CAPE COD COMMISSION

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Date:	October 18, 2007
To:	Cape Wind Associates
From:	Cape Cod Commission
RE:	Development of Regional Impact Cape Cod Commission Act, Sections 12 & 13
Applicant:	Cape Wind Associates, LLC 75 Arlington Street, Suite 704 Boston, MA 02116
Project #:	JR20084
Project:	Cape Wind Energy Project Nantucket Sound and various rights-of-way within Yarmouth and Barnstable, MA
Property Owner (Book/page) :	Town of Yarmouth (Book 324, Page 45) Town of Yarmouth (Book 51, Page 122) Town of Barnstable (Book 103, Page 105) County of Barnstable (Book 1415, Page 1008) County of Barnstable (Book 692, Page 374) Town of Barnstable (Book 702, Page 336) Elsie L. Jones (Book 711, Page 456) County of Barnstable (Book 703, Page 54) Philip Jones (Book 737, Page 344) Manuel Souza, et al (Book 686, Page 382) Town of Barnstable (Book 64, Page 100) Gustav Jansson (Book 532, Page 393) Celia Kelley (Book 689, Page 191) Dorothy Lewis (Book 689, Page 192) Annie L. Marston (Book 695, Page 319) Elsie L. Jones (Book 703, Page 54) Edith A. Davis (Book 688, Page 111) Harry B. Ryder (Book 686, Page 381)

Charles Bassett (Book 700, Page 262)
Henry R. Darling (Book 685, Page 561)
Cape and Vineyard Electric Co. (Book 717, Page 1)
F. Howard Hinckley (Book 688, Page 110)
Andrew T. Henry (Book 692, Page 231)
Harold W. Sears (Book 701, Page 314)
G.R. Agassiz (Book 701, Page 309)
Nathaniel Simpkins (Book 695, Page 311)
Dora H. Carrington, et al (Book 702, Page 584)
Mary F. Simpkins (Book 702, Page 347)

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby procedurally denies without prejudice the application of Cape Wind Associates, LLC (Cape Wind) as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for a proposed submarine and upland cable system to transmit electricity from a proposed offshore wind park located in Nantucket Sound at a site known as Horseshoe Shoal. The decision is rendered pursuant to a vote of the Commission on October 18, 2007.

PROJECT DESCRIPTION

The project description has been divided to describe those parts of the project in federal waters and those parts of the project on shore and within three nautical miles from shore in Barnstable County, in state waters.

Project components in federal waters

The wind park facility will consist of 130 Wind Turbine Generators (WTGs) covering an area of approximately 25 square miles that are anticipated to generate 454 MW of electricity at maximum output (1,594,207 MW hours/year). The WTG consists of a tower supported on a monopile foundation that will be driven approximately 85 feet into the seabed; a nacelle which houses the drive train and supporting generating systems; and the 364-foot diameter rotors that spin when the wind blows. The WTG will stand 440 feet above Mean Low Lower Water (MLLW) when the rotor blades are at their highest. The electricity from each turbine will be transmitted via submarine cable to an Electrical Service Platform (ESP) located within the WTG array. The ESP will then transform and transmit this power to the electric power grid on the mainland via two 115kV alternating current (AC) transmission circuits. Each circuit contains two cables, with each cable consisting of three conductors. The transmission circuits are approximately 12.5 miles in length; 4.9 miles in federal waters and 7.6 miles in state waters.

Project components in state water and within Barnstable County

The state boundary of the Commonwealth of Massachusetts extends three nautical miles from shore. The transmission cable for the project begins at the ESP and will run below the seabed to shore. The two 115kV AC submarine circuits carrying electricity from the ESP enter state waters and travel in a northeast direction a distance of approximately 7.6 miles through Nantucket Sound and Lewis Bay and make landfall in the Town of Yarmouth in the vicinity of New Hampshire Avenue. Once reaching the upland, the transmission line continues underground within existing rights-of-way along New Hampshire Avenue, Berry Avenue, Higgins Crowell Road and Willow Street until it reaches the NSTAR right-of-way near Willow Street in Yarmouth. This roadway portion of the transmission line is approximately 4 miles in length. From this location, the transmission lines will continue underground along the NSTAR right-of-way for a distance of 1.9 miles to the Barnstable Switching Station located in the vicinity of Mary Dunn Road, Barnstable. Once at the switching station, the cable will be tied into the NSTAR transmission lines to deliver Cape Wind's electricity.

Submarine cable

The Cape Wind project proposes to utilize two circuits for electricity transmission to "provide increased reliability and redundancy in the event of a circuit outage"[1] and in the event that one of the cables has an internal fault, "more than 75% of the total power available could still be delivered"[1]. The submarine cable proposed is specifically designed for installation in the marine environment and does not require pressurized dielectric fluid circulation for insulating or cooling purposes.

Each circuit is proposed to be embedded approximately 6 feet into the ocean floor sediment using a jet-plow and the two will be separated horizontally by approximately 20 feet. The jet-plow uses pressurized sea-water from a pump on board a cable vessel to fluidize an area of sediment between 4 and 6 feet wide and 8 feet deep on the seafloor. According to the Cape Wind FEIR, as the plow progresses along the seabed the cable is laid in the trench and covered by the settling sediment. Cable-laying barges are proposed to be used for transport and installation of the cables and to monitor the cable positioning during installation. The installation is estimated to take between two to four weeks. Cables are proposed to be delivered to a staging area (likely Quonset, RI) for transportation to the site in Lewis Bay. The plans submitted for the project note that the *cable work area* is estimated to be approximately 100 feet wide, 50 feet wide on either side of the centerline of the cable to allow flexibility in establishing the final location of the cable to avoid unexpected obstructions. The *surface work area* (i.e. where support/construction vessels will be located) is estimated to be 500 feet wide, 250 feet wide on either side of the centerline of the *cable work area*. This area is to be used by the cable barge and support vessels to maneuver and for anchorage. The *subsurface work area* is estimated to be 200 feet wide, 100 feet on either side of the centerline of the *cable work area*, this expanded area is proposed for anchorage for the support vessels and diver activities. See Plan 1A and 1B of Drawing Number 3 of the plans submitted by Cape

[1] FEIR Page 2-21

Wind dated September 15, 2003, revised April 13, 2007, for an illustration of these areas (attached as Appendix I).

The proposed transition from the submarine cables to upland cables is to be accomplished through the use of a Horizontal Directional Drill (HDD). This would involve drilling from the upland landfall location under the inter-tidal area and out to an offshore exit point contained within a cofferdam. The cofferdam will be approximately 65 feet wide and 45 feet long. Conduits would then be installed the length of the HDD boreholes and the submarine cable will then be pulled through these conduits from the seaward side toward the land. The proposed upland cables will be joined to these submarine cables at the landfall location inside a below-ground, pre-cast concrete transition vault approximately 7 feet wide, 35 feet long and 7.5 feet high.

Upland Cable
The upland transmission line system is proposed to utilize 12 single-conductor 115kV cables that will be carried in a below-ground, concrete encased ductbank (approximately 5' 8" wide by 2 feet in height, with sixteen, 6-inch PVC ducts encased in a concrete envelope). The upland ductbank will mostly be installed in a single trench below the existing roadway corridors and in NSTAR's right-of-way. In certain locations, trenchless technologies are proposed to avoid the state highway and railroad beds and this will utilize four carrier pipes as conduits for the cables instead of a ductbank. A warning tape will be placed above the cables approximately one foot below the surface for "dig in" protection. The proposed transmission lines will include approximately 15 underground vaults along the roadway portion of the route and 9 underground vaults in the NSTAR right-of-way for the purposes of connecting/splicing portions of the cable together. These will generally be spaced between 500 feet and 1,700 feet apart. Excavated soil from the trench and vaults will be temporarily stored adjacent to the worksite or transported offsite. Following completion of the installation, the excavation will be backfilled, repaved or re-vegetated.

JURISDICTION

The project qualifies as a Development of Regional Impact (DRI) under Section 12(i) of the Cape Cod Commission Act and Section 2(d) of the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact, as a project for which the Secretary of Environmental Affairs has required the preparation of an Environmental Impact Report (EIR).

PROCEDURAL HISTORY

The applicant submitted an Expanded Environmental Notification Form (ENF) to the Executive Office of Environmental Affairs (EOEA), MEPA Unit on November 15, 2001. Cape Wind began filing its application for a Development of Regional Impact (DRI) with the Cape Cod Commission by including an application for a Joint Review Process as part of the ENF. A joint Commission and MEPA scoping public hearing on the ENF was held by a Commission Subcommittee at the Mattacheese Middle School in Yarmouth,

MA on December 19, 2001. The Secretary of EOEA issued a Certificate on the ENF on April 22, 2002 stating that an EIR was required for the project and issued a scope of review for the joint DRI/EIR.

During the MEPA process and in accordance with its MOU with EOEA, the Cape Cod Commission Subcommittee held additional public hearings to receive input from the public about the project that were used by the Commission Subcommittee in preparation of their comment letters to MEPA on the adequacy of the DEIR and FEIR. The Draft Environmental Impact Report (DEIR) was submitted to MEPA and the Cape Cod Commission on November 9, 2004 as part of a joint Draft Environmental Impact Statement (DEIS) issued by the Army Corps of Engineers. The Commission held a public hearing on February 8, 2005 at the Mattacheese Middle School to receive public testimony on the DEIS/DEIR/DRI. The Secretary of EOEA issued a Certificate on the DEIR on March 3, 2005. A Notice of Project Change (NPC) was submitted to MEPA on June 30, 2005. The Secretary of EOEA issued a Certificate on the NPC on August 8, 2005. The Final Environmental Impact Report (FEIR) was submitted to MEPA on February 15, 2007. The Commission Subcommittee took testimony on the FEIR at a Subcommittee meeting held on March 19, 2007 and sent its comment letter to MEPA on March 21, 2007. On March 29, 2007, the Secretary of EOEA issued a Certificate on the FEIR, which stated that the project "adequately and properly complies" with MEPA and its implementing regulations (301 CMR 11.00).

During the joint Commission/MEPA review process, Subcommittee meetings were held on December 20, 2001, April 4, 2002, August 8, 2002, November 18, 2004, December 2, 2004, February 10, 2005, February 17, 2005, July 21, 2005, July 13, 2006, March 13, 2007, March 19, 2007, and March 21, 2007.

Following the issuance of the Secretary's Certificate on the FEIR on March 29, 2007, the applicant began to seek Commission DRI review. Pursuant to Section 6(c)(vi)[1] of the Cape Cod Commission's Enabling Regulations Governing Review of Developments of Regional Impact (Enabling Regulations), the Commission is required to hold a public hearing within 45 days of the Secretary's certification of the adequacy of the FEIR. The Commission deemed Cape Wind's DRI application incomplete due to the absence of engineering plans and proof of control of the property, and therefore a hearing officer opened the public hearing for procedural purposes on May 11, 2007 as is allowed by Section 6(c)(v)[1] of the Enabling Regulations. On May 17, 2007 and May 31, 2007, the full Cape Cod Commission took testimony and voted on: jurisdictional questions concerning the Commission's review of the project; the applicable Regional Policy Plan (RPP); and determined that the Cape Wind DRI application was incomplete until the applicant could demonstrate ownership interest in the land side locations above Mean Low Water. Pursuant to Section 6(c)(vi) of the Enabling Regulations, the public hearing regarding review of a DRI that was required to be reviewed pursuant to MEPA shall be closed within 90 days following its opening date. Cape Wind did not provide a fully completed application, including evidence of ownership interest/right to occupy the proposed area to be developed, until August 3, 2007. The ownership information submitted on August 3, 2007 by Cape Wind was sufficiently detailed for the Commission

to deem the application complete. A hearing officer closed the public hearing for procedural purposes on August 8, 2007.

A Subcommittee of the Commission held a duly noticed public hearing on September 6, 2007, that was continued to September 10, 2007, to receive testimony on the proposed project as part of the Commission's DRI review. The public hearing was continued to the full Commission meeting on October 4, 2007 and continued again to October 18, 2007. After completion of this public hearing, the hearing and record were closed on this date.

The Subcommittee met on September 11, 2007, September 20, 2007 and September 24, 2007 to deliberate on the project.

At the September 11, 2007 Subcommittee meeting, the Subcommittee requested that Cape Wind provide additional information and analysis in order for the Subcommittee to assess the impacts of the proposed development and to establish the project's consistency with the Minimum Performance Standards (MPS) of the Regional Policy Plan (RPP). In its request, the Subcommittee specifically itemized in detail the information it lacked to determine compliance with each of the MPSs of the RPP. At the September 11, 2007 Subcommittee meeting, Cape Wind agreed to extend the 60-day decision period by two weeks to October 21, 2007 and agreed to provide responses to the information requests made by the Subcommittee.

At the September 20, 2007 Subcommittee meeting, the Subcommittee reviewed Cape Wind's responses to the specific information requests that had been made in the staff report issued on September 4, 2007 and by the Subcommittee at the September 11, 2007 Subcommittee meeting. The Subcommittee determined that the specific requests it had made and to which Cape Wind committed to respond within the week had not been fulfilled. The Subcommittee reiterated its need for the specific information in order to assess the impacts of the proposed development. At the September 24, 2007 Subcommittee meeting, the Subcommittee reviewed information submitted by Cape Wind on September 18, 2007 and September 22, 2007 and determined that the specific requests it had made had not been fulfilled. At the September 24, 2007 Subcommittee meeting, the Subcommittee again requested and Cape Wind refused to agree to any further extension of the 60-day decision period. At the September 24, 2007 Subcommittee meeting, the Subcommittee voted unanimously to recommend to the full Commission that the project be procedurally denied without prejudice because Cape Wind had failed to submit information requested by the Subcommittee in a timely manner and because the applicant nonetheless would not agree to extend the 60-day DRI decision time for the purposes of submitting additional information requested by the Commission pursuant to Section 12(g) of the Act. The Subcommittee was not able to reach a conclusion as to whether the portion of the project within Barnstable County is consistent with the MPSs of the RPP based on the incomplete information submitted by Cape Wind. Based upon the incomplete information and Cape Wind's refusal to grant an extension to the decision period, the Subcommittee was unable to reach a conclusion with respect to the project's consistency with local bylaws, and whether the probable benefits of the project outweigh the probable detriments.

On September 27, 2007, Cape Wind was notified in writing of the pending procedural denial and given an opportunity to address the Subcommittee regarding the status of the project.

On October 9, 2007, the Subcommittee met to review a draft decision and voted to forward the draft decision to the full Commission on October 18, 2007. On October 18, 2007, at a duly noticed public hearing, the Cape Cod Commission voted to deny without prejudice the application by Cape Wind Associates, LLC.

MATERIALS SUBMITTED FOR THE RECORD

All items submitted to the Cape Cod Commission are listed in Appendix J, attached as an addendum to this decision and are part of the record.

TESTIMONY

The approved minutes of the following DRI hearings and meetings of the Commission Subcommittee are attached as appendices to this decision and are part of the record:

Appendix A: Commission Meeting minutes May 17, 2007
Appendix B: Commission Meeting minutes May 31, 2007
Appendix C: Subcommittee Hearing minutes September 6, 2007
Appendix D: Subcommittee Hearing minutes September 10, 2007
Appendix E: Subcommittee Meeting minutes September 11, 2007
Appendix F: Subcommittee Meeting minutes September 20, 2007
Appendix G: Subcommittee Meeting minutes September 24, 2007
Appendix H: Subcommittee Meeting minutes October 9, 2007

All other notices and minutes of Commission hearings and meetings concerning this application are incorporated by reference into the record.

FINDINGS

The Commission has considered the application of Cape Wind LLC. for the proposed Cape Wind Energy Project, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

General Findings

1. The following table summarizes the chronology of events that were central to the Commission's decision on the Cape Wind project. The general findings in this section describe in more detail the milestones listed in the table and their significance. The table provides an overview of the Commission's DRI review of the project.

Statutory Dates	Statutory chronology	Actual chronology	Actual Dates
		Commission comment letter to MEPA/Army Corps on ENF -incomplete DRI requirements identified, including ownership	April 5, 2002
		Commission comment letter to MEPA/Army Corps on DEIS/DEIR/DRI - identified DRI requirement for ownership information	February 22, 2005
		Commission comment letter to MEPA on FEIR - identified incomplete DRI submittal, particularly the requirement for proof of control of the property and detailed engineering plans	March 21, 2007
March 29, 2007	FEIR certified by MEPA – start of statutory DRI timeframes	Start DRI timeframes - incomplete application	March 29, 2007
		Commission staff inform Cape Wind that plans, abutters list and proof of control of the property needed to complete DRI application	April 3, 2007
		Cape Wind submits an abutter's list	April 19, 2007
		Notice sent to newspaper and abutter's regarding the upcoming procedural hearing to open the hearing period by Hearing Officer	April 24, 2007
		Cape Wind submits plans, and other materials but no additional ownership information	April 26, 2007
		Commission determines that abutters list is not accurate nor properly certified and needs to be amended	May 3, 2007
May 11, 2007	Public Hearing Period required to be opened	Procedural Hearing to open Public Hearing Period (by Hearing Officer)	May 11, 2007
		Commission holds public hearing on jurisdictional questions, completeness of DRI application and applicable RPP	May 17, 2007
		Commission votes on jurisdictional questions, determines application incomplete and that 2002 RPP applicable	May 31, 2007
		Commission itemizes the information needed to be submitted to complete the DRI application, including ownership proof, accurate abutter's lists, an analysis of the project's consistency with the 2002 RPP and miscellaneous economic and employment information required to complete the DRI application	June 8, 2007
		Cape Wind submits an accurate certified abutters list	June 11, 2007
		Notice sent to newspaper and abutter's regarding the upcoming procedural hearing to close the hearing period by Hearing Officer	July 19, 2007
		Cape Wind files ownership information	August 3, 2007
August 8, 2007	Public Hearing Period required to be closed	Close Public Hearing Period (by Hearing Officer)	August 8, 2007
		Commission notifies Cape Wind that DRI Application is complete for the purposes of holding a public hearing	August 16, 2007
		Pursuant to Section 5(a) and 5(b) of the Act, hearing notices must be sent to the newspaper a minimum of 17 days before a hearing. In accordance with these provisions, notice was sent to the newspaper and notice to abutter's mailed, regarding the upcoming substantive hearing on the project on 9/6/07	August 20, 2007
		Public Hearing on DRI	September 6, 2007
		Continued Public Hearing	September 10, 2007
		Subcommittee Meeting	September 11, 2007

Statutory Dates	Statutory chronology	Actual chronology	Actual Dates
		Cape Wind agrees to two week extension	September 11, 2007
		Cape Wind submits responses to Commission staff report and Subcommittee information requests from 9/11/07	September 18, 2007
		Subcommittee Meeting followed by email specifying requested information	September 20, 2007
		Cape Wind submits responses to Subcommittee information requests from 9/11/07 and 9/20/07	September 22, 2007 (Saturday)
		Subcommittee Meeting	September 24, 2007
		Cape Wind refuses to agree to a further DRI extension	September 24, 2007
		Subcommittee recommends procedural denial without prejudice and direct staff to prepare a draft decision	September 24, 2007
		Commission staff distributed a draft decision to the Subcommittee and interested parties	October 4, 2007
October 7, 2007	End of original 60-day decision period		
		Subcommittee Meeting to review Draft Decision	October 9, 2007
		Draft decision distributed to Commission in packets	October 10, 2007
		Commission holds public hearing on Subcommittee recommendation and votes to procedurally deny without prejudice	October 18, 2007
October 21, 2007	End of extended 60-day decision period		

2. On November 15, 2001, Cape Wind filed an Expanded Environmental Notification Form (ENF) with the Executive Office of Environmental Affairs (EOEA), MEPA Unit (MEPA). On the ENF form, Cape Wind requested a coordinated review of their project with the Cape Cod Commission and US Army Corps of Engineers. Cape Wind began filing its application for a Development of Regional Impact (DRI) with the Cape Cod Commission by including an application for a Joint Review Process as part of the November 15, 2001 ENF. The Joint Review Process is available to DRI applicants on request and establishes a coordinated review of projects subject to both MEPA and DRI jurisdiction pursuant to a Memorandum of Understanding (MOU) between the Commission and EOEA, dated November 25, 1991. While there are some overlapping responsibilities between MEPA and the Commission's jurisdiction, both agencies have separate statutory requirements and independent responsibilities under their respective enabling statutes. Subsequently, a joint Commission and MEPA scoping public hearing on the ENF was held by a Commission Subcommittee at the Mattacheese Middle School in Yarmouth, MA on December 19, 2001. The Commission Subcommittee met on December 20, 2001 and April 4, 2002 to prepare and finalize the Subcommittee's comment letter to MEPA. The Subcommittee sent its comment letter dated April 5, 2002 to MEPA and the Army Corps of Engineers in which the Subcommittee raised a number of issues relevant to the scope of both the federal and state environmental review process and issues that would need to be addressed through the Commission's DRI review. The April 5, 2002 Subcommittee letter specifically identified items needed to complete the DRI application, including a "Deed or

Purchase and Sale agreement for all involved parcels"[2]. On April 22, 2002, the Secretary of EOEA issued a Certificate on the ENF stating that an EIR was required for the project and issued a scope of review for the joint DEIR/DRI.

