Outer Continental Shelf (OCS) in general.

The Cape Wind Energy Project is America's first offshore wind farm proposed on the federal OCS. It will be a utility-scale facility, involving 130 turbines arrayed in a grid over approximately 24 square nautical miles on Horseshoe Shoal in Nantucket Sound off the coast of Massachusetts. It also includes an Electric Service Platform (ESP) for gathering the generated electricity, and two underwater cables that will transmit the power to the mainland on Cape Cod. The maximum height of the structures (tip of turbine blade) would be about 440 feet above mean sea level.

We continue to review the Cape Wind Project in the context of the threat of rapid climate warming, oil spills, strip mining, air pollution, and the push for nuclear power as a clean energy source. We know that the combustion of fossil fuels releases greenhouse gases including carbon dioxide and methane that accumulate in the lower atmosphere and rapidly heat the earth. Combustion of fossil fuels also results in the release of mercury that bioaccumulates in the environment, causing health problems for humans, especially pregnant women and children. Rising sea levels and the increased likelihood of severe coastal storms related to warming flood low-lying barrier beaches and islands that serve as critical habitat for coastal birds including the endangered Roseate Tern and threatened Piping Plover.

To combat the threat of climate change, Mass Audubon supports increases in energy conservation and efficiency as the first priority. Production of electricity from renewable resources also needs to grow as quickly as possible to mitigate the effects associated with rapid climate change, but the growth of this source of energy should be done responsibly to minimize adverse environmental impacts. Of the renewable energy technologies available today, wind energy is the fastest growing, most successful, and most readily available.

Mass Audubon's technical review and assessments throughout the NEPA process focused primarily on the project's impacts on birds and their habitat. Our review standard that the project not pose an **ecologically significant threat** to living resources in and around Nantucket Sound has been satisfied. We continue to define ecologically significant threat as that which reduces populations or jeopardizes populations of endangered species. This standard does not mean zero impact on those resources because we realize that this project and any production of energy will always entails some level of environmental impact.

We acknowledge that there will be a certain level of risk to the living resources of Nantucket Sound posed by the construction, operation, and eventual dismantling of the Cape Wind Energy Project. Our premise, however, is that there is a substantial risk to those resources posed by the unmitigated and continued use of fossil fuels at today's levels. We also acknowledge that there will remain significant uncertainty in the environmental impacts of a project that is the first major offshore wind farm in North America. However, we believe that resolvable uncertainties have been reduced and that remaining uncertainties will be managed by strong pre- and post-construction monitoring program. This program will be built on adaptive management principles that include enforceable mitigation in the event that environmental impacts exceed NEPA predictions.

The ongoing review and monitoring of Cape Wind will set the standard for offshore wind energy projects in the nation and it is therefore imperative that we, as a nation, continue to get it right.

This ongoing NEPA analysis has satisfied our previous requests for:

1. Supplemental NEPA information;
2. An adaptive management plan (required but not yet completed and available for public review);
3. Comprehensive and rigorous monitoring; and
4. Mitigation;

The US Energy Policy Act of 2005 (*Public Law 109-58, Section 388*) and subsequent MMS regulations (*30 CFR Parts 250, 285, and 290***)** satisfy our requests for:

1. Developing planning and siting criteria;
2. Refining regulatory permitting procedures;
3. Establishing a project decommissioning plan;
4. Establishing a leasing program; and
5. Establishing a compensation program.

Thank you again for the opportunity to comment. We look forward to the final Record of Decision on this project.

Sincerely,

Laura A. Johnson
President

LAJ:JJC:TA

cc: Massachusetts Congressional Delegation
Cape & Islands Legislative Delegation
Co-chairs Massachusetts Joint House-Senate Committee on The Environment, Natural Resources and Agriculture
Secretary, Mass. Executive Office of Energy and Environmental Affairs
Cape Cod Commission
U.S. Army Corps of Engineers
USFWS
MEPA
MassWildlife
Cape Wind Associates

Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 33,000 acres of conservation land, provide educational programs for 200,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Mass Audubon's mission and actions have expanded since our beginning in 1896 when our founders set out to stop the slaughter of birds for use on women's fashions. Today we are the largest conservation organization in New England. Our statewide network of 45 wildlife sanctuaries welcomes visitors of all ages and serves as the base for our conservation, education, and advocacy work.

[1] We use the term mitigate to include avoidance, minimization, or compensatory mitigation