3. In November 2001, Cape Wind filed an application under Section 10 of the Rivers and Harbors Act to the US Army Corps of Engineers (Corps) that commenced an environmental review process under the National Environmental Policy Act (NEPA). As lead agency, the Corps developed a scope for a Draft Environmental Impact Statement (DEIS) in accordance with the requirements of NEPA. In November 2004, the Army Corps of Engineers issued a joint DEIS/DEIR/DRI to satisfy the requirements of NEPA, MEPA and the Commission's DRI. This joint document was submitted to MEPA and the Cape Cod Commission on November 9, 2004.

4. The DEIS/DEIR/DRI included Cape Wind's responses to the points raised in the Subcommittee's April 5, 2002 letter to MEPA but did not provide any response to the request for ownership information made by the Subcommittee[3]. The Commission held a public hearing on February 8, 2005 at the Mattacheese Middle School to receive public testimony on the DEIS/DEIR/DRI. The Commission Subcommittee met on February 10 and February 17, 2005 to prepare and finalize the Subcommittee's comment letter to MEPA. The Subcommittee sent its comment letter dated February 22, 2005 to MEPA and the Army Corps of Engineers in which the Subcommittee raised a number of issues relevant to the DEIS/DEIR/DRI. Specifically, the Subcommittee recommended the preparation of a Supplemental DEIS/DEIR/DRI in order to address a number of concerns about the completeness of analysis conducted, methodologies used and mitigation proposed, among other issues. The Subcommittee's February 22, 2005 letter noted that the Subcommittee "may request that additional information be provided as part of the future Development of Regional Impact (DRI) review and that these comments in no way limit the scope of that review."[4] The February 22, 2005 Subcommittee letter also specifically identified that the "Commission's DRI review process also requires that an Applicant demonstrate ownership or permission to use property prior to the commencement of the DRI hearing."[5] The Secretary of EOEA issued a Certificate on the DEIR on March 3, 2005 and determined that the DEIR adequately and properly complies with MEPA. The March 3, 2005 certificate found that "the Draft EIR has addressed the issues within MEPA jurisdiction...to a sufficient extent that the project may advance to the stage of a Final EIR" but also noted that "there are still outstanding issues within MEPA jurisdiction, as described below and in comments received" and that the "Final EIR must address these issues, including the need for additional

[2] Page 5, Comment G13 of letter dated April 5, 2002.
[3] Page 8-27 DEIS/DEIR/DRI, response to G13
[4] Page 1 and 2 of letter dated February 22, 2005
[5] Page 6 of letter dated February 22, 2005

analysis and mitigation measures, and respond to the substantive comments received that are within MEPA jurisdiction."[6]

5. On July 25, 2003, the Town of Yarmouth and Cape Wind entered into a "Host Community Agreement" (Host Agreement) in which both parties agreed that if the project was approved, it be constructed in a manner that minimizes impacts to the environment and disruption to the public, as well as provides mitigation to the town. In return for the commitments made by Cape Wind in the Host Agreement, the town agreed to act reasonably and in good faith with respect to any street opening permits, grants of location or other similar authorizations that are requested by Cape Wind, so long as they are submitted in accordance with its petition filed with the Energy Facilities Siting Board (EFSB) and the Department of Telecommunications and Energy (DTE). On September 13, 2007, Mr. Robert Lawton, Town Administrator, sent a letter to the Commission in which it was noted that the Town of Yarmouth was reviewing the Host Agreement between the town and Cape Wind and that the town believed that "several provisions of the agreement have been either violated or modified without our approval." The town did not indicate to the Commission whether the town was still bound by the Host Agreement, but was re-examining its obligations in light of changes made to the project since the agreement, including the use of the Horizontal Directional Drill (HDD) at New Hampshire Avenue.

6. On May 11, 2005, the Energy Facilities Siting Board (EFSB) conditionally approved the application of Cape Wind and Commonwealth Electric Company (d.b.a NSTAR Electric) for the construction of two 115 kV electric transmission lines. The EFSB is a state board that has jurisdiction over all energy related infrastructure in Massachusetts. The Siting Board's enabling statute directs the Siting Board to implement the energy policies contained in G.L. c. 164, §§ 69H to 69Q, to provide a reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost. The EFSB also considers the need for the proposed facility. Unlike other state agencies, the EFSB is not required to wait until the completion of the MEPA process to make a decision on a project before them. The May 11, 2005 EFSB approval included the following conditions:

   (A) No wind turbines will be built in state waters.

   (B) There shall be no construction in Yarmouth between Memorial Day and Labor Day, unless permission is given in writing in advance by the Town of Yarmouth.

   (C) Construction in Yarmouth shall not occur prior to 7 a.m. or after 5 p.m., unless permission is given in writing in advance by the Town of Yarmouth.

[6] Page 2, EOEA DEIR certificate dated March 3, 2005

Prior to the commencement of construction:
(D) To establish that there is a need for additional transmission resources to interconnect the wind farm with the regional transmission grid, Cape Wind shall submit to the Siting Board copies of all permits required for Cape Wind to begin installation of wind farm equipment in Nantucket Sound.

(E) To minimize marine construction impacts on eelgrass beds, the Siting Board directs Cape Wind to aerially photograph the entrance to Lewis Bay in the month of July, immediately prior to jet-plowing, under conditions conducive to documenting the extent of eelgrass beds, to use the photographs in finalizing the exact location of jet-plowing, and to provide such photographs to the Siting Board. The Siting Board also directs Cape Wind to provide this documentation to the Yarmouth Shellfish Warden. Also, Cape Wind shall file a Notice of Intent with the Yarmouth Conservation Commission and fully consult with the Yarmouth Division of Natural Resources prior to commencing with construction.

(F) To minimize marine construction impacts on protected coastal shorebirds, the Siting Board directs Cape Wind to work with the ACOE, NHESP, and MDMF, and with Mass Audubon, if Mass Audubon wishes to participate: (1) to determine whether seasonal restrictions, or some other protective measures, are appropriate to minimize potential impacts on protected coastal shorebirds and their habit along the primary route and, if so, to develop appropriate seasonal restrictions and/or other protective measures; and (2) to determine whether protected coastal shorebirds should be included in the Company's comprehensive environmental monitoring plan and, if so, to develop an appropriate monitoring protocol. Cape Wind shall file with the Siting Board, prior to the commencement of marine construction, documentation of the seasonal restrictions, any additional protective measures, and any monitoring protocol.

(G) To help ensure that potential navigational impacts on all individuals or groups, including commercial fishermen and recreational boaters, would be avoided or minimized, the Siting Board directs Cape Wind to consult with the Harbormasters of the Towns of Barnstable and Yarmouth, in order to coordinate the scheduling of marine construction activities, or to arrange other mitigation measures.

(H) To minimize construction traffic impacts, the Siting Board directs Cape Wind, and NSTAR as appropriate, to submit a draft Traffic Management Plan to Yarmouth officials and school administrators at least six months prior to the commencement of construction.

(I) To minimize impact to potential historic sites on Berry Avenue, the Siting Board directs Cape Wind to consult with the Yarmouth Historical Commission prior to commencing construction.

(J) Prior to applying for a street opening permit, Cape Wind shall provide detailed noise and traffic management information to the Town of Yarmouth.

7. On June 30, 2005, a Notice of Project Change (NPC) was submitted to MEPA by Cape Wind. Following the issuance of the DEIS/DEIR/DRI, the seaward boundary of Massachusetts in the vicinity of the wind farm was changed such that 10 of the original turbine sites that had formerly been located in federal waters were now located in Massachusetts territory. The filing of the NPC was to take account of the proposed relocation of these 10 turbine sites into locations within federal waters, and also the relocation of 20 other turbine sites in federal waters due to archaeological and fisheries related reasons. On July 26, 2005, the Subcommittee sent its comment letter to MEPA, and on August 8, 2005 the Secretary of EOEA issued a Certificate on the NPC.

8. In August 2005, the Energy Policy Act was signed into federal law which gave the Minerals Management Service (MMS), a division of the US Department of Interior (DOI), authority to act as lead agency for the Cape Wind project instead of the Army Corps of Engineers. The MMS decided to issue its own DEIS for the Cape Wind project. At the time of the Cape Cod Commission vote on October 18, 2007, the DEIS prepared by the MMS had not been issued and made public. In an email distributed to all cooperating agencies, MMS officials indicated that the DEIS would be issued in November 2007. The MMS DEIS is anticipated to include detailed studies of the project impacts, alternatives analysis, decommissioning plans, lease payment terms, environmental monitoring protocols and possible mitigation. However, none of this information was available for the Commission's consideration. The Subcommittee repeatedly requested that Cape Wind grant an extension so that it could receive this information as part of its review. Cape Wind refused the Subcommittee's request.

9. On February 15, 2007, Cape Wind submitted a Final Environmental Impact Report (FEIR) to MEPA thereby abandoning the joint federal/state environmental review process they had requested in November 2001. Upon certifying the DEIR, Secretary Herzfelder authorized and "strongly encourage(d)" the preparation of a joint Final EIS/Final EIR and urged the proponent to delay filing the FEIR to align with the Final EIS review process. Despite this recommendation, Cape Wind submitted its FEIR prior to both a Draft and Final EIS being issued by the MMS and proceeded with the state environmental review process. The FEIR included a section[7] that provided responses to the Commission Subcommittee's comment letter, however, the response to comment G6 concerning the ownership

[7] Section 7, FEIR

permissions needed for the DRI hearings to commence provided no ownership discussion related to the cable[8].

10. The Commission Subcommittee took testimony on the FEIR at a Subcommittee meeting held on March 19, 2007 at the Mattacheese Middle School in Yarmouth. The Commission staff prepared a staff report (dated March 13, 2007) in which the project history was described and in which the Commission staff noted that "Upon completion of the MEPA process, and once a fully completed application is submitted, the Commission will hold additional public hearings to solicit comment on the issues relevant to the Commission's DRI review. It should be noted that the Cape Cod Commission Subcommittee may require that additional information be provided as part of the future DRI review."[9]

11. On March 21, 2007, in accordance with the Memorandum of Understanding and Joint MEPA/Cape Cod Commission Review Process, the Subcommittee sent its comment letter to MEPA in which the Subcommittee recommended that a Supplemental FEIR be prepared and that it be released at such time as the Final EIS (FEIS) is issued by the MMS. The Subcommittee also raised issues in their March 21, 2007 letter concerning the lack of responsiveness of the FEIR to the DEIR and NPC certificates issued by the Secretary of EOEA. In the Subcommittee's March 21, 2007 letter, the Subcommittee also noted that in "order for the Commission to open a substantive public hearing on the DRI, a fully completed application must be made. Although the limited time available for reviewing the FEIR does not permit a thorough review of all the materials presented, some key components of a DRI application are believed to be missing. For example, there are no detailed engineering plans for the project that will be required for the Commission to complete its review. In addition, the Commission requires that an applicant demonstrate that they have control of the property on which the project is proposed. On this issue, the proponent should demonstrate that they have good standing to proceed with the Commission's process by having control, or the ability to control, the various portions of the project."[10]

12. On March 29, 2007, the Secretary of EOEA issued a Certificate on the FEIR, which stated that the project "adequately and properly complies" with MEPA and its implementing regulations (301 CMR 11.00). Secretary Bowles' certificate includes "$10 million in mitigation as compensation for unavoidable impacts", specifically:
    - Compensatory Mitigation
        - $780,000 toward restoration of Bird Island, off the Town of Marion in Buzzards Bay, with funds to be managed by the Mass. Department of Fish and Game and Natural Heritage and Endangered Species Program.

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[8] Page 7-39, response to G6 FEIR

[9] Page 8, Commission staff report dated March 13, 2007

[10] Point 14, letter dated March 21, 2007

        - $4.22 million in annual payments prorated over the life of the project toward natural resource preservation, marine habitat restoration and coastal recreation enhancement projects in the area of Cape Cod, Nantucket and Martha's Vineyard, with funds to be managed by the Mass. Coastal Zone Management Office in consultation with state agencies and the Cape Cod Commission.
    - Federal Lease Payment
        - The certificate states that the project will provide Massachusetts with 27 percent of the revenues received by the federal government as a result of payments from projects that are located wholly or partially within the area extending three nautical miles seaward of State submerged lands. The certificate says that although these revenues are unknown at the present time, it is estimated these funds to be in the region of $200,000 to $300,000 per year over the estimated 20 year life of the project, which equates to $5.6 million. The certificate also says that it anticipates these funds will be available for project mitigation and directed Mass. Coastal Zone Management to develop a program to guide allocation of these funds.

The March 29, 2007 certificate also acknowledges that certain aspects of the jurisdictional portion of the project need additional analysis of technical details but concludes that these can be addressed through the later permitting processes, which also "provide meaningful opportunities for further public review". The FEIR certificate also required Cape Wind to provide notification to all those parties who commented on the ENF, Draft EIR, NPC and Final EIR of "local public meetings regarding the project".

13. In an April 3, 2007 telephone conversation between Philip Dascombe of the Commission and Rachel Pachter at Cape Wind, Mr. Dascombe noted that the public hearing process could not commence until a completed DRI application was received. Mr. Dascombe noted that engineered plans, ownership information and a current certified abutters list were necessary for the DRI application and that a certified abutters list is required to notice public hearings (whether procedural or substantive) in accordance with the Cape Cod Commission Act. Ms. Pachter noted that engineering plans were being prepared. Mr. Dascombe suggested a meeting between the Commission staff and Cape Wind to discuss the DRI application requirements and noted that the Commission was intending to discuss the jurisdictional questions in Executive Session at their April 19, 2007 regular meeting.

14. On April 19, 2007, Cape Wind delivered an abutter's list for the Cape Wind DRI.

15. On April 26, 2007, representatives of Cape Wind met with Commission staff to discuss the DRI application. In meeting notes prepared by the Commission and sent to Cape Wind on April 27, 2007, Commission staff noted that as the DRI

process proceeds, materials should be submitted in advance of any meetings to ensure that the Subcommittee has time to review the materials. At the meeting, Cape Wind was informed that the Cape Cod Commission had tentatively scheduled a public hearing for May 17, 2007 to receive input from the public on issues concerning the RPP applicable to the Commission's review of the project, completeness of the application (specifically proof of ownership) and the Commission's jurisdiction. At that meeting, Cape Wind submitted materials to the Commission to augment its DRI application. These materials included engineering drawings of the cable route, copies of information submitted to the Massachusetts Historical Commission (MHC) and the Towns of Yarmouth and Barnstable, additional DRI fees, additional information on the traffic management plan and a description of the mitigation proposed by Cape Wind.

16. On May 3, 2007, Philip Dascombe sent an email to Rachel Pachter of Cape Wind noting that the abutter's list submitted for the DRI application had not been properly certified by either the Town of Yarmouth or the Town of Barnstable and that the abutters list included many more addresses than those required by the Commission Act. Mr. Dascombe noted that the notice sent on April 24, 2007 for the procedural opening of the public hearing period on May 22, 2007 had resulted in many returned postcards that were undeliverable. In a May 3, 2007 response, Ms. Pachter noted that Cape Wind had added additional physical addresses to the list of addresses certified by the towns such that notices would be sent to "both the parcel and mailing address" of property within 300 feet of the project. In a May 4, 2007 email, Mr. Dascombe noted that it was Cape Wind's responsibility to make sure the notice was accurate and that the list expanded by Cape Wind was not what the towns had certified and therefore was not accurate. The May 4, 2007 email from Mr. Dascombe reiterated the requirements for a certified abutters list and noted the corrective actions Cape Wind would need to make to prepare a proper certified abutters list.

17. On May 17, 2007, the Cape Cod Commission held a meeting at the Barnstable Town Hall Hearing Room for the purpose of receiving comment from interested parties as to the Commission's jurisdiction and scope of review over the proposed Cape Wind project (see Appendix A for minutes). The Commission heard testimony on issues raised throughout the joint review process by Cape Wind, the affected towns and the public as to the applicable Commission regulations, the completeness of the DRI application and the Commission's jurisdiction over the project. At that meeting, the Commission did not deliberate on the merits of the project but specifically accepted testimony on the three questions below. The three questions under consideration were:

    a. Which Regional Policy Plan (RPP) governs the Commission's review of the Development of Regional Impact (DRI) process for the proposed Cape Wind project, the 1996 RPP or the 2002 RPP?
    b. Is the DRI application pending before the Commission complete? Specifically, the DRI application requires the proof of ownership/legal right to

proceed with the proposed development. Should the applicant be required to possess some or all of the following before the application is deemed complete; 1) a grant from the Department of Interior, Minerals Management Service of a right to occupy the federal seabed, whether by lease, easement, license or otherwise; 2) a Chapter 91 License from the Massachusetts Department of Environmental Protection to place its cable on the seabed belonging to the state; 3) a filed application for a street opening permit within the towns of Barnstable and Yarmouth and/or other forms of grants from private landowners of rights to place its cable on such property.

c. Which of the following defines the scope of the Commission's jurisdiction on the project; 1) review of only those elements of the project on land and within the 3-mile limit, and their impacts; 2) review of the entire project and its impacts; 3) review of those elements of the project on land and within the 3-mile limit, in light of the impacts (both positive and negative) within Barnstable County of the entire project?

Cape Wind submitted written materials to the Commission on May 8, 2007 addressing the three questions and Mr. David Rosenzweig, representing Cape Wind, testified at the May 17, 2007 meeting and summarized Cape Wind's position. Following this meeting, the Commission allowed time for interested parties to submit written materials on the three questions prior to voting on the questions at its May 31, 2007 meeting.

18. On May 31, 2007, the full Cape Cod Commission met at a public meeting and heard an analysis from Mr. Eric Wodlinger (Commission Counsel) of the legal points raised by Cape Wind and other interested parties on the three questions (see Appendix B for minutes). No additional testimony was taken at the meeting, however, representatives of Cape Wind and their Counsel were present for the entire discussion. At the May 31, 2007 meeting, the Commission voted on the three questions and directed the staff and Subcommittee to complete its review of the Cape Wind project in line with the vote of the full Commission. The Commission voted as follows:

a. The Cape Wind project should be reviewed for compliance with the 2002 RPP;
b. That Cape Wind's DRI application as it had currently been filed was not complete and would not be complete until some evidence of ownership interest in the land side locations above Mean Low Water is presented. The Commission also voted to instruct the executive director to waive the requirement for Cape Wind's application to provide the Minerals Management Service lease and the Chapter 91 License prior to the Development of Regional Impact review and in the event that the Commission approves the project to make it a condition of approval to obtain that license and lease;
c. To review and regulate those elements of the project on land and within the three-mile limit, and to review the impacts, both positive and negative, of all

aspects of the entire project as it affects and relates to the resources protected under the Cape Cod Commission Act (described in Section 1 of the Act).

19. On June 8, 2007, Mr. Philip Dascombe, planner and project manager for the Cape Wind project at the Cape Cod Commission, sent a letter to Cape Wind with confirmation that the Commission had determined that the DRI application was incomplete and itemized the reasons for this determination. Included in the list of items that were required to be submitted for a complete DRI application was "requisite proof of ownership, proprietary interest or right to occupy (lease/easement) all landside locations along the proposed cable route, including easements to use all public, private and ancient ways above the mean low water mark." The June 8, 2007 letter also noted that a "substantive public hearing on the DRI cannot be scheduled until such time as the items listed above have been submitted and been determined to be adequate." The June 8, 2007 letter also outlined the statutory timeframes applicable to the project and noted that "the hearing period must be closed by August 8, 2007 and a final decision rendered by the Commission within 60 days of that closing date. However, the decision period may be extended by mutual agreement between the Applicant and the Commission." The June 8, 2007 letter also identified the need for an accurate certified abutters, an analysis of the project's consistency with the 2002 RPP and miscellaneous economic and employment information required to complete the DRI application. The June 8, 2007 letter also included an invitation to meet with Commission staff to discuss the requirements more fully.

20. Attached to a letter dated June 8, 2007, and received at the Commission on June 11, 2007, Cape Wind submitted an abutter's list that was properly certified in accordance with the requirements of the DRI application.

21. On June 25, 2007, Ms. Rachel Pachter, representing Cape Wind, sent a letter to the Cape Cod Commission in response to the Commission's June 8, 2007 letter. In that letter, Cape Wind responded to the issue of ownership and stated that "Cape Wind and NSTAR electric have all of the interests necessary to construct its proposed transmission lines", except for approvals, permits or licenses that will later be obtained from government authorities in due course. The letter also responded to the other outstanding issues identified in the Commission's June 8, 2007 letter.

22. On July 19, 2007, Mr. Philip Dascombe sent a second letter to Cape Wind notifying them that the DRI application had been determined to be incomplete as the requisite proof of ownership remained outstanding. The July 19, 2007 letter specifically identified portions of the transmission route where there were questions over whether Cape Wind had the necessary authorizations to use the property in question, namely: the inter-tidal area between the Mean Low Water and Mean High Water mark; Private/ancient ways; Public Ways; and the NSTAR right-of-way. The letter noted that the points in question over proof of ownership had been fully discussed at the Commission's May 31, 2007 meeting. The letter

again noted that a substantive hearing could not be scheduled until the DRI application was complete and outlined the statutory timeframes remaining for the project. The letter noted the short timeframes remaining for the Commission to make a decision and that the public hearing period would have to be closed by hearing officer on August 8, 2007. The letter included an extension agreement to the 60-day decision period as an attachment for Cape Wind's consideration.

23. On August 3, 2007, Mr. David Rosenzweig, representing Cape Wind, provided a detailed response and attachments addressing the ownership issues raised by the Commission at its May 31, 2007 meeting and in subsequent letters from the Commission on June 8 and July 19, 2007. This letter was received five calendar days prior to the end of the Commission's statutory hearing period, which was insufficient time for the Commission to notice a public hearing for the DRI in accordance with Section 5(a) and 5(d) of the Act, as the statutory timeframes require notices appearing in the newspaper to be sent 17 days in advance of the hearing. The August 3, 2007 letter raised a number of points regarding the timeliness and appropriateness of the Commission review of Cape Wind's DRI. Specifically, the letter describes the Commission's requirement for DRI Applicants to demonstrate ownership interest as "misplaced" and an "arbitrary and capricious departure from its normal operating procedures." The letter also cites case law in support of claims made that it is not "within the Commission's jurisdiction to rule upon potential disputes as to proprietary interests." Nonetheless, the August 3, 2007 letter included the following ownership information for the Commission's record:

a. A copy of the Host Agreement between Cape Wind and the Town of Yarmouth (described in Finding 5 above). The August 3, 2007 letter noted that paragraph 4 of that agreement specifically authorizes Cape Wind to "install its proposed transmission lines and associated appurtenances within Berry Avenue and New Hampshire Avenue, subject to all work performed by Cape Wind complying with applicable road opening permits" and that authorization to place transmission facilities in Higgins Crowell Road is provided in paragraphs 2 and 3.
b. A copy of a January 1, 1913 deed from the Trustees of the Englewood Beach Land Company to Yarmouth as evidence to support that the inter-tidal area at Englewood Beach belongs to the Town of Yarmouth.
c. A statement that upon completion of construction, NSTAR Electric will own, operate and maintain the transmission facilities located within its right-of-way and that NSTAR has authorized Cape Wind to pursue the permitting and licensing of the transmission facilities that will be located in NSTAR's right-of-way. On August 3, 2007, NSTAR Electric submitted documentation to the Commission regarding their ownership and easements for the portion of their transmission right-of-way to be used by the Cape Wind transmission cable.
d. A statement that the cable route does not cross any private ways but noted that to the extent that they may exist, Cape Wind has the ability to request a

takings procedure under the EFSB and DTE regulations that would allow construction to take place.

e. A statement that any ancient ways would have either become public ways and therefore authorized by prior agreement, or become private ways and subject to a takings procedure under the EFSB and DTE regulations.

24. On August 16, 2007, Mr. Philip Dascombe sent a letter to Cape Wind notifying the applicant that the information submitted on its face addressed the ownership issues raised by the Commission and that the DRI application had been determined to be complete and that public hearings had been scheduled beginning on September 6, 2007 at the Mattacheese Middle School, Yarmouth. The letter also noted that if needed, the Subcommittee could continue the public hearing to the evenings of September 10, 2007 and September 11, 2007 in the event that all those wishing to testify are unable to be heard at the September 6, 2007 hearing. The letter notes that Cape Wind had been notified of this determination at a meeting between the Commission staff, Commission Counsel and Cape Wind on August 7, 2007. In response to the issues raised by Cape Wind in its August 3, 2007 letter, the Commission cited the regulations that set forth the requirement for ownership permissions as a pre-requisite for holding DRI public hearings and noted that the Commission is "in no way attempting to act as an arbiter on property disputes; it is simply requiring Cape Wind to comply with its normal requirement that a DRI applicant provide legal evidence of control over the proposed site." Furthermore, the August 16, 2007 letter outlines the instances where the Commission had provided comment to Cape Wind on the need for property ownership information for its DRI review, and notes that "as this chronology demonstrates, the Commission did bring this requirement to Cape Wind's attention repeatedly and in a timely manner, but Cape Wind took almost five years to respond". The letter also clarified that Cape Wind's DRI application contained no evidence of any "color of title" authorizing it to install its cable in Englewood Beach in Yarmouth, until the Commission drew this omission to Cape Wind's attention.

25. On August 31, 2007, the Commission announced that as part of the Subcommittee's public hearing process, individuals or organizations would be allowed to request additional time to provide oral testimony to the Subcommittee through an "expanded testimony" process in addition to the time available for public testimony on September 6, 2007. Anyone wishing to provide additional testimony was requested to submit a request in writing and outline the issues they wished to address. Each individual or party requesting expanded testimony was asked to specify the amount of time they needed. The process provided up to an hour for comments per party, and automatically gave Cape Wind an opportunity to rebut and comment on all testimony received at the expanded testimony hearing. The Subcommittee scheduled a hearing from 10 a.m. to 4 p.m. on Monday, September 10, 2007 at the Barnstable First District Courthouse to allow for this expanded testimony, and had scheduled time from 10 a.m. to 4 p.m. on September 11, 2007 and September 12, 2007 for additional testimony if needed.

26. On September 4, 2007, the Cape Cod Commission staff issued a staff report that reviewed the transmission cable's consistency with the MPS of the RPP, in accordance with the direction provided by the Commission at its May 31, 2007 meeting. The staff report identified those MPSs and Other Development Review Policies (ODRP) applicable to the transmission cable and provided an analysis of whether, in the opinion of the Commission staff, the information presented in the DEIR, FEIR or other materials submitted for the record was sufficient to determine if the project was consistent with the MPSs. The staff report concluded that additional information was necessary in order to make a finding of whether the project was consistent with several of the applicable MPSs. This specific information required to complete the analysis was articulated in the September 4, 2007 staff report.

27. On September 4, 2007, Mr. David Rosenzweig, representing Cape Wind, submitted a letter to the Commission articulating objections to several aspects of the Commission's review, including the Commission holding a public hearing in the 60-day decision period, holding a hearing for expanded testimony, undue delay caused by the Commission holding additional hearings, the application of the 2002 RPP and the Commission making findings that are inconsistent or in conflict with those of the EFSB.

28. On September 6, 2007, the Subcommittee held a duly noticed public hearing to begin receiving testimony on the proposed project as part of the Commission's DRI review. At that hearing, Cape Wind addressed the Subcommittee. Mr. David Rosenzweig summarized issues raised in their September 4, 2007 letter and said that the CCC jurisdiction pertains only to the cable within state waters. Mr. Rosenzweig stated that there are no adverse impacts over the long-term from the cable. Mr. Rosenzweig said Cape Wind maintains that the hearing is not authorized by CCC Act and that the MEPA Certificate is binding on the Commission. Mr. Craig Olmsted, representing Cape Wind, described the project and mitigation provided to date and referenced in the FEIR certificate and the Host Agreement. At the public hearing, Commission staff summarized the points raised in the staff report issued on September 4, 2007. Elected officials and members of the public also provided testimony. Members of the public were limited to providing 5 minutes of oral testimony, but encouraged to submit written comments. At the conclusion of the testimony, Cape Wind was asked if they would like to comment, and Cape Wind declined. The public hearing was continued to Monday, September 10, 2007 at 10:00 a.m. for the Subcommittee to receive expanded testimony (Appendix C includes the minutes of the September 6, 2007 hearing).

29. On September 10, 2007, the Commission Subcommittee received expanded testimony from several individuals and organizations (see Appendix D for minutes). Every individual and party who requested additional time was allowed to be heard at the September 10, 2007 hearing for the length of time they

requested. At the conclusion of the hearing, Cape Wind opted to present their comments on the testimony at the next Subcommittee meeting, scheduled for Tuesday, September 11, 2007. The Subcommittee continued the public hearing to the full Commission meeting of October 4, 2007.

30. On September 11, 2007, the Subcommittee met at the Barnstable Superior Courthouse (see Appendix E for minutes) to begin deliberations on the DRI. The Subcommittee provided Cape Wind with an opportunity to provide comment on their DRI and the testimony received. The Subcommittee established the process by which they would discuss the criteria for reviewing the DRI application. Pursuant to Section 13(d) of the Cape Cod Commission Act and Section 6(c)(viii) of the Commission's Enabling Regulations, the Commission may approve, or approve with conditions, a DRI if it finds the following:

> [1] the probable benefit from the proposed development is greater than the probable detriment;
>
> [2] the proposed development is consistent with the RPP and the Local Comprehensive Plan of the Municipality(ies) in which the proposed development is located.
>
> [3] the proposed development is consistent with municipal development bylaws, or, if it is inconsistent, the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth;
>
> [4] if the proposed development is located in whole or in part within a designated DCPC, it is consistent with the regulations approved or adopted by the Commission pursuant to Section 11 of the Act.

At the September 11, 2007 meeting, the Subcommittee began their deliberations on the project by assessing whether the transmission cable portion of the project within the three-mile limit was consistent with the Minimum Performance Standards (MPS) of the Regional Policy Plan (RPP). The Subcommittee decided that once this discussion had been concluded, that the Subcommittee would continue their deliberations as to the project's consistency with the local development bylaws, local comprehensive plans, Districts of Critical Planning Concern and whether the probable benefits of the project outweigh the probable detriments.

31. At the September 11, 2007 meeting, using the Commission staff report as a guide, the Subcommittee reviewed each of the applicable MPSs and received testimony from both Commission staff and Cape Wind representatives. The Subcommittee requested that Cape Wind provide additional information and analysis in order for the Subcommittee to assess the impacts of the proposed development and to

establish the project's consistency with the MPSs of the RPP. The Subcommittee specifically itemized the information it lacked in order to determine compliance with each of the MPSs of the RPP. During the course of the Subcommittee meeting, the Subcommittee made several requests for Cape Wind to agree to extend the 60-day decision period in order that more specific additional information could be submitted to assess the impacts of the proposed development as permitted by Section 12(g) of the Commission Act. The Subcommittee also requested that Cape Wind provide an extension to the decision period that would allow the Subcommittee members the opportunity to receive and review the MMS DEIS which was due to be issued in November 2007, which Cape Wind declined. At the September 11, 2007 Subcommittee meeting, Cape Wind agreed to extend the 60-day decision period by two weeks to October 21, 2007 on the condition that no fee would be imposed. Cape Wind agreed to provide responses to the Commission staff report and the information requests made by the Subcommittee in advance of the next Subcommittee meeting on September 20, 2007. In anticipation of this response from Cape Wind, the Subcommittee scheduled its next meeting for September 20, 2007 to continue its deliberations with the understanding that the additional information being requested would be provided with sufficient time to review and digest the material in advance of the meeting.

32. On September 17, 2007, the Commission's Executive Committee approved Cape Wind's request to waive the fee for the two-week extension of the 60-day decision period. On September 18, 2007, Cape Wind signed a two-week extension agreement, which extended the DRI decision period to October 21, 2007.

33. On Tuesday, September 18, 2007 at 6:35 pm, Cape Wind submitted an email response to the Commission staff report and the requests made by the Subcommittee at their September 11, 2007 meeting. On Wednesday morning, September 19, 2007, the Commission staff began reviewing this information and forwarded Cape Wind's September 18, 2007 responses to the Commission Subcommittee via email.

34. On September 20, 2007, the Subcommittee met at the Barnstable Superior Courthouse (see Appendix F for minutes) to continue deliberating on the project. Ms. Elizabeth Taylor, Subcommittee Chair, noted that the Subcommittee had been handed that morning Cape Wind's EFSB Petition and the EFSB decision that together were over 400 pages of material that contained no specification of where information relating to issues being discussed by the Subcommittee might be found. Ms. Taylor stated that the Subcommittee would not be able to review these materials at that day's meeting and Ms. Taylor stated that this was a failure to submit information in a timely manner. The Subcommittee reviewed Cape Wind's September 18, 2007 responses to the specific requests the Subcommittee had made at the September 11, 2007 Subcommittee meeting. This analysis was performed by examining each MPS, what information was required to properly assess the project's impacts and what information was lacking. The

Subcommittee determined that Cape Wind had not supplied the specific information, which the Subcommittee had requested, notwithstanding Cape Wind's commitment to provide it. The Subcommittee asked for testimony from staff as to whether the information provided in Cape Wind's September 18, 2007 email responses were adequate to make a determination as to the project's consistency with the RPP. Based on the ensuing discussion, the Subcommittee reiterated its need for the specific information it had identified previously in order to assess the impacts of the proposed development and the Subcommittee again requested that Cape Wind consider extending the 60-day decision period for the purposes of enabling Cape Wind to submit the requested information. Cape Wind declined and the Subcommittee again requested the opportunity to receive and review the DEIS being prepared by the MMS, as it could provide some of the information that was lacking in assessing the impacts of the proposed development. The Subcommittee also instructed staff to prepare a written summary of the specific information requests the Subcommittee had made in the September 20, 2007 meeting. On September 20, 2007, Mr. Philip Dascombe sent a summary of the specific information requested by the Subcommittee to the Subcommittee and Cape Wind. At the conclusion of the five-hour September 20, 2007 meeting, the Subcommittee scheduled a follow up meeting for the following Monday, September 24, 2007 at 10 a.m.

35. Section 6(c)(v)[2] of the Commission's DRI Enabling Regulations governing the procedure for processing DRI applications states "Applicants shall provide requested information in a timely manner. A timely manner means that information must be submitted to the Commission at least 14 calendar days in advance of a meeting or hearing. The Commission or its designee may postpone consideration of information submitted less than 14 calendar days prior to a scheduled meeting or hearing. In addition, failure to provide information in a timely manner may result in cancellation of a meeting or hearing and may result in a procedural denial, pursuant to Section 13." Cape Wind submitted additional materials on September 18, 2007 for the Subcommittee's consideration at their September 20, 2007 meeting, which is less than the 14 calendar days required under the provisions of Section 6(c)(v)[2] of the Commission's DRI Enabling Regulations. Nonetheless, the Subcommittee proceeded with their meeting to discuss points raised by Cape Wind in their September 18, 2007 correspondence. However, the Subcommittee stated at the September 20, 2007 meeting that the submittal of over 400 pages of information by Cape Wind on the same day as the meeting was a failure of the applicant to submit information in a timely manner and did not afford the Subcommittee time to review and digest the material in time for that days meeting.

36. On Saturday, September 22, 2007, Cape Wind sent via email their responses to the specific information requests made by the Subcommittee on September 20, 2007. This information was distributed to Commission staff on Monday, September 24, 2007 at the start of business and hand delivered to the Subcommittee at the start of their September 24, 2007 meeting at 10 a.m.

37. At the September 24, 2007 meeting, the Subcommittee reviewed Cape Wind's September 18, 2007 and September 22, 2007 responses to the specific requests the Subcommittee had made at the September 11, 2007 and September 20, 2007 Subcommittee meetings (see Appendix G for September 24, 2007 minutes). The Subcommittee reiterated its need for the specific information requested in order to assess the impacts of the proposed development and again asked Cape Wind to extend the 60-day decision period for the purposes of enabling Cape Wind to submit the information requested. The Subcommittee reiterated that as they had only received information by hand at the September 24, 2007 meeting, that the information had not been submitted in a timely manner. The Subcommittee requested that Cape Wind extend the time for a decision, to allow for a thorough review of the information just received. Cape Wind refused to agree to any further extension of the 60-day decision period at the meeting. Notwithstanding the provisions of Section 6(c)(v)[2] described in finding 35 above for the timely submission of materials, the Subcommittee tried to accommodate a review of the un-timely responses provided by Cape Wind in order to continue their review of the project. However, the Subcommittee found it impossible to conduct even the most cursory review of the materials as they had been submitted on the morning of the meeting.

38. At the September 24, 2007 Subcommittee meeting, the Subcommittee voted unanimously to recommend to the full Commission that the project be procedurally denied without prejudice because the applicant would not sign an extension agreement to extend the 60-day DRI decision time (a) to permit the Subcommittee to consider the late-filed information, and (b) to allow Cape Wind to gather and submit the additional information requested by the Commission pursuant to Section 12(g) of the Act to assess the impacts of the proposed project. The Subcommittee was not able to reach a conclusion as to whether the portion of the project within Barnstable County was consistent with the MPSs of the RPP based on the lack of detailed and specific information, and the delayed filing of some of the information by Cape Wind.

39. As the statutory deadline for the Commission to make its decision was October 21, 2007 and failure to meet the statutory deadline for deciding on a DRI would result in a constructive grant of the project, and in the absence of an extension of time from Cape Wind, the Subcommittee was compelled to make a recommendation to the Commission at their September 24, 2007 meeting in order that the Commission could meet its administrative deadlines for preparation and circulation of the draft decision for the Commission's October 18, 2007 meeting.

40. On October 9, 2007, the Subcommittee met at 10:00 a.m. to review the draft decision prepared by Commission staff and distributed to the Subcommittee via email on October 4, 2007 (see Appendix H for minutes). The Subcommittee made revisions to the draft decision and voted unanimously to forward the revised draft to the Commission for consideration at its October 18, 2007 meeting.

41. The public hearing was continued from the October 4, 2007 full Commission meeting to the October 18, 2007 Commission meeting for consideration of the Subcommittee's recommendation. At that meeting, the Commission voted unanimously to procedurally deny the proposed project without prejudice.

Local Comprehensive Plan (LCP) Consistency

42. The Commission is required to make a finding that the proposed development is consistent with the "Local Comprehensive Plan of the Municipality(ies) in which the proposed development is located." The Commission Act defines an LCP as one that has been certified by the Cape Cod Commission as consistent with the RPP. In this case, the Town of Barnstable has a certified LCP. Although the Town of Yarmouth has a comprehensive plan, it is not certified. In order to determine a project's consistency with a certified LCP, the affected towns are typically requested to provide a letter to the Commission as guidance. On September 20, 2007, the Town of Barnstable submitted a detailed letter as to the project's consistency with the Barnstable LCP and states that "the environmental, economic and aesthetic impacts of the Cape Wind project raise a number of questions and present a number of inconsistencies, and some consistencies, with the provisions" of the Barnstable LCP. The September 20, 2007 letter identifies inconsistencies with several LCP provisions and potential impacts associated with the project, including benthic and shellfish resources in Lewis Bay, eelgrass, recreational fishing, visual and economic impacts on Hyannis and Historic/scenic resources. Cape Wind argues to the contrary; that its project is consistent with Barnstable's LCP. Because Cape Wind refused to extend the 60-day decision period, and was still submitting information to the Subcommittee to establish consistency with the MPSs of the RPP on September 24, 2007, the Commission did not reach the issue of LCP consistency before it became necessary to recommend a procedural denial. Therefore the Commission can make no finding as to the project's consistency with the Barnstable LCP. As the Subcommittee was unable to complete its hearing and deliberations on that question, this remains a contested issue, which would appear to require additional information and analysis in order to make this finding.

43. On August 30, 2007, the Town Planner at the Town of Yarmouth submitted a letter that indicated that the project was neither consistent nor inconsistent with the Yarmouth LCP. On September 10, 2007, the Town of Yarmouth submitted an additional letter that itemized goals and objectives of the Yarmouth LCP. On September 14, 2007, Mr. Robert Lawton sent a letter clarifying that the two letters are intended to complement one another, the August 30, 2007 letter "being a general statement" and the September 10, 2007 letter being "very specific comments submitted after having had time to complete a more detailed review" of the LCP. Mr. Lawton confirmed that the second letter reflects the official position of the Town of Yarmouth. For the reasons stated in reference to Barnstable's LCP, the Commission makes no finding as to whether Cape Wind's project is consistent with Yarmouth's LCP, while observing that the Act does not

require such consistency because Yarmouth's LCP has not been certified. Nonetheless, the Commission notes that consistency with Yarmouth's LCP may be relevant in weighing the benefits and detriments of the project.

Development Bylaw consistency

44. The Commission is required to find that the proposed development is consistent with municipal development bylaws, or, if it is inconsistent, the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth.

45. In an email dated August 31, 2007, the Yarmouth Town Planner noted that it was Yarmouth's understanding that the project is exempt from local zoning under M.G.L., Ch. 40A, §3, which provides for a specific exemption to zoning for "public service corporations". Cape Wind filed a joint application with Commonwealth Electric (doing business as NSTAR) to the Massachusetts Dept. of Telecommunications and Energy (DTE) and the Energy Facilities Siting Board. That application was approved in May 2005. As NSTAR is an exempt public service corporation and Cape Wind has a DTE approval jointly with NSTAR, the Town of Yarmouth believes that the project is exempt from local zoning provisions.

46. At the September 11, 2007 Subcommittee meeting, the Subcommittee directed staff to contact the Department of Housing and Community Development for clarification on this point. In conversations with Commission staff, Mr. Don Schmidt at DHCD noted that the Zoning Act (Chapter 40A M.G.L) states that public service corporations may be exempted in particular respects from zoning bylaws if, upon petition of the corporation, DTE were to determine the exemption is required and find that the use is reasonably necessary for the convenience or welfare of the public. The Commission is not aware that Cape Wind has sought nor that DTE has granted an administrative exception from Yarmouth's zoning. Because the hearing before the Subcommittee did not address this issue due to the time constraints caused by Cape Wind's refusal to extend the decision deadline, the Subcommittee made no recommendation to the Commission on this issue. For the same reason, the Commission can make no finding as to either inconsistency, consistency or administrative exemption.

47. On September 17, 2007, Robert Lawton, Town Administrator of the Town of Yarmouth submitted a letter noting that the Yarmouth Conservation Commission would determine the project's consistency with its development bylaws once an application is filed with the Yarmouth Conservation Commission. In the same letter, Mr. Lawton notes that street opening permits are also required and that the Host Agreement addressed many of the project impacts identified at the time of the agreement. However, because Cape Wind refused to extend the 60-day decision period, and because the Subcommittee had insufficient information and time to establish consistency with the MPSs of the RPP, the Commission did not

reach this issue, and therefore the Commission makes no finding as to the project's consistency with the Town's wetlands and street opening development bylaws.

48. On September 20, 2007, the Town of Barnstable submitted a letter stating that they intentionally do "not provide comment on the applicability of Barnstable Conservation Commission Regulations due to the pending Conservation Commission regulatory review". The September 20, 2007 letter also noted that road opening permits would be required. However, because Cape Wind refused to extend the 60-day decision period, and because the Subcommittee had insufficient information and time to establish consistency with the MPSs of the RPP, the Commission did not reach this issue and therefore the Commission makes no finding as to the project's consistency with these development bylaws.

Districts of Critical Planning Concern

49. On September 13, 2001, the Barnstable County Assembly of Delegates designated the Town of Barnstable as a District of Critical Planning Concern (DCPC). The DCPC includes all vacant, buildable parcels within the Town capable of being used for new residential development. The purposes of the District are to schedule the rate of new residential development to ensure that the Town has the infrastructure to support this development, and to encourage the provision of affordable housing to meet the 10% goal stated in the Barnstable Local Comprehensive Plan (LCP) and M.G.L. Chapter 40B. Cape Wind's transmission lines will be located underground along the NSTAR right-of-way in the town of Barnstable for a distance of 1.9 miles to the Barnstable Switching Station, located in the vicinity of Mary Dunn Road, Barnstable. The parcels identified in the Barnstable DCPC do not intersect with the proposed location of Cape Wind's transmission lines. The Commission staff report issued on September 4, 2007 stated that the Barnstable DCPC does not apply to the proposed project. The Commission finds that the Barnstable DCPC does not apply to this project. No other DCPC is affected by the project.

Benefits versus detriments

50. During the course of the MEPA process and at public hearings conducted by the Subcommittee, numerous interested parties testified to the probable benefits and probable detriments of the entire project, inclusive of the wind turbines and ESP, not just the transmission cable portion of the project in Massachusetts. At its May 31, 2007 meeting, the Commission voted to review the impacts, both positive and negative, of all aspects of the entire project as it affects and relates to the resources protected under the Cape Cod Commission Act (described in Section 1 of the Act). At public hearings held on September 6, 2007 and September 10, 2007, the subcommittee received testimony from many individuals on topics that related to the beneficial and detrimental impacts resulting from the wind turbines. The topics raised at the September 6, 2007 hearing included reduction of fossil fuel generation, job creation, hazardous materials spills, navigation, renewable energy, emissions reductions, global warming, sustainable energy, air quality,

health benefits, high wages, bird and marine mammal impacts, fisheries impacts, public safety, sea level rise, radar interference, and economic impacts. The topics raised at the September 10, 2007 hearing included flood zone impacts, dredging impacts, economic impacts, historic impacts, oil spills, public safety, tourism impacts, maritime character impacts, emergency response, navigation impacts, emissions reductions, fossil fuel alternatives, aircraft navigation impacts, archaeological impacts, fishing impacts and bird and marine mammal impacts. (Detailed testimony can be found in Appendix C and D) At its September 11, 2007 meeting, the Subcommittee directed Commission staff to prepare a summary of the points raised during the MEPA process and DRI hearing process that the Subcommittee could consider as part of their anticipated deliberations on the project's probable benefits and probable detriments. The staff distributed this non-exhaustive outline to the Subcommittee and Cape Wind on September 19, 2007, which included the following topics and sub-topics for consideration by the Subcommittee:

a. Energy

i. Renewable energy
ii. Fuel diversity
iii. Fuel independence
iv. Global warming

b. Water Resources

i. Hazardous Materials/waste
    1. Risk of potential haz. mat spill during construction/ decommissioning
    2. Risk of potential haz. mat spill from vessel strikes
    3. Risk of potential haz. mat spill during maintenance

c. Air Quality

i. Construction impacts (short term from construction vehicles)
ii. Operational impacts (i.e. maintenance vessels)
iii. Emission reductions from wind park generation (CO2, NOX, SOX)
iv. Health impacts from reduced emissions
v. Noise (both above and below water)
    1. Construction
    2. Decommissioning
    3. Aids to navigation (fog horns)

d. Historic Preservation/Community Character

i. Historic resources
    1. Potential effect on Barnstable County historic resources
ii. Community Character
    1. Visibility of turbines from Barnstable County
    2. Lighting – during construction

3. Lighting – operation, FAA, USCG

iii. Archaeological resources

1. Potential archaeological sites raised by Wampanoag
2. Potential cultural resources associated with Viking landings

e. Coastal Resources

i. Benthic impacts

1. Direct from cable laying/construction impacts
2. Indirect from loss of habitat/sediment cover

ii. Fisheries and fish

1. Creation of artificial reefs
2. Noise (Construction and operation)
3. Fishing in wind park
   a. commercial
   b. recreational

iii. Submerged Aquatic Vegetation/eelgrass impacts

1. Direct from cable laying/construction impacts
2. Indirect from sediment cover

iv. Navigation

1. Boats
2. Aircraft
3. Collision risk
4. Radar interference

f. Wildlife/Natural Resources

i. Avian Impacts

1. Potential impacts to rare and endangered species, plovers and Roseate Terns

ii. Marine Mammal impacts

1. Avoidance due to noise

g. Economic Development

i. Tourism
ii. Property values
iii. Jobs (temporary and long term)
iv. Skilled workers
v. Electricity prices
vi. Training

h. Capital Facilities and Infrastructure

i. Fire risk
ii. Rescue procedures
iii. Collision risk
iv. Medical emergencies

i. Affordable Housing

i. Increased/Decreased need for affordable housing

However, because Cape Wind refused to agree to an extension of time to the 60-day decision period, and because the Subcommittee was unable to complete its determination of the project's consistency with the MPSs of the RPP due to the delayed and insufficient information provided by Cape Wind, the Subcommittee did not reach the weighing of the project's benefits and detriments. In the absence of (a) complete hearing record on this issue and (b) a recommendation from the Subcommittee, the Commission makes no finding as to whether the probable benefits of the project outweigh the probable detriments.

Topic Specific Findings

51. The following findings (Findings 51 through 82) are intended to describe: the applicable MPSs reviewed by the Subcommittee as part of the DRI application; the chronology of the information requested by the Commission staff and Subcommittee and the responses by Cape Wind; and, where applicable, the outstanding information requested but not provided.

Water Resources

52. MPS2.1.1.2(A2), Hazardous Materials/Waste. This MPS prohibits the use of hazardous materials and wastes in Wellhead Protection Areas in excess of household quantities. The Zone I and IIs are regulatory definitions under the Department of Environmental Protection that refer to the land area that must be protected from harmful land uses that have the potential to contaminate groundwater that feeds public water supply wells. The Town of Yarmouth derives 100% of its drinking water, (over 4 million gallons per day) from the groundwater supply that is referred to as the Cape Cod Sole Source Aquifer, which is designated as such by the EPA because it is the sole source of drinking water to the citizens of Cape Cod. The cable route passes through the collective Zone II of Yarmouth's public supply wells and within 400 feet (the Zone I) of three particular wells (YWD 1, 2, and 17). History from clean-ups at the Massachusetts Military Reservation and the Town of Barnstable has demonstrated that even small amounts (less than a gallon of petroleum hydrocarbons) can contaminate millions of gallons of groundwater supply. Approximately 50% of the upland transmission cable route will pass through Zones I and II to public supply wells. Construction activities within the Zone I and Zone IIs of the Wellhead Protection Areas may result in the use of more than household quantities of hazardous materials and/or hazardous wastes, defined by the RPP as 25 gallons or its dry weight equivalent. The project includes the installation of an upland electrical cable that will involve: trenching, directional drilling, installation, backfilling, grading and seeding. These processes will involve the use of bentonite, oil, construction equipment, construction materials, piles, and dewatering.

a. In the September 4, 2007 staff report, Commission staff noted concerns about equipment fueling, pre- and post-construction activities due to the cable passing through wellhead protection areas.
b. At the September 11, 2007 meeting, the staff testified as to the need to identify the types of materials used and specify best management practices and contingencies for the use of hazardous materials and generation of hazardous wastes during and after construction. At the September 11, 2007 meeting, the Subcommittee requested Cape Wind to respond to the information requested in the September 4, 2007 staff report.
c. In Cape Wind's September 18, 2007 responses, the applicant acknowledged that the cable route does pass through Zone IIs, and indicated that the activities will not result in the use, treatment, generation, storage and /or disposal of hazardous waste or materials. However, in the same letter Cape Wind indicated that hazardous materials will be used during construction and will involve fuels and lubricants necessary to operate machinery. Cape Wind stated that the use and disposal of hazardous materials and wastes will be managed according to best management practices that will be specified in plans such as an Emergency Response Plan that will not be finalized until prior to the start of construction.
d. At the September 20, 2007 meeting, staff testified about the need for limits on the use of hazardous waste or materials in Wellhead Protection Areas, especially refueling and maintenance of construction vehicles. Staff also testified that the Subcommittee could condition a Commission decision to require refueling and maintenance to take place outside the Zone I and IIs and require the submittal of a final Emergency Response Plan for dealing with spills in upland locations. Mr. Chuck Lockhart, Subcommittee member from Yarmouth, had observed that the preliminary draft plan provided in the Cape Wind FEIR incorrectly identified the Barnstable Fire Department as the contact in the event of a hazardous material spill, and stated that this was the type of detail that should be more fully developed and verified before the Commission issued its permitting decision. The Subcommittee requested that Cape Wind provide a final Emergency Response Plan to identify activities using hazardous materials and wastes, following discussions with the Towns of Yarmouth and Barnstable and Commission staff. The Subcommittee expressed its interest in obtaining the Emergency Response Plan during the course of its review of the project to ensure the protection of the sole-source aquifer and other resources that the Cape Cod Commission is charged with protecting.
e. In their September 22, 2007 letter, Cape Wind stated that it is not prudent to finalize the Emergency Response Plan and that consultation with the towns will happen later in the development process.
f. At the September 24, 2007 meeting, staff testified that it is typical for the Commission to require more detailed plans that identify the hazardous materials quantities to address the standard before a decision, but that in a limited number of cases it has been required through a condition. Staff testified that this depended on the amount of information in the draft plan and

the level of comfort that the Subcommittee and towns had with that level of information. Suzanne McAuliffe, Yarmouth Selectman, noted the town needed more information from Cape Wind on its emergency response, needed help from the Subcommittee and Commission on the issue of emergency response and requested a more fully developed plan. The Subcommittee decided that a more fully developed plan needed to be prepared for the Cape Cod Commission's consideration following discussion with the Commission staff and towns, and that the location in a Wellhead Protection Areas warranted more thorough coordination and a delineation of the hazardous materials and wastes to be used. This information was requested by the Subcommittee in it's February 22, 2005 comment letter on the DEIS/DEIR/DRI and again identified in the September 4, 2007 staff report, but not provided by Cape Wind.

53. MPS 2.1.1.2(A4), State and federal stormwater/groundwater regulations. This MPS requires compliance with state and federal regulations, including state stormwater requirements and policies to protect groundwater supplies. The installation of the upland electrical cable will involve: trenching, directional drilling, installation, backfilling, grading and seeding within the Wellhead Protection Areas to public water supply wells in the town of Yarmouth.
    a. The FEIR included a Stormwater Pollution and Prevention Plan (SWPPP, Appendix 2.0-A) that covered many aspects of the required stormwater pollution prevention components.
    b. In the September 4, 2007 staff report, Commission staff noted that the draft SWPPP does not recognize that the cable route will pass into existing Wellhead Protection Areas of Yarmouth's public water supply wells including their Zone I and Zone IIs. Staff noted that the SWPPP should be revised to reflect the wellhead protection areas, and to include state stormwater guidance and draft regulations that are to be enacted in January 2008.
    c. On September 18, 2007, Cape Wind responded that the SWPPP would be revised and submitted as part of their USEPA Notice of Intent for the NPDES General Construction Permit.
    d. At the September 20, 2007 meeting, staff testified that the Commission decision could be conditioned to require submittal and approval of the SWPPP plan. The Subcommittee discussed the information provided for this MPS and did not request any additional information.

54. MPS 2.1.1.2(B2) Fresh water delineation, assessment and/or management. This MPS allows for a monetary contribution for assessment and management strategies of fresh water ponds potentially affected by development. There are over 1000 fresh water ponds on Cape Cod. The Cape Cod Pond and Lake Atlas indicates that over 75% of the Cape's fresh water ponds are impaired. Due to the lack of public funds to deal with this problem, the Commission may require a monetary contribution to assess the health and evaluate management alternatives to restore and protect fresh pond water quality where potential impacts have been identified. The upland cable will pass within 100 feet of 2 coastal ponds and six

fresh water wetland systems, including Long Lake and Jabinettes Pond. This standard is applicable where the cable crosses into the recharge area or within close proximity of these fresh water bodies.

a. In the September 4, 2007 staff report, the Commission staff noted that this standard would require a monetary contribution from Cape Wind for assessment and/or management strategies for these fresh waterbodies.
b. At the September 11, 2007 Subcommittee meeting, staff was directed to contact Yarmouth officials to discuss a scope of work on the ponds affected.
c. In their September 18, 2007 letter, Cape Wind stated that they did not believe that a monetary contribution is necessary or appropriate and that there would be no impact on the eight interests of the Wetland Protection Act.
d. At the September 20, 2007 Subcommittee meeting, staff testified that a water quality assessment should be completed prior to and after construction. Commission staff testified that Mr. George Allaire at the Town of Yarmouth was satisfied with mitigation agreed with Cape Wind through the Host Agreement. Commission staff testified about sampling necessary to accomplish the necessary assessment, and that staff estimated the cost to be $30,000.The Subcommittee determined that the mitigation allowed for under the Minimum Performance Standard was necessary to accomplish a specific purpose, and asked Cape Wind to respond to the mitigation amount.
e. In their September 22, 2007 letter, Cape Wind stated that the construction project would have no adverse effect on the town's freshwater resources and that mitigation had already been provided through the MEPA certificate. In this letter, Cape Wind committed to working with the Commission to ensure that an adequate amount of these funds would be earmarked for interests associated with this standard but stated that additional sums for mitigation are unnecessary.
f. At the September 24, 2007 meeting, the Subcommittee noted that the $30,000 mitigation was for a specific purpose and to meet a Commission MPS and that the mitigation promised through the MEPA process was not specifically earmarked for any identified impact and does not specifically identify mitigation for fresh water impacts. As of the date of this decision, Cape Wind declined to agree to provide mitigation nor had Cape Wind proceeded to work to provide a commitment of the MEPA funds. The Subcommittee concluded that the mitigation was appropriate but Cape Wind had not agreed to provide this mitigation amount.

55. ODRP 2.1.1.6, Water withdrawals and wastewater discharges. This Other Development Review Policy (ODRP) encourages the management of water withdrawals and wastewater discharge in a manner that avoids impacts to water resources. The project includes the installation of cement vaults for the upland cable and it is likely that several will be installed below the water table and will require a certain amount of pumping to dewater the area.

a. The staff report of September 4, 2007 stated that to meet this ODRP and therefore claim a potential benefit, that Cape Wind should indicate the amount of water that may be pumped and dewatered and where it would be

discharged, and what impacts these activities may have on the aquifer and surrounding wetlands.

b. In their September 18, 2007 response, Cape Wind outlined their dewatering procedure and stated that it was impossible to define the amount of water that would be pumped.
c. At the September 20, 2007 meeting, staff testified that the amount could be estimated by the use of conventional engineering calculations.
d. Cape Wind did not come forward with any additional information that specifically addressed the staff's concerns.
e. The Regional Policy Plan provides that fulfilling an ODRP mat be considered by the Commission as a benefit in its process of reviewing probable benefits and probable detriments.
f. The Subcommittee did not reach a determination on whether this ODRP could be considered a benefit, as Cape Wind refused to extend the 60-day decision period to allow consideration of additional information to determine the projects impacts and ultimately whether the probable benefits of the project outweigh the probable detriments.

56. ODRP 2.1.1.8 Alternatives to synthetic chemical fertilizers and pesticides. This ODRP encourages the use of organic and biological fertilizers and pesticides. Revegetation of areas of upland cable route post-construction should avoid the use of synthetic fertilizers in favor of organic materials.
    a. The staff report of September 4, 2007 stated that to meet this ODRP and therefore claim a potential benefit, that Cape Wind should indicate how the disturbed areas will be re-vegetated.
    b. In their September 18, 2007 response, Cape Wind repeated a description of the process of re-vegetation from Section 3.15 of the FEIR.
    c. At the September 20, 2007 meeting, staff testified that in sensitive resource areas such as wellhead protection areas, more conservative revegetation methods should be used than those described.
    d. Cape Wind did not come forward with any additional information that specifically addressed the staff's concerns.
    e. The Subcommittee did not reach a determination on whether this ODRP could be considered a benefit, as Cape Wind refused to extend the 60-day decision period to allow consideration of additional information to determine the projects impacts and ultimately whether the probable benefits of the project outweigh the probable detriments.

57. MPS 2.1.3.1; 2.1.3.2; 2.1.3.3; 2.1.3.5; 2.1.3.6, Discharge of untreated stormwater, parking-lot runoff, and/or wastewater. Stormwater management. Stormwater best management practices. Separation between leaching basins and groundwater. Stormwater maintenance and operation plan. These MPSs require a variety of stormwater treatment techniques and designs to protect the groundwater and surface waters. Stormwater contains a variety of pollutants that can impair water quality. In addition, storm water systems can provide a direct route of discharge into the groundwater.. The installation of the upland electrical cable will involve:

grading, trenching, directional drilling, installation, backfilling, rough grading and seeding. These activities will result in potential stormwater runoff to surface waters and leaching into the aquifer. The RPP specifies that stormwater plans have a maintenance and operation plan.

a. The FEIR includes a Stormwater Pollution and Prevention Plan (SWPPP, Appendix 2.0-A) that covers many aspects of the required stormwater pollution prevention components.
b. In the September 4, 2007 staff report, Commission staff noted that the SWPPP does not identify that the cable route will pass into existing Wellhead Protection Areas of Yarmouth's public water supply wells including their Zone I and Zone IIs. The Commission staff report noted that the upland cable plans (Preliminary Engineering Plans, Submarine and Upland Cable Route as revised April 13, 2007) show the SWPPP, controls and devices but does not indicate the presence of the boundaries of the public water supply Zone I and IIs or make any specific accommodations to protect them. The report recommended that Cape Wind address these omissions, as well as include a maintenance and operation plan and specify whether all leaching and catch basins are located greater than two feet above the groundwater level.
c. At the September 11, 2007 meeting, the Subcommittee specifically requested that this additional information be provided.
d. In their September 18, 2007 responses, Cape Wind indicated that there would be no change to stormwater runoff conditions along the linear route as a result of the project. The applicant indicated that the route would cross into the Zone 1 (within 400 ft) of three of Yarmouth's public water supply wells (YWD 1, 2, and 17). Cape Wind also indicated that the Final SWPPP, which would be issued prior to construction, would contain detailed information on the available measures to protect these areas and that a maintenance and operation plan would be included. Cape Wind also indicated that the installation of the pipeline in proximity to the well would be open trenching and that the transmission line would not use fluids, petroleum, oils or lubricants. Cape Wind also indicated that the project does not require or contemplate the use of any leaching catch basins.
e. However the description of the cable route indicates that existing catch basins will be used. The SWPPP should highlight the existing catch basins that are in the project route and assess where the stormwater discharge is presently routed so that more specific pollution prevention plans can be developed to protect both the surface waters and public drinking water supply wells.
f. At the September 20, 2007 meeting, staff testified that the Commission decision could be conditioned to require submittal and approval of the SWPPP plan but also noted that the plans submitted for the project show that catch basins and culverts are proposed to be removed and replaced during construction. The Subcommittee discussed the information provided for this MPS and did not request any additional information.

Coastal Resources

58. MPS 2.2.2.1 Development in V-zones. This MPS prohibits development in a FEMA V-zone. The RPP prohibits development in these coastal high hazard areas in order to ensure that new structures are not constructed in areas vulnerable to potentially damaging wave and wind action during a significant storm event. The MPS does permit water-dependent structures and uses in the V-zone if there is no feasible alternative. The transition vault connecting the submarine and upland cables is proposed to be located under the existing pavement at New Hampshire Avenue within a V-zone. During a significant storm event, wind and wave action may damage and destroy the pavement and the concrete material of the transition vault, and disperse fragments within the neighboring coastal areas, causing property and other damage as well as significant environmental damage. Avoidance of construction within the sensitive V-zone is two fold; it keeps initial construction out of these environmentally sensitive areas but then also keeps the reconstruction that would be required following a significant storm from this area.
    a. In the September 4, 2007 staff report, Commission staff raised concerns pertaining to the location of the transition vault at the cable landfall within the V-zone. Staff recommended moving the transition vault outside of the V-zone to meet the standard.
    b. At the September 11, 2007 Subcommittee meeting, John Ramsey, the Commission's coastal resources expert consultant, testified that the MPS could be addressed by moving the transition vault out of the V-zone. Cape Wind responded at the September 11, 2007 Subcommittee meeting that they would investigate alternatives with their engineers. The Subcommittee requested that Cape Wind respond to the issues raised in the Commission staff report and relocate the transition vault out of the V-zone.
    c. In their September 18, 2007, Cape Wind stated that the project was a water dependent use, that the EFSB had determined that the project is a coastally dependent use and that a prohibition on the transition vault in the v-zone was inconsistent with the MPS and would be inappropriate. The September 18, 2007 responses also describe additional excavation that would be necessary to move the vault 190 feet landward and Cape Wind's assessment of the associated increased impacts.
    d. At the September 20, 2007 meeting, the Subcommittee determined that the transition vault did not meet the RPP definition of a water-dependent use. However, the Subcommittee also noted that the "flexibility clause" of the RPP permits the Commission to modify the application of an MPS where an applicant demonstrates that the interests protected by an MPS can be achieved by an alternate approach including mitigation. The Subcommittee requested either plans showing the transition vault re-located outside of the V-zone or demonstration from Cape Wind that the use of the "flexibility clause" is appropriate and that the interests protected by the MPS can be achieved by an alternate approach, including the provision of appropriate mitigation.
    e. In their September 22, 2007 responses, Cape Wind reiterated points raised in their September 18, 2007 letter and indicated that moving the vault 225 feet would result in greater environmental impacts in their opinion, that the vault

in the existing location would be rigorously designed to address potential storm impacts, that Cape Wind believes this MPS is not meant to prohibit construction of facilities within flood zones, and that use of the RPP "flexibility clause" is appropriate in this context, but Cape Wind did not submit an alternate approach nor any specific mitigation.

f. At the September 24, 2007 Subcommittee meeting, John Ramsey testified that the interest expressed in MPS 2.2.2.1 is meant to address storm related damage from structures in the V-zone, and he also testified that storms capable of damaging coastal areas do occur in the region and could result in pavement removal and erosion of sand at New Hampshire Avenue and exposure of the transition vault. He stated that Cape Wind's figures for additional excavation to move the vault out of the V-zone did not seem realistic as the proposed cable laying would also result in excavation of the street in the same area and recommended that there might be an alternative method that would limit excavation and keep the transition vault out of the V-zone.

g. The Subcommittee concluded that since Cape Wind had not presented an alternate method for meeting the intent of the MPS, applying the "flexibility clause" for this MPS was not appropriate. The Subcommittee determined that it was necessary for Cape Wind to remove the vault from the V-zone to comply with this MPS and directed Cape Wind and John Ramsey to discuss the details of moving the transition vault in a separate meeting and report back to the Subcommittee. However, this separate meeting would have required that Cape Wind agree to an extension to the 60-day decision period, which Cape Wind declined.

59. MPS 2.2.2.3, Development on barrier beaches and coastal dunes. This MPS prohibits development on barrier beaches and coastal dunes. The RPP prohibits development in these coastal resource areas in order to ensure that their natural storm prevention functions are preserved. Barrier beaches and coastal dunes are resources that migrate with wind and wave action, and the resulting landform creates a barrier that protects landward development from the brunt of storm effects, including flooding and erosion.

a. In the September 4, 2007 staff report, Commission staff raised concerns pertaining to delineation of coastal dunes at the landfall location and recommended that Cape Wind complete the coastal resource delineation through the local conservation commission process prior to completion of the DRI process.

b. At the September 11, 2007 Subcommittee meeting, John Ramsey, the Commission's coastal resources consultant, testified that the MPS could be addressed by providing a stamped engineered plan showing the coastal resource delineations.

c. Cape Wind provided a stamped engineered plan with the September 18, 2007 response letter showing the delineation of the coastal resources.

d. At the September 20, 2007 Subcommittee meeting, John Ramsey testified that the plan submitted was sufficient to determine consistency with the MPS.

e. On September 20, 2007, the Subcommittee discussed the information provided for this MPS and did not request any additional information.

60. MPS 2.2.2.4, Non-water-dependent development within 100 feet of the top of a coastal bank, dune crest, or beach. This MPS prohibits any new non-water-dependent development within 100 ft of the coastal bank, dune or beach. The RPP prohibits non-water-dependent development in these coastal resource areas in order to ensure that their natural functions of storm damage prevention and sediment transport within the coastal system are not adversely impacted. Water dependent structures require siting within or in proximity to water and wetland resources to support their function. Non-water dependent structures are required to be placed 100 ft landward of coastal resource areas in order to provide the buffers necessary to allow the natural function of the coastal resources (storm damage prevention), and to accommodate shoreline changes (erosion) and documented sea level rise. To be consistent with this standard, the transition vault needs to be placed a minimum of 100 ft landward of these coastal resources.

a. In the September 4, 2007 staff report, Commission staff raised concerns pertaining to the location of the transition vault at the cable landfall within these coastal resource areas and recommended moving the transition vault outside of the V-zone to address this MPS. The staff report also referenced DEP's determination that the project is a non-water-dependent use.
b. At the September 11, 2007 Subcommittee meeting, John Ramsey, the Commission's coastal resources consultant, testified that this MPS could be addressed by moving the transition vault more than 100 ft landward of the coastal bank. At the September 11, 2007 meeting, Cape Wind responded by indicating that they would investigate alternatives with their engineers. Cape Wind also stated that they believed the project to be a water-dependent use, and that the final determination on this matter would be decided through the Chapter 91 permitting process.
c. In their September 18, 2007 response, Cape Wind indicated that given the future Chapter 91 permitting, a Cape Cod Commission determination on the water-dependency of the project is premature.
d. At the September 20, 2007 Subcommittee meeting, the Subcommittee voted that the project did not meet the RPP definition of a water-dependent use, based on an understanding that the transition vault could be located further from the coastal resources without affecting the function of the transition vault in connecting the submarine and upland cables. At the September 20, 2007 Subcommittee meeting, John Ramsey testified that the project could not meet this MPS given the non-water-dependent determination, unless the vault was moved more than 100 ft landward of the coastal bank. The Subcommittee requested plans showing the transition vault re-located outside of the 100 ft buffer from the top of the coastal bank.
e. In their September 22, 2007 response, Cape Wind did not directly address the request to move the vault, but provided a discussion of why moving the vault would result in greater environmental impacts, that the vault in the existing

location would be rigorously designed to address potential storm impacts, and other arguments as discussed in finding 58 above concerning MPS 2.2.2.1.

f. The Subcommittee also recognized that the final Mass DEP water-dependency determination would not occur until the Chapter 91 permitting occurs, which will not happen until after local conservation commission approvals are received, which cannot occur until after the DRI process is complete. However, the definition of water dependency in the CCC regulations is not the same as those utilized by Mass DEP; therefore, the Subcommittee's determination of non-water-dependency does not rely upon future decisions by Mass DEP, and consequently requires moving the vault in order for the Subcommittee to make a finding of consistency with this standard.

g. The Subcommittee concluded that in order for the Subcommittee to find the project in compliance with this MPS, Cape Wind needed to submit additional plans to move the transition vault further than 100-feet from the coastal bank. The Subcommittee directed Cape Wind and John Ramsey to discuss the details of moving the transition vault in a separate meeting and report back to the Subcommittee. However, this separate meeting would have required that Cape Wind agree to an extension to the 60-day decision period, which Cape Wind declined.

61. MPS 2.2.3.6, New dredging. This MPS prohibits new dredging unless it is needed to accomplish a substantial public benefit and no feasible alternative exists. The RPP prohibits new dredging in order to protect submarine resources, including shellfish, eelgrass beds, and other benthic organisms from the impacts of dredging. Installation of the cable has the potential to directly (jet plow through eelgrass or shellfish beds) or indirectly (sedimentation from jet plowing, resulting in smothering of eelgrass and shellfish beds) adversely impact benthic resources within state waters. Use of hydraulic jet plow technology to install the submarine cable, which fluidizes bottom sediments into the water column, is considered dredging by Mass DEP regulations.

a. The Subcommittee's February 22, 2005 comment letter to MEPA on the Draft EIR identified dredging as a possible concern.

b. In Section 7 of the FEIR, Cape Wind stated that Mass DEP does not consider jet plowing dredging.

c. The September 4, 2007 staff report identified the use of a jet plow as a dredging activity, consistent with Mass DEP regulations and recommended that an alternate route (shorter) could have fewer impacts, and that Cape Wind should demonstrate the public benefits of the cable installation, and that no feasible alternative exists to the proposed cable installation route.

d. At the September 11, 2007 Subcommittee meeting, John Ramsey testified that information should be provided to show that installation of the cable by jet plow (dredging) would not adversely impact eelgrass or shellfish resources. John Ramsey further testified that additional sediment core samples taken along the proposed cable route within state waters should be provided and analyzed, and that additional surveying of the cable route within state waters for eelgrass resources should be provided to demonstrate that the proposed

dredging would not impact these resources. At the September 11, 2007 Subcommittee meeting, Cape Wind testified that Mass DEP indicated that they had enough sediment core data to issue a 401 Water Quality Certification, and did not believe additional sediment cores were necessary. At the September 11, 2007 meeting, the Subcommittee requested that Cape Wind provide additional cores/sediment analysis for their review.

e. In their September 18, 2007 response, Cape Wind indicated that jet plowing is state of the art technology for installing submarine cables, that the cable installation will require a 401 Water Quality Certification from Mass DEP, and that a public benefit was demonstrated through the EFSB permitting process.

f. At the September 20, 2007 Subcommittee meeting, the Subcommittee requested confirmation as to whether Cape Wind would be providing additional information beyond the EFSB petition and decision submitted to the Commission to address MPS 2.2.3.6 and to demonstrate the public benefits of the project and that no feasible alternative exists. At the September 20, 2007 Subcommittee meeting, the Subcommittee also requested details on the dredging activities at the cofferdam.

g. In their September 22, 2007 response, Cape Wind provided information on dredging associated with the cofferdam. With regard to public benefits, Cape Wind stated that Cape Wind does not believe that the jet plowing is inconsistent with MPS 2.2.3.6, and referenced the EFSB's findings with regard to public benefits, including that the facilities were needed, least cost, have least environmental impact, and would result in cost savings to customers.

h. At the September 24, 2007 Subcommittee meeting, John Ramsey testified that there were not enough sediment cores taken from the cable route within state waters to determine the nature of dredging impacts, or consistency with this MPS. John Ramsey also testified at the September 24, 2007 Subcommittee meeting that the nature of the glacial geology of the Cape and Sound warranted greater geotechnical detail of the cable route, including sediment cores which might indicate areas to reroute the cable (avoiding substrate that would prohibit jet-plowing, such as rocks, glacial erratics and cobble) or finer grained sediment (increased dredging impacts). The Subcommittee asked Cape Wind for more core data, and documentation that Mass DEP was satisfied with the core data for the 401 Water Quality Certification.

i. At the September 24, 2007 Subcommittee meeting, Cape Wind indicated that they would not provide additional sediment cores for the remainder of the cable route within state waters.

j. The Subcommittee determined that more core samples and analysis were appropriate for determining consistency with this MPS. The Subcommittee asked Cape Wind if this information would be available by the end of the day September 24, 2007, or if Cape Wind was willing to extend the review process to provide the information. Cape Wind declined the extension and said they would not do more core samples nor would they extend the 60-day decision period.

62. MPS 2.2.3.7, Impacts to eelgrass beds. This MPS addresses the design and construction of developments to ensure that there is no significant adverse direct or indirect effect on eelgrass beds, unless there is no feasible alternative and the project is necessary to accomplish a public benefit. Eelgrass grows in low inter-tidal and sub-tidal areas where sunlight can penetrate, providing food and nutrients for invertebrates and fish. Eelgrass beds also provide cover for fish and shellfish and function as fish habitat. Eelgrass is a threatened resource, which may be adversely impacted by nutrient loading or dredging. Installation of the cable has the potential to directly (jet plow through eelgrass) or indirectly (sedimentation resulting in the smothering of eelgrass) adversely impact eelgrass beds within state waters.

a. The Subcommittee's February 22, 2005 comments to MEPA on the Draft EIR stated that affected submerged aquatic vegetation (SAV) habitat should be identified, and detailed plans would be required to evaluate impacts to SAV during DRI review.
b. In Section 7 of the FEIR, Cape Wind stated that they had used Applied Science Associates (ASA) modeling to determine the impact of sedimentation from jet plowing, and had studied eelgrass resources at Egg Island, and had concluded that some benthic organisms would be impacted. However, data on the extent of mapped eelgrass resources was not provided.
c. The September 7, 2007 staff report stated that Cape Wind should demonstrate consistency with this standard through the provision of field verified SAV maps for the entire cable route within state waters, demonstrate the public benefit of the project, and that no feasible alternative exists.
d. At the September 11, 2007 Subcommittee meeting, John Ramsey stated that Cape Wind had adequately characterized eelgrass around Egg Island in Lewis Bay, but that a comparable level of detailed analysis of eelgrass resources was warranted for the length of the cable route within state waters to meet the standard. At the September 11, 2007 Subcommittee meeting, Cape Wind testified that they have done detailed study at Egg Island, and that Cape Wind will use real time modeling to evaluate water quality impacts during dredging. However, staff testified that real time modeling will not identify eelgrass resources in advance of construction.
e. In their September 18, 2007 response, Cape Wind stated that they used mapped data, and a geophysical analysis along the cable route to evaluate eelgrass resources. They stated that they would evaluate eelgrass resources by use of aerial photography along the route prior to cable installation. They referenced the survey work conducted around Egg Island, and the EFSB's requirements for avoiding eelgrass impacts during construction near Egg Island.
f. During the September 20, 2007 Subcommittee meeting, John Ramsey testified that the eelgrass data at Egg Island was adequate, but that Cape Wind's reliance on the DEP aerial photo mapping of eelgrass resources was inadequate to assess impacts to eelgrass for the remainder of the cable route, and that additional ROV or diver surveys are necessary to evaluate presence

of eelgrass. Cape Wind stated that they would conduct pre-construction eelgrass surveys by aerial photography, followed by diver surveys during installation, as necessary. The Subcommittee specifically requested that Cape Wind complete a Submerged Aquatic Vegetation survey using divers prior to installation along the entire cable route, not just in Lewis Bay.

g. In their September 22, 2007 response, Cape Wind agreed to expand the EFSB's eelgrass survey requirements, including aerial photography in the month of July prior to construction, and diver surveys during construction, for the entire cable route within state waters.

h. At the September 24, 2007 Subcommittee meeting John Ramsey again addressed the inadequacy of present eelgrass data for the entire cable route within state waters, and testified that replanting eelgrass as mitigation has a limited success rate and that mitigation requiring replacement that is greater than the 1:1 ratio proposed by Cape Wind would be more appropriate. Testimony and discussion as mentioned in Finding 61 (MPS 2.2.3.6) above is also relevant to this MPS, as fluidized sediments from dredging may adversely impact eelgrass resources.

i. At the September 24, 2007 Subcommittee meeting, Cape Wind testified that they felt diver surveys of the cable route were unnecessary at this time. John Ramsey testified that Nantucket Sound is shallow and therefore may support eelgrass, and knowing whether eelgrass resources are present prior to permitting the cable route is critical for determining consistency with this MPS. He stated that even though the adequacy of eelgrass delineation was not previously highlighted as a major review point, it was still significant and warranted Commission review as the Commission should know where eelgrass resources are located and whether they may be impacted by the project.

j. The Subcommittee concluded that verification of the existence and location of eelgrass and establishing the impacts to eelgrass prior to permitting the cable was necessary for determining consistency with the MPS, and the Subcommittee asked Cape Wind to provide the eelgrass survey and to extend the 60-day decision period to allow additional information to determine consistency with this standard to be submitted, which Cape Wind refused to grant.

63. MPS 2.2.3.8, Impacts to fish, shellfish, and crustaceans. This MPS addresses the design and construction of developments to ensure that direct and secondary impacts to fish, shellfish, and crustaceans are minimized. Dredging may directly impact shellfish beds by crushing or dislocating shellfish, and indirectly by burying shellfish through fluidized sediments settling on shellfish beds, or disrupting bottom-dwelling fish species during spawning or other sensitive periods in their life cycles. The proposed cable route will cross known shellfish areas, raising concern of impacts to these resources due to fluidized sediments in the water column from the jet plow activities.

a. The Subcommittee's February 22, 2005 comments to MEPA on the Draft EIR stated that detailed plans would be required to evaluate impacts to shellfish and essential fish habitat during DRI review.
b. In Section 7 of the FEIR, Cape Wind indicated that detailed project plans would be provided to the Commission to facilitate DRI review.
c. The September 4, 2007 staff report states that Cape Wind should provide additional sediment analyses to demonstrate that impacts to fish, shellfish and crustaceans are minimized.
d. At the September 11, 2007 Subcommittee meeting, John Ramsey testified that impacts to these resources could be avoided by avoiding spawning seasons or other sensitive periods, in compliance with state mandated dredging construction windows.
e. In their September 18, 2007 response, Cape Wind indicated that impacts to fish and shellfish resources would be addressed by working with local shellfish constables and avoiding fish spawning seasons by adhering to a four month construction window in Lewis Bay (for submarine cable installation), and declined to provide additional sediment data. No construction window was defined for the portion of the cable installation outside of Lewis Bay.
f. In a letter dated September 20, 2007, the Town of Barnstable raised concerns about the town's ability to meet Total Maximum Daily Loads (TMDLs) for nitrogen in the town's south facing embayments. The letter states that these proposed Massachusetts DEP regulations will be measured based on the health of eelgrass beds and the ability of the shellfish beds to sustain life. The town expressed concern that the cable laying activities would adversely impacts eelgrass and benthic habitat and complicate the town's "ability to meet state-mandated TMDLs".
g. At the September 24, 2007 Subcommittee meeting, John Ramsey also testified that dredging windows should be consistent with protecting all fish, crustacean and shellfish resources, as regulated by Mass DEP (through consultation with Mass Division of Marine Fisheries). He also testified that an assessment of all recreational and commercial shellfish resources along the cable route within state waters should be provided. Cape Wind testified during the September 24, 2007 Subcommittee meeting that these fish and shellfish issues were addressed in the FEIR, that the agents responsible for fisheries impacts have commented on the project, and that impacts are not anticipated. Cape Wind also said that mitigation had been provided for in the MEPA certificate that was earmarked for marine habitat restoration and coastal recreation.
h. The Subcommittee found that the Commission has no way to control disposition of the $10 million in mitigation that Cape Wind agreed to provide in the EOEA Secretary's Certificate on the FEIR dated May 29, 2007, and in the absence of specific information about impacts being mitigated and concrete commitments that this mitigation will address the Commission's standards, the Subcommittee could not determine consistency with the coastal MPSs.

i. The Subcommittee requested that Cape Wind and Commission staff (John Ramsey) meet to discuss details of consistency with this MPS, as well as the other coastal MPSs, and to discuss mitigation, and asked Cape Wind if they would extend the 60-day decision period to allow these discussions to take place. Cape Wind declined to provide an extension.

64. ODRP 2.2.3.13, Subsurface noise impacts to fish and protected species habitat. This ODRP encourages development to minimize subsurface noise impacts to fish and to protected species habitat. Fish spawning activities may be disrupted by noise impacts associated with construction activities. Construction noise may travel many miles underwater, resulting in impacts to fish in state waters from offsite construction (e.g. pile driving of the monopile foundations and cable laying activities).
    a. The Subcommittee's February 22, 2005 comments to MEPA on the Draft EIR stated that additional information should be provided to address the effects of noise in the marine environment.
    b. Cape Wind responded in the FEIR by providing an appendix with species-specific Hearing Threshold Sound Levels.
    c. In the September 4, 2007 staff report, staff recommended that Cape Wind show how noise impacts to fish from construction may be minimized.
    d. John Ramsey testified at the September 11, 2007 Subcommittee meeting that Cape Wind should address how noise impacts may be minimized during spawning seasons and other sensitive periods.
    e. In the September 18, 2007 response letter, Cape Wind indicates that they will minimize impacts to fish from jet plowing operations by completing construction as quickly as possible.
    f. The Subcommittee did not make a conclusion about this item, though they requested that John Ramsey meet with Cape Wind to discuss ways to address consistency with MPS 2.2.3.8, which would also address construction windows to avoid fish spawning.

Wildlife/Natural Resources

Wetlands

65. MPS 2.3.1.3, Utility Installation within wetlands and buffer areas. The MPS allows for utility line installation through wetlands and their buffers, so long as the impacts are minimized.
    a. The Commission staff indicated in the September 4, 2007 staff report that the project complies with this standard.
    b. On September 11, 2007, the Subcommittee discussed the information provided for this MPS and did not request any additional information.

Wildlife and Plant Habitat

66. MPS 2.4.1.2, Clearing of vegetation and alteration of natural topography. This MPS requires clearing of vegetation and alteration of natural topography to be minimized. Installation of the upland cable is proposed within road rights-of-way and utility easements.

a. Based on the proposed installation of the cable within previously disturbed areas or utility easements, Commission staff indicated in the September 4, 2007 staff report that the project complies with this standard.
b. On September 11, 2007, the Subcommittee discussed the information provided for this MPS and did not request any additional information.

67. MPS 2.4.1.4, Rare species habitat. This MPS prohibits development that adversely affects habitat of local populations of rare wildlife and plants. Portions of the upland cable will traverse rare species habitat, as mapped by the Natural Heritage and Endangered Species Program.
    a. Based on information submitted by the Natural Heritage and Endangered Species Program, Commission staff indicated in the September 4, 2007 staff report that the project complies with this standard.
    b. On September 11, 2007, the Subcommittee discussed the information provided for this MPS and did not request any additional information.

68. MPS 2.4.1.6, Invasive species. This MPS requires the preparation of a management plan for DRIs where invasive species are present.
    a. Staff requested the preparation of an invasive species management plan in the September 4, 2007 staff report.
    b. At the September 11. 2007 Subcommittee meeting, staff indicated that an invasive species management plan could be provided as a condition of a decision. At the September 11, 2007 Subcommittee meeting, Cape Wind indicated a willingness to prepare a plan, to be submitted during final design stages.
    c. In Cape Wind's September 18, 2007 response, Cape Wind provided general content of an invasive species plan, and plans for revegetation of disturbed areas.
    d. The Subcommittee did not request any additional information at their September 20, 2007 meeting.

69. MPS 2.5.1.1, Cluster development outside sensitive resource areas. This MPS requires development within Significant Natural Resources Areas (SNRA) to be clustered away from sensitive resources. Installation of the upland cable is proposed within road rights-of-way and utility easements, much of which are located within SNRA.
    a. Based on the proposed installation of the cable within previously disturbed areas or utility easements, Commission staff indicated in the September 4, 2007 staff report that the project complies with this standard.
    b. On September 11, 2007, the Subcommittee discussed the information provided for this MPS and did not request any additional information.

Open Space

70. MPS 2.5.1.3, Open space requirement. This MPS requires developments to provide permanently restricted upland for open space. Installation of the cable within the utility easement and wooded parts of the highway layout constitute

development as defined by the 2002 RPP. Open space is required as mitigation to offset the impacts of all commercial, residential and industrial development on Cape Cod, and to ensure the wildlife habitat, recreational opportunities and the natural character of Cape Cod is preserved.

a. The Subcommittee's February 22, 2005 comment letter on the DEIS/DEIR/DRI stated that the open space requirements for the project would be addressed during DRI review.
b. Cape Wind responded in the FEIR that based on the requirements of the 1996 RPP that they did not believe open space to be required for this project.
c. Commission staff indicated in the September 4, 2007 staff report, that based on the Commission's May 31, 2007 vote to review the project under the 2002 RPP, and based on the RPP definition of development, open space was required for portions of the project, and that Cape Wind should provide an open space proposal.
d. At the September 11, 2007 Subcommittee meeting, staff indicated that Cape Wind should make an open space proposal, though staff acknowledged that given the nature of the project, it was appropriate for the Subcommittee to use their discretion in requiring open space. Staff stated that the proposed excavation within the utility easement would permanently alter wildlife habitat, including mapped rare species habitat, as distinguished from the periodic clearing of vegetation within the easement that maintains the habitat, and as such requiring open space for portions of the project may be appropriate. At the September 11, 2007 Subcommittee meeting, Cape Wind indicated that they did not believe the provision of open space was appropriate for this project.
e. In their September 18, 2007 response letter, Cape Wind stated that they did not believe open space should be required for this project, and further noted that the multiplier for open space suggested by staff was incorrect.
f. At the September 20, 2007 Subcommittee meeting, staff indicated that the open space requirement was at the Subcommittee's discretion for this project. The Subcommittee voted that open space should be required for the utility easement and wooded portions of the Route 6 highway layout. The Subcommittee requested that Cape Wind provide calculations of disturbed area both within and outside SNRA within the NSTAR utility easement and Route 6 layout and that Cape Wind should provide an open space proposal to meet the MPS.
g. In Cape Wind's September 22, 2007 response letter, Cape Wind provided the necessary open space calculations. Cape Wind again indicated that they felt the open space requirement should not be applied to this project.
h. At the September 24, 2007 Subcommittee meeting, staff indicated that the calculations were adequate, and again noted how the provision of open space for this project was distinguished from prior utility projects. The Subcommittee inquired whether Cape Wind would make an open space proposal.

i. At the September 24, 2007 Subcommittee meeting, Cape Wind indicated that they disagreed with the open space requirement for their project, and stated that they would not make an open space proposal.
j. The Subcommittee concluded that open space should be provided for the portions of the project within the utility easement and the wooded portions of the Route 6 highway layout, and that Cape Wind should make an open space proposal.

71. MPS 2.5.1.5, Significant natural and fragile areas. This MPS requires preservation of natural and fragile areas.
   a. Based on the proposed installation of the cable within previously disturbed areas or utility easements, Commission staff indicated in the September 4, 2007 staff report that the project complies with this standard.
   b. On September 11, 2007, the Subcommittee discussed the information provided for this MPS and did not request any additional information.

Air Quality/Noise

72. MPS 2.6.1.1 states *"developments of Regional Impact shall be in compliance with the Massachusetts State Implementation Plan (SIP) and DEP's Air Pollution Control Regulations, 310 CMR 7.00."* The RPP applies this standard to noise impacts from DRIs. As noted in the background document that accompanies the DEP Noise Policy, "noise is a type of air pollution that results from sounds that cause a nuisance, are or could injure public health, or unreasonably interfere with the comfortable enjoyment of life, property, or the conduct of business." The general components of a noise mitigation protocol would begin with either a field survey or calculated estimate of existing and post-project noise impacts. Based on this, mitigation measures are then generally described, including the use of engineering controls on noise sources (such as mufflers, addition of sound proofing materials, or construction of sound barriers) or administrative controls (such as scheduling of work to avoid specific times of day or days of the week when sound impacts might be increased). The protocol, which typically includes input from local officials, includes a procedure for handling noise complaints. The project involves activities that will generate noise, including construction of cofferdam for the submarine cable landfall, and use of construction equipment for its upland installation.
   a. Page 5-213 of the DEIS/DEIR/DRI states "[s]ome construction activity would occur on land in Yarmouth…" where the submarine cable would come ashore to connect to the larger power grid. The DEIS/DEIR further states "[n]either the Town of Yarmouth nor the [Massachusetts Department of Environmental Policy] regulate sound from construction activities." It states the DEIS/DEIR/DRI provide information requested by the MEPA Certificate relative to the Department of Environmental Protection's Noise Policy.
   b. Section 5.11.1.6.2 of the DEIS/DEIR/DRI then provides estimated decibel levels (in dBA) for construction activities for horizontal directional drilling (HDD), installation of the temporary cofferdam to facilitate HDD work, and from overland cable laying using backhoes and excavators. These dBA levels

appear to be in excess of the requirements of the DEP Noise Policy. The DEIS/DEIR/DRI states "noise barrier walls would be constructed at the edge of the HDD pit to shield residences." The DEIS/DEIR/DRI does not appear to address noise impacts from the remainder of upland construction activities to lay cable to the Barnstable Switching Station.

c. The FEIR addresses noise by stating that construction impacts will be temporary. It states that mitigation for noise impacts "would consist of scheduling activities during normal working hours and ensuring that all construction equipment has properly functioning noise mufflers." The FEIR also repeats the information from the DEIS/DEIR/DRI concerning estimated decibel levels and construction of noise barrier walls to shield residences at the edge of the HDD pit.
d. The September 4, 2007 staff report notes that "the applicant needs to provide a narrative plan to address noise impacts from construction activities..." and "needs to confirm that there will be no noise impacts from the project after construction, or describe how any such impacts will be addressed."
e. At the September 11, 2007 Subcommittee meeting, the Commission staff asked the applicant to prepare a narrative of how noise complaints might be addressed so as to compliment the Cape Wind estimated noise levels provided. Cape Wind committed to providing a narrative to address these questions and those raised in the September 4, 2007 staff report.
f. In their September 18, 2007 letter, Cape Wind cited sections of the DEIS/DEIR/DRI discussing the construction noise measurements and generally described a process for noise complaints during construction and that the project would comply with the State Implementation Plan and noise impacts would be temporary.
g. At the September 20, 2007 Subcommittee meeting, staff testified that the Subcommittee could condition a decision to ensure compliance with this standard. Ms. Suzanne MacAuliffe, Yarmouth Selectman, said that the town has concerns about changes in the project since the Host Agreement and that noise was an issue they were concerned about and wanted input on the noise complaint procedures and timing for construction. Mr. Charles McLaughlin, representing the Town of Barnstable, noted that the town would also like to have discussions on this topic with Cape Wind. Staff testified that having details of the noise procedures agreed with the towns prior to a decision would be preferable to leaving any agreement until before construction. The Subcommittee specifically asked Cape Wind to submit a noise mitigation protocol and complaint procedure for neighbors for the cable route, to be developed in consultation with the Commission staff and the affected towns.
h. In their September 22, 2007 letter, Cape Wind committed to developing a protocol and complaint procedure with the towns and Commission prior to construction, but did not provide the information requested, rather Cape Wind generally described the procedure outlined in the DEIS/DEIR/DRI.
i. At the September 24, 2007 Subcommittee meeting, Ms. Suzanne McAuliffe expressed concern over the lack of information available at the time and that the project had changed since the Host Agreement.

j. The Subcommittee found that Cape Wind has not provided the information requested, that is, a noise mitigation protocol and complaint procedure for neighbors to be developed in consultation with the Commission staff and the affected towns and continued to request that Cape Wind submit this information.

Economic Development

73. MPS 3.3.1, Economic Impact; Data Required & Analysis. This MPS pertains to projects that are commercial/industrial in nature. The Commission's goal in establishing this standard is to determine if the proposed project is compatible with the Cape's environment, cultural, and economic strengths to ensure a balanced economy. The standard requires the Commission to take into account net job creation, fiscal impact, employee benefits, housing needs, and services and/or products provided. The applicant is required under the standard to provide sufficient information for this assessment to occur.

a. The Subcommittee's April 5, 2002 comment letter to MEPA on the ENF recommended that the applicant provide the standard components of a market study including identification of primary, secondary and tertiary markets, the level of existing market demand, the project's expected market share, and the project's impact on the price of energy. Similarly, the April 5, 2002 Subcommittee letter requested detailed information on employment, wages, benefits, training opportunities, and employment of Cape Cod residents; all necessary for a standard economic impact analysis. The Subcommittee also requested a detailed fiscal impact analysis of the project, a cost/benefit analysis of its health impacts, and its economic impact on tourism.

b. In the DEIS/DEIR/DRI, Cape Wind submitted an economic and fiscal impact analysis completed for the applicant by Global Insight. The study identified the Region of Impact (ROI) as Barnstable County. The ROI is generally understood to be the geographic location within which the majority of work will take place and thus the region within which the direct, indirect, and induced economic benefits of the project will occur. Therefore, as the ROI was identified as Barnstable County, the majority of employment and spending associated with the Cape Wind project would be expected to occur within Barnstable County. According to the report, Barnstable County would experience a direct increase in employment of 75 jobs while the project was being built; the spending associated with these jobs would multiply the employment effect resulting in a total theoretical increase of between 500 - 1000 new full-time jobs within the ROI. During the operations phase, the study estimated that 154 jobs would be directly created; no estimate of indirect and induced employment was provided. The study also included a fiscal impact analysis of the project on the towns of Yarmouth and Barnstable. The study projected an increase in property tax revenue ($62,500 Barnstable, $217,200 Yarmouth) and claimed no increase in services would be required as a result of the project. The DEIS/DEIR/DRI also included a market study completed by La Capra, that stated that the project would reduce energy prices and save New England ratepayers approximately $25 million/year.

c. The Subcommittee's February 22, 2005 comment letter to MEPA on the DEIS/DEIR/DRI identified concerns with the Global Insight and La Capra studies and requested specific information as to the impacts of the project in Barnstable County. The letter specifically asked Cape Wind for information used in developing their economic model, comparisons of economic impacts from alternatives, clarification concerning contradictory information on the Region of Impact, documentation of the types of jobs, wages, and benefits to be created on Cape Cod, fiscal impact analysis.
d. The FEIR responded directly to the Subcommittee's requests above by stating that "Global Insight and LaCapra are both well respected independent consultants whose models are proprietary and who utilize... the best available data..." and that the onshore facilities for the proposed project "are likely to be located in Barnstable County." Cape Wind declined to provide comparative analyses and did not fully discuss the designation of Barnstable County as the Region of Impact relative to the location of actual impacts. No changes were made to the Global Insight economic and fiscal impact study or the La Capra market study as a result of the Subcommittee's comment letter.
e. The Subcommittee's March 21, 2007 comment letter to MEPA on the FEIR again requested economic information to support the public to private benefit to be realized by the project as proposed. The Subcommittee specifically requested that Cape Wind accurately allocate the impacts of the project to different geographic locations inside and outside Massachusetts.
f. In the Commission's June 8, 2007 letter, Cape Wind was notified that the DRI application requires the applicant to provide economic information as detailed in the Sections (d) and (e) of the DRI submittal requirements.
g. In their June 25, 2007 letter, Cape Wind referred staff to the economic impact analysis by Global Insight included in the DEIS/DEIR/DRI and outlined the number of workers (75 total) Cape Wind expected during different parts of the construction process. The letter also stated that wages would be at the "prevailing rates associated with the various crafts involved." Cape Wind said that they did not expect any permanent jobs to be created in Barnstable County as a result of the proposed cable installation project. Cape Wind repeated the fiscal impact information provided in the FEIR, estimating an increase in revenues and stating that any short-term demands on public services were to be compensated. The letter also stated that the project as proposed would not increase demand for municipal services.
h. The September 4, 2007 staff report identified the additional economic information that would be needed from Cape Wind in their DRI application to minimally comply with the information requirements of MPS 3.1.1.
i. At the September 11, 2007 Subcommittee meeting, staff testified that the economic and fiscal information previously requested was needed to determine both the positive and negative impacts of the proposed project on the region. At the September 11, 2007 Subcommittee meeting, Cape Wind responded that much of the requested information was premature, that the jobs would be union jobs, that Cape Wind would try to use a local subcontractor during the upland phase of construction, and that Cape Wind would use local

labor to the extent that the local labor were capable of performing the work required. Cape Wind also stated that it had not updated the Global Insight study to address the discrepancy between the identified area of impact and the location of the actual impacts. At the September 11, 2007 Subcommittee meeting, the Subcommittee asked what financial benefit the Cape Wind project might have on Cape resident's electricity bills. Cape Wind replied that there would be no guarantee of lower bills for Cape residents. The Subcommittee reiterated their ongoing request that Cape Wind provide information on economic benefits and the extent to which these benefits would accrue to Barnstable County.

j. In their September 18, 2007 response, Cape Wind provided no new information but did submit a letter from a selectman of the Town of Dighton, MA where EMI, Cape Wind's partner corporation, constructed a natural gas peak plant.

k. It is anticipated that the DEIS being prepared by the MMS will include a detailed economic analysis for the proposed project, including an economic assessment of the alternatives and an analysis of the economic benefits claimed. However, Cape Wind has refused to grant an extension to the 60-day decision period to allow the Commission to receive and review this information to make its determination regarding probable economic benefits. The DEIS is expected to include detailed analysis that would allow for this review.

74. ODRP 3.1.3; 3.3.1, 3.3.2, 3.3.3, 3.3.4 Net economic benefits of proposed development to regional economy. Information relative to these ODRPs is important in the Commissions determination of the overall economic benefits and/or detriments of the project.

a. The September 4, 2007 staff report explained the range of economic impacts included in the ODRPs that if realized could be considered benefits in the Commission's overall analysis of benefits and detriments. The report outlined the information received to date and additional information the applicant could provide if they wished to accrue benefits.

b. At the September 11, 2007 Subcommittee meeting staff further explained what potential economic benefits the applicant could seek if information where provided. Staff specifically noted that under the RPP any financial contribution to affordable housing or workforce training related to the project's impacts could be considered benefits of the project. The Subcommittee stated that Cape Wind could benefit from supplying further information in response to the economic ODRP.

c. In their September 18, 2007 response, Cape Wind provided a copy of Cape Cod Community College's press release of August 28, 2003 announcing Cape Wind's financial contribution to the College in an amount of $100,000 for the development of a renewable energy curriculum. The curriculum would be designed to train a workforce to serve the renewable energy technology industry in the areas of solar, alternative fuels, wind, tidal, and biomass.

d. At the September 20, 2007 Subcommittee meeting, staff reviewed the additional information provided by Cape Wind. Staff noted that Cape Wind's financial contribution to the Cape Cod Community College supported training specific to the larger project and not the cable installation phase.
e. The Subcommittee did not reach a determination on whether these ODRP could be considered a benefit, as Cape Wind refused to extend the 60-day decision period to allow the submission and consideration of additional information to determine the projects impacts and ultimately whether the probable benefits of the project outweigh the probable detriments.

Transportation

75. ODRP 4.1.2.11 states that "Development and redevelopment should make provisions for or contribute to information-based technologies in the region that assist travelers in making efficient travel decisions regarding travel mode and time of travel." The installation of the power cable will involve construction along roadways and intersections.
    a. Cape Wind submitted a traffic management plan dated December 5, 2003 and revised April 13, 2007 that identifies roadways that may be affected by the installation.
    b. In the September 18, 2007 responses, Cape Wind agreed to have the contractor provide advance notification to local media outlets and specifically to the Commission for announcement on the Transportation Information Center prior to the closure (including partial/lane closures) of any major roadway.
    c. The Subcommittee did not reach a determination on whether this ODRP could be considered a benefit, as Cape Wind refused to extend the 60-day decision period to allow submission and consideration of additional information to determine the projects impacts and ultimately whether the probable benefits of the project outweigh the probable detriments.

Hazardous materials and wastes

76. MPS 4.3.1.1, Minimization of hazardous materials and wastes and 4.3.1.2, Compliance with Hazardous Waste Regulations. The MPS is intended to help DRI applicants adopt a source reduction, planning and prevention approach to hazardous materials and waste management and emergency response for the construction/land clearing and post-construction phases of a project. Doing so helps advance a pollution prevention ethic, and to prevent workplace accidents, worker injury, property damage, financial losses and releases of hazardous materials and wastes into the environment. Plans that are prepared to address hazardous materials and waste source reduction/minimization typically include a description of all hazardous materials and hazardous wastes that are relevant to the workplace, including types and quantities of each anticipated to be used, handled, stored or disposed of, and the steps anticipated to minimize that use, handling, storage or disposal. These plans also address safe handling, provision of Materials Safety Data Sheets, plan implementation responsibilities, detection and protection methods. These plans would also address source

reduction/minimization and hazardous waste management. The Commission's Technical Bulletin 03-001 describes these requirements more fully.

The project involves installation of an upland electrical cable that will involve trenching, directional drilling, backfilling, grading and seeding. These processes will involve the use of oil, and construction equipment, including fuel for this equipment. DRI applicants are required to provide information about what types and amounts of hazardous materials and/or hazardous wastes the project will generate and be disposed of from its construction, long-term maintenance, and from decommissioning and how they are minimized. Large parts of the proposed cable route will be located in Wellhead Protection Areas that contribute to the Cape's Sole Source Aquifer.

a. Section 4.6 of the DEIS/DEIR/DRI briefly describes some of the hazardous materials and wastes that may be associated with the wind turbines and service platform, but not the cable laying activities within the three-mile limit.
b. In the February 22, 2005 Subcommittee letter to MEPA on the DEIS/DEIR/DRI, comment HM1 notes that Section 4.6 of the DEIS/DEIR/DRI "discusses the project's use of hazardous materials but does not address how to minimize that use, either from construction activities or project operation" and that "[t]his issue needs to be more fully addressed." Comment HM2 notes "[t]he DEIS/DEIR does not adequately address the project's generation of hazardous waste either from construction or operation of the facility."
c. The FEIR[11] addresses hazardous materials and wastes that may be associated with the wind turbines and sea-based equipment. The FEIR states the Minerals Management Service "requires that certain plans be prepared to address potential oil spills, operational emergencies and project safety systems." The FEIR contains draft copies of various plans; however, none of them address how to minimize the project's use of hazardous materials or wastes. The FEIR states '[t]he Proponent will use the minimum amount of hazardous materials possible to build and operate the Project" [12] and also states the transmission line will not result in the use or storage of hazardous materials or generation of hazardous waste, but also notes the project will involve construction equipment, including the refueling of such equipment[13]. Page 7-73 of the FEIR also notes that some welding and X-ray work may be needed in the underground vaults.
d. In the September 4, 2007 staff report, Commission staff noted that "based on the information submitted to date, the applicant needs to address minimization of the project's use of hazardous materials, and to reduce its generation of hazardous wastes." The September 4, 2007 staff report also notes that "[t]he applicant also needs to provide information on the types and quantities of hazardous waste, and address compliance with 310 CMR 30.000."

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[11] Section 2.2.6 - FEIR
[12] Page 7-72, FEIR
[13] Page 7-30, FEIR

e. At the September 11, 2007 meeting, the Subcommittee requested the additional information identified in the September 4, 2007 staff report and representatives of Cape Wind said at this meeting that they would respond to the staff report.
f. In their September 18, 2007 letter, Cape Wind said the quantity of hazardous materials could not be precisely quantified, but would be limited to that necessary to install the cable. Cape Wind also stated that the use and disposal of hazardous materials and wastes will be managed according to best management practices that will be specified in plans such as an Emergency Response Plan that will not be finalized until prior to the start of construction, which is after the Commission review.
g. At the September 20, 2007 meeting, the Subcommittee requested that Cape Wind provide a final Emergency Response Plan for their review and consideration to identify activities using hazardous materials and wastes, following discussions with the Towns of Yarmouth and Barnstable and Commission staff.
h. In their September 22, 2007 letter, Cape Wind stated that it is not prudent to finalize the Emergency Response Plan and that consultation with the towns will happen later in the development process.
i. At the September 24, 2007 meeting, staff testified that it is typical for the Commission to require more detailed plans that identify the hazardous materials quantities to address the standard before a decision. Staff testified that it depended on the amount of information in the draft plan and the level of comfort that the Subcommittee and towns had with that level of information. Suzanne McAuliffe, Yarmouth Selectman, noted the town needed more information, needed help from the Cape Cod Commission on the issue of emergency response and requested a more fully developed plan. The Subcommittee finds that a more fully developed plan needs to be prepared for the Commission's consideration that included Commission staff and town input, and that the location in a Wellhead Protection Area warranted more thorough coordination and a delineation of the hazardous materials and wastes to be used.
j. Information that is anticipated to be included and addressed as part of the MMS EIS process would likely provide information to address MPS 4.3.1.1 and MPS 4.3.1.2. While the Subcommittee requested an extension to its 60-day decision period in order to receive and consider this as part of its review, Cape Wind has declined to grant an extension. Therefore, this information was not available for consideration by the Commission through its DRI process.

77. MPS 4.3.1.3 of the 2002 (revised) RPP states *"development and redevelopment that involves the use, treatment, generation, storage, or disposal of hazardous wastes or hazardous materials, with the exception of household quantities, shall not be allowed within Wellhead Protection Areas."* MPS 2.1.1.2.F.3 applies this same standard to those areas mapped as Potential Public Water Supply Areas (PPWSA). The 2002 (revised) RPP defines a "household quantity" as any or all

of the following: (a) 275 gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator; and (b) 25 gallons (or the dry weight equivalent) or less of other hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator; and (c) a quantity of hazardous waste at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.353.

a. In the February 22, 2005 Subcommittee Comment Letter to MEPA on the DEIS/DEIR/DRI, comment HM3 notes in part (3) that "it is typical for heavy construction equipment (dozers, back hoes) to be fueled and serviced many times during a project." The February 22, 2005 Subcommittee Comment Letter to MEPA also states "[o]n-site equipment maintenance should be restricted to the minimum necessary, and to locations outside the Wellhead Protection Areas to comply with regional standards."
b. Section 3.19.3.1 of the FEIR states the horizontal directional drilling operation will use a drilling fluid composed of water (approximately 95%) and bentonite clay (approximately 5%). The FEIR also refers to draft plans concerning oil spill response, safety, fire prevention and related topics for the sea-based infrastructure (*i.e.* wind turbines, service platform) in response to MPS 4.3.1.3. Concerning construction of the upland electrical cable, the FEIR[14] also states "[re]fueling of [construction] machines and equipment will not occur within wetland resource areas and Yarmouth wellheads."
c. The September 4, 2007 staff report notes "this MPS prohibits the use of hazardous materials and wastes in Wellhead Protection Areas in excess of household quantities." It also notes "[c]onstruction equipment is often fueled and serviced at the job site" and that "[t]he project should not violate the *household quantity* limit" and that "based on past Commission decisions, containment is not an acceptable method of achieving compliance with this MPS."
d. At the September 11, 2007 Subcommittee meeting, staff described how construction equipment is typically fueled and serviced at the job site. Staff described Cape Wind's response in the FEIR concerning equipment fueling and refueling, and asked Cape Wind whether it was feasible to limit fueling to areas outside of Wellhead Protection Areas. Chris Rein of Cape Wind said fueling would potentially occur in areas delineated as Zone IIs, and that Cape Wind would reword this commitment.
e. In their September 18, 2007 letter, Cape Wind acknowledges that "roughly half of the [upland] cable will be installed within Zone II and Wellhead Protection Area." The letter also acknowledges that hazardous materials will be used during the construction but that details that would show compliance with this standard would be included in plans to be completed prior to construction.
f. At the September 20, 2007 Subcommittee meeting, staff testified that the issue of equipment fueling and the limit on hazardous materials and wastes had been discussed in a September 17, 2007 telephone call with Chris Rein of

[14] Page 7-30 and 7-73 FEIR

Cape Wind. Staff testified that in past projects the Commission has required that fueling take place outside of Wellhead Protection Areas, and noted that Cape Wind has stated it will do this.

g. In their September 22, 2007 letter, Cape Wind did not directly address the use of hazardous materials or hazardous waste, or Wellhead Protection Areas. The letter indicates that details on how hazardous materials and wastes will be managed and that would show compliance with this standard would be included in plans to be completed prior to construction.
h. At the September 24, 2007 Subcommittee meeting, staff expressed concerns about MPS 4.3.1.3 that limits the quantity of hazardous materials and wastes in Wellhead Protection Areas, and whether the project could adhere to these limits during construction.
i. The Subcommittee requested that a more fully developed plan be prepared for consideration by the Commission that included Commission staff and town input, and that the location in a Wellhead Protection Area warranted more thorough coordination and a delineation of the hazardous materials and wastes to be used.

78. MPS 4.3.1.4 states, *"development and redevelopment shall prepare an emergency response plan that identifies potential threats to employee safety and health and threats of environmental releases and describes ways to reduce those threats."* Components of an emergency response plan typically include a description of all hazardous materials and hazardous wastes that are relevant to the workplace, including types and quantities of each anticipated to be used, handled, stored or disposed of, and the steps anticipated to minimize that use, handling, storage or disposal. Emergency Response Plans would also typically include plan implementation responsibilities; detection and protection methods; contact information for local emergency responders including DEP; tasks to be accomplished in the emergency response; and a procedure for describing the emergency event. The Commission's Technical Bulletin 03-001 describes these requirements more fully. The project will involve activities that pose potential threats to employee safety and health, and threats of environmental releases.

a. Section 4.6 of the DEIS/DEIR/DRI briefly describes some of the hazardous materials and wastes that may be associated with the wind turbines and service platform.
b. In the February 22, 2005 Subcommittee letter to MEPA on the DEIS/DEIR/DRI, comment G7 notes in part "a number of reports referenced in the DEIS/DEIR are noted as being available in the future...namely the Spill Prevention Control and Countermeasures Plan (SPCC)." In addition, comments HM3 and HM4 state the "project's spill containment and response plans should be presented..." and that response protocols should be identified.
c. The FEIR refers to draft plans concerning oil spill response, safety, fire prevention and related topics for the sea-based infrastructure (*i.e.* wind turbines, service platform) in response to MPS 4.3.1.4.

d. The September 4, 2007 staff report notes "this MPS requires applicants to prepare an emergency response plan" and that the MPS "applies to both the construction phase and after it is completed."
e. At the September 11, 2007 Subcommittee meeting, the Subcommittee Chair Elizabeth Taylor "said that based on Monday's testimony, local emergency response teams won't be able to respond." Chris Rein of Cape Wind said Cape Wind "will have emergency response plan developed." The Subcommittee requested that the information identified in the September 4, 2007 staff report be provided.
f. In their September 18, 2007 letter, Cape Wind states that the information needed to meet this MPS will be contained within the final Emergency Response Plan, which would be completed after the Commission had completed its review and prior to construction.
g. At the September 20, 2007 Subcommittee meeting, Chris Rein stated that Cape Wind commits to finalizing detailed emergency response plans prior to construction, a time period after the Commission review. Commission staff testified that on other projects including the Barnstable Municipal Airport, the Commission required the applicant to provide updated information to the towns the project impacted on an ongoing basis. The Subcommittee noted that the draft emergency response plan had incorrectly identified the appropriate Fire Department and expressed concern that there may be other inaccuracies in the report.
h. In their September 22, 2007, Cape Wind did not come forward with additional detail for the Subcommittee's consideration stating that they believed that it is not prudent to finalize the Emergency Response Plan at this stage.
i. At the September 24, 2007 Subcommittee meeting, staff testified that the FEIR contains several draft plans that deal with related aspects of emergency response, worker health and safety and related issues.
j. The Subcommittee requested that a more fully developed plan be prepared for the Subcommittee's consideration that includes Commission staff and town input.
k. Information that is anticipated to be included and addressed as part of the MMS EIS process would likely provide information to address MPS 4.3.1.4, however, this information was not available for present consideration by the Commission through its DRI process.

Historic Preservation/Community Character

79. MPS 6.1.1, Historic structures. This MPS requires maintenance of an historic structure's key character-defining features. Historic structures are critical components of Cape Cod's heritage and economy.
    a. Cape Wind submitted information in the FEIR that demonstrates that there will be no physical alterations to historic structures as part of this project.
    b. In the September 4, 2007 staff report, Commission staff noted that while there are inventoried historic structures adjacent to the proposed path of the upland cable, the cable will be buried under existing road rights-of-way or easements

and the historic structures are set back from the road surface and that the staff feels that the proposed project is consistent with the MPS.

c. On September 11, 2007, the Subcommittee discussed the information provided for this MPS and did not request additional information.

80. MPS 6.1.2, Historic and cultural landscapes. This MPS requires the distinguishing original features of an historic or cultural landscape to be preserved and new development adjacent to or within historic or cultural landscapes to be located to retain the distinctive qualities of such landscapes and maintain the general scale and character-defining features of such landscapes. The Cape's historic and cultural landscapes are critical to maintaining the region's unique character and historic significance.

a. Cape Wind submitted information in the FEIR concerning the route of the proposed cable that demonstrates that the proposed underground cable location will not impact the distinguishing original features of an historic or cultural landscape.

b. In the September 4, 2007 staff report, Commission staff noted that the proposed installation of the submarine and upland cables is consistent with this MPS. The Commission staff also acknowledged that both Massachusetts Historical Commission and the Cape Wind's consultant have determined that the proposed wind turbines will have an "adverse effect" (as defined by the National Historic Preservation Act) on four National Register Historic Districts, ten individual National Register properties, and one National Historic Landmark on the Cape. The adverse effect is from the introduction of visual elements that will diminish the integrity of the historic properties' settings. Federal Agency review of the project is expected to address mitigation of this adverse effect on Barnstable County resources. The DEIS prepared by the MMS is expected to include a discussion of potential means of avoiding the identified "adverse impact", including an exploration of alternate configurations of the proposed turbines, as well as possible mitigation for the adverse impact.

c. The Subcommittee requested from Cape Wind that it extend the 60-day decision period for the purpose of receiving the DEIS so that the project's impacts could be analyzed. Cape Wind refused.

81. MPS 6.1.3, Archaeological sites. This MPS requires developments on or adjacent to known archaeological sites to be configured to maintain and/or enhance such resources. Archaeological sites are essential to understanding the region's pre-history and cultural heritage.

a. Cape Wind provided information in the EIR regarding land-based archaeological resources, describing an archaeological survey of the proposed upland route, stating that the proposed cable will be buried under existing roadways and public utility rights-of-way in Yarmouth and Barnstable. The Massachusetts Historical Commission (MHC) determined that the proposed upland cable will not impact any known archaeologically sensitive areas.

b. Cape Wind provided information in the EIR regarding impacts to underwater archaeological resources, the EIR details underwater archaeological investigations and the FEIR describes how Cape Wind altered its proposal by relocating several turbines and underwater cables to avoid sensitive underwater archaeological sites identified by the Massachusetts Board of Underwater Archaeological Resources (MBUAR). The MBUAR stated in a letter dated March 20, 2007 that the proposed layout of the project, both wind turbine generators and cables, has been revised to avoid all areas identified as potentially archaeologically sensitive.
c. In the September 4, 2007 staff report, Commission staff noted that the staff believed that the proposed project is consistent with this MPS.
d. On September 11, 2007, the Subcommittee discussed the information provided for this MPS and did not request additional information.

82. MPS 6.2.10, Lighting. This MPS states, "exterior lighting in new development or redevelopment shall comply with standards including design, light source, total light cutoff, and foot-candle levels defined in the Exterior Lighting Design Standards, Technical Bulletin 95-001." The MPS is aimed at limiting glare and off-site light trespass to adjacent properties and roads. Uncoordinated and excessive exterior lighting can disrupt night-time aesthetics, and may compromise safety and be considered a nuisance. The components of a lighting plan for this kind of project generally include input from local officials and a description of the lights to be used, when nighttime work is expected to occur, methods for limiting detrimental impacts to nighttime aesthetics, such as shielding, timers or motion sensors, and a procedure for addressing complaints. The cable's installation may involve or necessitate use of nighttime work lighting, particularly if construction is done in during the fall and winter months.
a. The DEIS/DEIR/DRI does not address possible lighting impacts from project construction.
b. Cape Wind states in the FEIR[15] that construction of the land-based project components "may require work lights at the end of the workday," which the FEIR states is anticipated to be 7:00 AM to 5:00 PM.
c. The September 4, 2007 staff report, Commission staff noted that the "installation of the cable may involve or necessitate the use of nighttime work lights, particularly if construction is done during the fall and winter months."
d. At the September 11, 2007 Subcommittee meeting, staff testified that a narrative of the proposed construction lighting was needed. The Subcommittee asked for a response to the lighting issues.
e. In Cape Wind's September 18, 2007 response, Cape Wind outlined a preliminary complaint procedure.
f. At the September 20, 2007 Subcommittee meeting, the Subcommittee requested that Cape Wind submit a plan for addressing lighting impacts along the cable route and that the plan be developed in consultation with the towns of Yarmouth and Barnstable and Commission staff.

[15] Page 7-79 of the FEIR

g. In their September 22, 2007 letter, Cape Wind committed to developing a plan for lighting with the towns and Commission prior to construction, which would occur only after the Commission review of the project.
h. The Subcommittee concluded that a lighting plan should be developed in consultation with the towns of Yarmouth and Barnstable and that an extension of the 60-day decision period is necessary to receive this additional information and consider the impacts for purposes of compliance with this standard.

CONCLUSION

The Cape Cod Commission, through its Subcommittee, put forth a concerted effort to conduct a substantive review within the statutory time frame it had to complete such a review. The Commission's usual statutory time frame for review was shortened by over four months because Cape Wind did not provide a completed application until August 3, 2007. The Commission's time clock for review began on March 29, 2007 when the Secretary of EOEA issued a certificate on the FEIR, finding that it complies with MEPA regulations. However, as it requires of all applicants, the Commission required Cape Wind to, among other things, to show its legal right to utilize all portions of the project route as part of its application.

When this title information was provided to the Commission on August 3, 2007, the Commission immediately met with the applicant and noticed multiple public hearings and meetings. During a thirteen business day window, the Subcommittee met six times to conduct public meetings and hearings. During the course of its review, it became clear that additional information, relevant and necessary to the Commission's review of the project's impacts to the Commission's statutory interests was outstanding. The Subcommittee, as it progressed with its review, identified this additional information to Cape Wind and requested that it immediately be provided, or, in the alternative, that Cape Wind grant an extension to the sixty day decision period so that Cape Wind would have time to obtain and submit the information and the Subcommittee would have time to review it (much of this information was requested several times by staff in advance of the Subcommittee's proceedings).

While Cape Wind did grant one, two week extension, it did not submit the full body of information requested. Additional requests for extensions were declined by Cape Wind, despite the expectation that the MMS DEIS, due in November 2007, is expected to contain much of the relevant information requested by the Subcommittee and the staff.

Even though its regulations require advance submission of materials, the Subcommittee frequently waived this requirement in an attempt to continue its review. When it became clear that despite its best efforts that the Subcommittee could not complete its review due to the lack of timely information and time for review, it forwarded its recommendation for a procedural denial without prejudice.

The Subcommittee requested additional information from Cape Wind relative to the Minimum Performance Standards. The Subcommittee requested this additional information so that it could assess the impacts of the proposed development. The Subcommittee specifically requested that Cape Wind extend the 60-day decision period in order that it be given the opportunity to receive the requested information and conduct their review.

Based on the findings above, the Commission hereby concludes:

Because Cape Wind refused to agree to an extension of time to the 60-day decision period, and as insufficient information was provided to the Subcommittee to establish consistency with many of the MPSs of the RPP, the Commission cannot determine whether the proposed development is consistent with all the Minimum Performance Standards of the Regional Policy Plan.

Because Cape Wind refused to agree to an extension of time to the 60-day decision period, and insufficient information was provided to the Subcommittee to establish consistency with the MPSs of the RPP, the Commission did not reach a point where they could deliberate on: whether the probable benefits of the proposed project outweigh the probable detriments; whether the proposed development is consistent with local development bylaws; whether the proposed project is consistent with the Barnstable Local Comprehensive Plan. Therefore the Commission makes no finding on these statutory criteria. The Commission finds that the regulations approved or adopted by the Commission pursuant to Section 11 of the Act relating to the Barnstable DCPC are not applicable.

The Cape Cod Commission hereby denies without prejudice the application of Cape Wind Associates, LLC, for the Cape Wind project as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended.

Should Cape Wind Associates provide the information requested by the Commission as part of its DRI review, the Commission can continue with its review of the project subject to a resubmitted DRI application. The Commission anticipates that some of the information it has requested but not received may be prepared for, or contained in, the MMS EIS. If this is so, upon receipt of a resubmitted application by Cape Wind, the Commission is prepared to reconsider this project in light of this additional information and the DRI review standards of the Act.

Pursuant to Section 17(b) of the Cape Cod Commission Act, any party aggrieved by a Commission decision on a Development of Regional Impact may appeal the Commission's decision to the Barnstable County Superior Court or the Land Court.

Robert A Jones

Robert Jones, Chair

10/18/07

Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. 10/18, 2007

Before me, the undersigned notary public, personally appeared Robert Jones in his capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [_] photographic identification with signature issued by a federal or state governmental agency, [_] oath or affirmation of a credible witness, or [✓] personal knowledge of the undersigned.

Gail P. Hanley

Notary Public

My Commission Expires: 10/13/11

APPENDIX A

CAPE COD COMMISSION

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BARNSTABLE, MA 02630
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Minutes

Meeting of
Cape Cod Commission

May 17, 2007

The meeting was convened at 1:30 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	√
Bourne	Carol Tinkham	√
Brewster	Elizabeth Taylor	√
Chatham	Florence Seldin	√
Dennis	Brad Crowell	√
Eastham	Joy Brookshire	Absent
Falmouth	Jay Zavala	√
Harwich	Leo Cakounes	√
Mashpee	Ernest Virgilio	√
Orleans	Frank Hogan	√
Provincetown	Roslyn Garfield	√
Sandwich	Bob Jones	√
Truro	Susan Kadar	Absent
Wellfleet	Alan Platt	√
Yarmouth	Chuck Lockhart	√
County Commissioner	William Doherty	√
Minority Representative	John Harris	√
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	√

The meeting of the Cape Cod Commission was called to order on Thursday, May 17, 2007 at 1:30 p.m. in the Barnstable Town Hall Hearing Room in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Margo Fenn said due to today's lengthy meeting she would waive her report.

■ CAPE COD AGGREGATES AND BJs WHOLESALE CLUB APPROVAL-NOT-REQUIRED/ DEVELOPMENT OF REGIONAL IMPACT (DRI) MODIFICATION

Bob Jones read the hearing notice opening the hearing at 1:30 p.m.

The subcommittee reviewed the meeting minutes of April 19, 2007. Chuck Lockhart moved to approve the minutes. Roy Richardson seconded the motion. The minutes were unanimously approved.

Project Planner Martha Hevenor said the full Commission will be voting on two major modifications to DRI decisions for Cape Cod Aggregates and BJs Wholesale Club. Ms. Hevenor said in March 1998 the Commission approved the Cape Cod Aggregates DRI, which allowed for the subdivision of 108 acres of land off of Kidd's Hill Road in Hyannis. In April 2003, the Commission approved the BJs Wholesale Club DRI which allowed for the construction of an approximately 69,000 s.f. retail store on a 15.78 acre site on Attucks Lane (then Hadaway Road) in Hyannis. She said the BJs Wholesale Club site is part of the Cape Cod Aggregates subdivision plan (Lots 7 and 8). She said the applicant proposes to divide the 15.78-acre parcel where BJs Wholesale Club is located into two lots consisting of an 11.66 acre Lot 1 and a 4.12 acre Lot 2. She said the lots are configured such that Lot 1 would contain BJs and Lot 2 would be a new vacant lot. She said both lots would have their access on Stub Road A which currently serves as the access for BJs. She said no building plans are proposed for Lot 2 at this time and noted that the applicant anticipates that a building will be proposed there in the future. Ms. Hevenor said on November 13, 2006 the Commission's Regulatory Committee determined that the proposed division of land constitutes a major modification to the previously approved DRI and said the Commission voted to assert jurisdiction over this project. She described changes to the Findings and Conditions in the draft decision and said the subcommittee voted unanimously to approve both decisions.

Attorney John Kenney, representing the Tarkinow Group, said there is nothing proposed to be built at this time. He said if future construction is proposed, then his client will come back to the Commission for review. He said his client accepts the draft decisions.

Leo Cakounes inquired about Stub Road A access.

Attorney Kenney said the proposed new lot has adequate frontage on the road and said Stub Road A would provide access for both lots.

Bob Jones inquired as to why the proposed modification was not predicted in the original proposal.

Attorney Kenney said there was a future building proposed for the site but it was removed because it caused confusion. He said it was there originally but then removed.

Chair Brad Crowell called for comment from federal, state, municipal entities and the general public.

Elizabeth Taylor moved to close the hearing and the record. Alan Platt seconded the motion. The motion passed with a unanimous vote.

Roy Richardson moved to approve the two major modification decisions as presented. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

■ CAPE WIND ENERGY PROJECT MEETING

Chair Brad Crowell said the focus of today's meeting is to receive input from the applicant, the towns, and general public on the three questions stated in the meeting notice. He said today's meeting will provide direction to the subcommittee on the scope of their review and the applicable standards. He said this is the start of the DRI process for the Cape Wind project and said the record will remain open throughout this process. He said the merits of the project are not under consideration at this time and said public hearings will be held by a subcommittee of the Commission at a future date. He said Cape Wind proponents will be given 10 minutes to provide oral testimony, towns and elected officials will also be given 10 minutes, and all others will be given 5 minutes to provide testimony. He said comments may cover all or only some of the questions raised and written arguments and/or rebuttal of points raised can be submitted to the Commission before May 31, 2007. He said the Commission would discuss comments from today's meeting and any written comments received at the next Commission meeting scheduled on Thursday, May 31, 2007. Mr. Crowell said the Commission would accept testimony on the following questions:

1. Which Regional Policy Plan (RPP) governs the Commission's review of the DRI process for the proposed Cape Wind project, the 1996 RPP or the 2002 RPP?
2. Is the DRI application pending before the Commission complete? Specifically, the DRI application requires the proof of ownership/legal right to proceed with the proposed development. Should the applicant be required to possess some or all of the following before the application is deemed complete; (1) a grant from the Department of Interior, Minerals Management Service (MMS) of a right to occupy the federal seabed, whether by lease, easement, license or otherwise; (2) a Chapter 91 License from the Massachusetts Department of Environmental Protection to place its cable on the seabed belonging to the state; (3) a filed application for a street opening permit within the towns of Barnstable and Yarmouth and/or other forms of grants from private landowners of rights to place its cable on such property.
3. Which of the following defines the scope of the Commission's jurisdiction on the project; 1) review only those elements of the project on land and within the 3-mile limit, and their impacts; 2) review of the entire project and its impacts; 3) review of those elements of the project on land and within the 3-mile limit, in light of the impacts (both positive and negative) within Barnstable County of the entire project?

David Rosenzweig, representing Cape Wind Energy project, said he submitted a letter on May 8, 2007 addressing the three issues identified. (1) He submits that the 1996 RPP is the correct RPP for review by the Commission. He said Ordinance 91-8 indicates the process begins at the time of the first public hearing and said that occurred prior to passage of the 2002 RPP. He said he believes the law is clear. (2) He said the MMS has been granted exclusive jurisdiction to conduct a review and said he believes that there can be no requirement imposed by the Commission, the Commission could not impose a requirement for a Chapter 91 License, and believes a Street Opening Permit cannot be required as a pre-requisite. He said it's inconsistent with the Commission's Enabling Regulations. (3) Mr. Rosenzweig said it has been determined that the project is within federal waters and said he believes the jurisdiction of the Commission is limited to the transmission line on land out to the 3-mile limit.

Bill Doherty inquired about a project that would need the right to proceed by a utilities agency and said if that where the case would that project be able to proceed without approval.

Attorney Rosenzweig said those approvals would be subject to review by other agencies. He said he believes the 1996 RPP is the proper RPP to follow.

Bill Doherty said if there is no ownership or right to go forward then how can they get a permit for something they have no control over.

Attorney Rosenzweig said it's commonplace to obtain a permit for a public right-of-way. He said he does not believe this issue should be under Commission review.

Leo Cakounes asked for a definition of a public hearing.

Attorney Rosenzweig said a hearing that is open to the public with public comment. He said that hearing would be determined as the first public hearing.

Bob Jones said part of the Commission's review is to determine the benefits and detriments of a project and questioned how that could be done without looking at what is hooked up beyond the 3-mile limit.

Attorney Rosenzweig said the federal law is clear on that—that area is reviewed by federal agencies and the Commission nor any other state agency has jurisdiction beyond the 3 miles. He said the only exception carved out by federal law is to Coastal Zone Management (CZM) and noted that their review in federal waters is very narrow.

Tom Lynch, Barnstable delegate to the Assembly of Delegates. (1) Said he believes the 2002 RPP is the appropriate RPP for review. (3) He said he believes the Commission has jurisdiction over the entire project. He said a DRI review would require looking at all the benefits and detriments and a project of this magnitude should be fully and thoroughly reviewed by the Commission.

Quincy "Doc" Mosby said VFR flight path rules could be altered in regard to small craft flight paths. He said he doesn't know from reading the application whether this has been looked at.

Bill Doherty asked whether that would affect the operation of the airport. Mr. Mosby said it would.

John Wilson, legislative aide to Representative Eric Turkington, read a letter from Representative Turkington. The letter indicated that the Commission has jurisdiction over the whole project not just the cable and whatever regulations the Commission is using now for projects should be used for all projects.

Leo Cakounes asked Mr. Wilson if Representative Turkington's office had any legal analysis that would argue in favor of extending the Commission's jurisdiction.

John Wilson said he is here to read Representative Turkington's letter and said he could not comment on that. He said he would ask Representative Turkington to address that in writing.

Sue Rohrbach, district aide for Senator Robert O'Leary, read a letter from the Senator asking the Commission to review the entire project.

Leo Cakounes asked Ms. Rohrbach if Senator O'Leary's office would also provide their legal analysis to assist the Commission.

Sue Rohrbach said she would ask Senator O'Leary to address that.

Charles McLaughlin, assistant town attorney for the town of Barnstable. (1) Said he believes the 2002 RPP should be used to review the project. (2) He said the Commission needs to ask what are they reviewing and then decide whether there is enough information to start the process. He referred to Section 16 of the Cape Cod Commission Act regarding the role of the Commission's review with Coastal Zone Management (CZM). (3) Mr. McLaughlin referred to Section 2E of the Act and said this defines what is within the Commission's jurisdiction. He said he believes this is a development that should be looked at in its entirety. He said if the Commission's jurisdiction is to just look at the cable how can it be compared if it's only being looked at in an abstract way. He said the

Commission should be able to respond in all respects and said the breadth of the Commission's inquiry should not be limited.

Leo Cakounes asked Mr. McLaughlin to submit to the Commission in writing an analysis of the role of CZM and its jurisdiction.

Chair Brad Crowell said he still has questions about the cable and what is being hooked up to it.

Charles McLaughlin said he doesn't have enough information to comment on that.

Bob Jones said he heard there will be oil storage containers in the water and said if an accident were to occur would this be considered a negative impact to Barnstable County.

Charles McLaughlin said he believes that would be a detriment and said that is something that needs to be considered.

Suzanne McAuliffe, Yarmouth Board of Selectmen. (1) Said the town of Yarmouth is urging the Commission to review the project under the 2002 RPP saying that it was in place during the time of the project change. (2) She said the application should be considered incomplete saying they need to have a priority of right before they can proceed and there should be a time limit for a Street Opening Permit. (3) She said she believes the Commission should assert jurisdiction over the entire project.

There was a discussion regarding the potential of effluent flowing back to the Cape's shoreline.

Chuck Green, Mashpee Selectman. (1) Said the project first came to Mashpee in 1999 and Mashpee is located four miles from the project. He said he believes the 2002 RPP should be used. (2) He said he believes the application should be complete and said he cannot see the Commission accepting a project without proof of lease or ownership. (3) He said the Commission should review the whole project as it has the potential of being one of the most devastating projects the Cape has ever seen. He said the Commission has to see this project as a DRI to the whole Cape.

Bill Doherty asked if the Wampanoag tribe has given an opinion on the project.

Chuck Green said the tribe opposes the project in its proposed location.

Attorney Patrick Butler, serving as special counsel to the Alliance to Protect Nantucket Sound, said this project is unprecedented in scope. (1) Attorney Butler said he believes it is governed by the 2002 RPP. (2) He said he believes the application is incomplete. (3) He said he believes the Commission does have jurisdiction over the project. He said this project is a territorial hybrid and there are components outside the 3-mile boundary. He said he believes the Cape Cod Commission Act mandates their jurisdiction.

Attorney Eliza Cox, resident of Barnstable Village. (1) Said she believes the Commission has the authority to adopt regulations. She said the applicant is asking the Commission to use a RPP that is over a decade old and said that goes against the requirement of the Commission to update the RPP every five years. She outlined the Commission's Enabling Regulations and Ordinance 91-8 and described RPP timelines. Attorney Cox said she believes the 2002 RPP is appropriate and said she will be submitting written comments on questions 2 and 3.

Bob Jones asked what difference does it make what RPP applies.

Attorney Cox said the Commission is bound by determining what RPP applies.

Charles Vinick, CEO of the Alliance to Protect Nantucket Sound. (2) Said he believes the application is incomplete and said the applicant agreed to a joint review originally. He said the application should not be deemed complete until the MMS has completed their review. (3) He said counsel for the Alliance said this is the largest DRI the Commission has ever reviewed. He urged the Commission to assert jurisdiction to review the project's impacts and consider the benefits and detriments on Barnstable County.

Chair Brad Crowell referred to the service platform and asked for clarification on the oil that would be used and asked if it's transmission oil or transformer oil. Mr. Vinick said transformer oil.

Bob Jones asked Mr. Vinick to submit to the Commission in writing his views on what the legal issues are.

Susan Nickerson, resident of the town of the Barnstable and Executive Director of the Alliance to Protect Nantucket Sound, said the Alliance's mission is broader that just Cape Wind—its mission is to protect. She said as a former staff member of the Cape Cod Planning and Economic Development Commission (CCPEDC) she participated in the creation of the Cape Cod Commission Act. She referred to Section 1 of the Act and talked about the Commission's charge and said the Act mandates the broadest jurisdiction of the Commission in reviewing the project. She said the Commission has indicated that information provided by the applicant is incomplete. She said the Alliance believes that Secretary Ian Bowles' comments are of no force and effect to the Commission.

Marty Riley, Hy-Line Cruises and the Steamship Authority. (2) He said he believes the Commission should consider the application incomplete. (3) He said he believes the Commission should have jurisdiction over the entire project. Mr. Riley said the MMS nor the Coast Guard has completed their reports. He said all state approvals should be received before a review begins. He said Hy-Line Cruises and the Steamship Authority provide a service to the public on all interconnected local, state, and federal waters. He said he has public safety concerns when people are traveling on the waters of Nantucket Sound.

Bill Doherty asked if owners of small recreational boats share these concerns.

Mark Riley said they all share these concerns as they are all traveling on the same waters. He said there could be significant navigational situations that could present public safety concerns.

Chuck Lockhart had questions regarding the Coast Guard report that was referred to by Mr. Riley.

Mark Riley said the report by the Coast Guard is underway and said both Hy-Line Cruises and the Steamship Authority have expressed their concerns.

John Harris inquired about deep-water technology.

Mark Riley said Congressman Delahunt and Mark Forest have information on deep-water technology and said they plan to provide information on it.

Chair Brad Crowell referred to the Coast Guard's review of the project and asked Mr. Riley what he would hope to see happen. Mr. Crowell said the Commission does not have expertise in public safety.

Mark Riley said he would hope the Commission and the state would listen to what the Coast Guard has to say. He said he would like to see this project happen in deep waters with the use of deep-water technology. He said it would be beneficial in regard to addressing public safety issues and said it would be a solution that would achieve both objectives.

Mark Weissman, Mashpee resident and member of the Massachusetts Fisheries Service (MFS) Advisory Board, gave MFS's position on the Cape Wind project. He said the project would be detrimental to marine life with loss of habitat.

Bill Doherty asked Mr. Weissman if he knew whether the Fish Hookerman's Association supports this and Mr. Weissman said he was not aware of this.

Ernest Virgilio had questions regarding connecting submersible cables.

Mark Weissman said the plan calls for placement of submersible cables. He said MFS is concerned about the dredging that will have to be done in order to place these cables and said it will have a high impact.

William Griswold, resident of Centerville. (3) He said in 2004 approval was granted for an undersea electrical cable from Cape Cod to Nantucket. He said the necessary permits were handled on an expedited basis and project approval was granted within 10 months of the original application and this new cable is in place and in operation. He said both the Cape Wind project and the Nantucket project utilize electrical cables and both come ashore under a south facing Cape Cod beach and yet the review of the Cape Wind project is now in its 56th month with no end in sight. He said good government requires consistent treatment for all applicants.

Peter Kenney, citizen of Yarmouth. (1) Said he believes the 2002 RPP prevails. (2 and 3) He said the jurisdiction is in federal waters and the Commission should not review the project until all information has been received. He said the Commission should hear what MMS and CZM say in their reports before proceeding with the process. He said this project could not happen if Cape Wind does not receive approval for transmission lines. He said the Commission can do something about the transmission lines and said we have to ask the question can we separate the transmission lines from the rest of the project.

Barbara Hill, resident of Centerville. (3) She read an excerpt from the MEPA statement regarding the Commission's jurisdiction. She said MEPA review and the Commission's review applies only to those portions of the project that are located within Massachusetts including its territorial waters within 3 miles of the shore. She said the proposed wind turbine generators are located outside of Massachusetts and not subject to state regulatory requirements. She said the Commission's jurisdiction extends only to the specific activities granted to it by the Legislature and the Commission cannot legally expand the scope of its review beyond what is contained in the Commission's regulations.

Lindsey Counsell, Executive Director of Three Bays Preservation in Osterville. (3.2) He talked about the impacts the project will have on birds.

Chuck Lockhart inquired about Cape Wind having done a study on avian life.

Lindsey Counsell said a study has been done but that information cannot be looked at without looking at the whole picture.

Cliff Carroll, Cape resident. (3) He showed photographs of the transformer tower and said it would be taller than the Cape Cod Hospital. He showed a model of an oil map that was used to simulate spills. He said if an oil spill were to occur the model results indicate that oil is most likely to travel toward the south shore of Cape Cod and the eastern shore of Martha's Vineyard. He said he believes the Commission has full jurisdiction over this project and would like the Commission to do a thorough mapping of shellfish beds and review transformer oil spills and the potential effects on our tourism, natural resources, and economic zones.

James Liedell, resident of Yarmouthport. (1) He said he believes the 1996 RPP should govern the Commission's review because the 2002 RPP went into effect after the Cape Wind Associates made their Wind Farm notification. (2) He said there was a "Host Community Agreement", dated July 25, 2003, made between the town of Yarmouth and Cape Wind Associates to install their land underground transmission cable from Lewis Bay to Yarmouth's western town line near Route 6. (3) He said he believes only those elements of the project on land and within the 3-mile limit and their impacts is the proper scope of review. He said the other choices of review appear to be inconsistent with existing statutes and rulings by applicable agencies.

Jackie Barton, Executive Director of the Barnstable Land Trust. (1) Said she believes the 2002 RPP applies. (2) She said she believes the application is incomplete saying they need to receive a grant from the MMS and a Chapter 91 license. (3) She said she believes the Commission should review the complete project. She said Cape communities look to the Commission to protect and review development on the Cape. She said if the Commission doesn't do it no one else would.

Leo Cakounes asked that the project planner provide him with a copy of the December 2001 hearing notice.

Chair Brad Crowell thanked everyone for their comments and said further discussion on this project will continue at the May 31, 2007 Commission meeting.

A motion was made to adjourn at 4:15 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Robert Jones, Secretary

CAPE COD COMMISSION

APPENDIX B

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Minutes

Meeting of
Cape Cod Commission

May 31, 2007

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	√
Bourne	Carol Tinkham	√
Brewster	Elizabeth Taylor	√
Chatham	Florence Seldin	√
Dennis	Brad Crowell	√
Eastham	Joy Brookshire	√
Falmouth	Jay Zavala	√
Harwich	Leo Cakounes	√
Mashpee	Ernest Virgilio	Absent
Orleans	Frank Hogan	√
Provincetown	Roslyn Garfield	√
Sandwich	Bob Jones	Absent
Truro	Susan Kadar	Absent
Wellfleet	Alan Platt	√
Yarmouth	Chuck Lockhart	√
County Commissioner	William Doherty	√
Minority Representative	John Harris	√
Native American Rep.	Mark Harding	Absent
Governor's Appointee	Herb Olsen	√

The meeting of the Cape Cod Commission was called to order on Thursday, May 31, 2007 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Margo Fenn said there is still a lot of activity going on in follow up to the recommendations of the 21st Century Task Force. She said in the past few weeks they have done outreach meetings with the towns and said she has met with the Bourne committee and the Hyannis Chamber. She said they also had a special Regulatory meeting where they invited in former DRI applicants, consultants, and town officials to give us some specific feedback on the draft proposal for the limited DRI review process. She said they received some good feedback both in the meeting and in written comments from some of the participants. She said she believes that process has been helpful and they plan to use it for other components of the Task Force follow through as they go along. She said they have many active groups working on mitigation, thresholds, joint review and a number of other things. She said they would continue to give progress reports to the Commission's Standing Committees. Ms. Fenn said the next Steering Committee meeting is scheduled for June 25, 2007 at 12:15 p.m. to follow through on the Task Force.

Ms. Fenn announced that Carol Tinkham's term as the Bourne representative to the Cape Cod Commission was ending. She said it was great having her on the Commission and she expressed her gratitude to Ms. Tinkham for serving as the Bourne representative. Ms. Fenn thanked Ms. Tinkham for all her efforts and said she will be missed. Ms. Fenn said she has received word from the Board of Selectmen that they have appointed a replacement and said Michael Blanton would be serving as the new Bourne representative to the Commission.

Carol Tinkham said it's been a great experience serving as the Bourne representative and said it has been a pleasure knowing and working with both Commission members and staff.

Chair Brad Crowell said one of the pleasures of being chair is to recognize the service to this body and organization and said he would add to Ms. Fenn's thanks. He said it is his belief that Ms. Tinkham has been an effective representative for the town of Bourne with a sensitive voice on this Commission. He said the Commission is very grateful for her service and we're sorry that it only lasted three years. Mr. Crowell presented Ms. Tinkham with a certificate of service as the Bourne representative from July 2004 through May 2007 and expressed his best wishes for good fortune and continued success.

■ POND VILLAGE DISTRICT OF CRITICAL PLANNING CONCERN (DCPC) IMPLEMENTING REGULATIONS

Chair Brad Crowell noted that this is a continued hearing from May 3, 2007.

Project Planner Phil Dascombe said we are here today to close the record and the hearing for the Pond Village DCPC. The moratorium expired on May 5, 2007 and the council shortly thereafter enacted zoning for this part of Barnstable to two-acre zoning. He said the Executive Committee also met and decided to both notify the Assembly of Delegates of this action but also to recommend that the Commission does not impose its own regulations for the district. Mr. Dascombe asked for a motion to close the record and the hearing.

Jay Zavala moved to close the record and the hearing for the Pond Village DCPC Implementing Regulations. John Harris seconded the motion. The motion passed with a unanimous vote.

■ CAPE WIND ENERGY PROJECT DISCUSSION

Chair Brad Crowell said this is the second part of the Commission's Cape Wind discussion. He said this discussion is to reach conclusions on three questions that we collected substantial testimony on the last time we met. Chair Brad Crowell read the three questions for the benefit of the video.

Question 1. Which Regional Policy Plan (RPP) governs the Commission's review of the Development of Regional Impact (DRI) process for the proposed Cape Wind project, the 1996 RPP or the 2002 RPP?
Question 2. Is the DRI application pending before the Commission complete? Specifically, the DRI application requires the proof of ownership/legal right to proceed with the proposed development. Should the applicant be required to possess some or all of the following before the application is deemed complete; 1) a grant from the Department of the Interior, Minerals Management Service (MMS) of a right to occupy the federal seabed, whether by lease, easement, license or otherwise; 2) a Chapter 91 License from the Massachusetts Department of Environmental Protection (DEP) to place its cable on the seabed belonging to the state; 3) a filed application for a street opening permit within the towns of Barnstable and Yarmouth and/or other forms of grants from private landowners of rights to place its cable on such property.
Question 3. Which of the following defines the scope of the Commission's jurisdiction on the project; 1) review only those elements of the project on land and within the three-mile limit, and their impacts; 2) review of the entire project and its impacts; 3) review of those elements of the project on land and within the three-mile limit, in light of the impacts both positive and negative within Barnstable County of the entire project?

Chair Brad Crowell said he will run the meeting as follows. He said he will invite the Commission's counsel Eric Wodlinger to address each of the questions individually, debate each one individually and vote on each one individually before we move onto the next question. He said Attorney Wodlinger will speak first and if Commission members have questions for Attorney Wodlinger or staff, at that point would be the appropriate time to ask them and then Commission members will deliberate and vote. He asked Commission members if they had any questions regarding the procedure of the meeting.

QUESTION 1.
Attorney Wodlinger said he has the benefit of extensive submissions from Mr. Rosenzweig on behalf of Cape Wind, Mr. Butler on behalf of the Alliance, and Mr. McLaughlin on behalf of the town of Barnstable. He said these were most helpful in doing the legal research and said he wanted to acknowledge their submissions. He said secondly, he would like to note that we are not here by waiving the attorney/client privilege and said he is explicitly reserving that. He said he thinks it's important that these questions be reviewed by the Commission in a forum which allows them to ask questions and receive answers. He said he may in response to some questions suggest that we reserve those for executive session if he thinks it may affect the Commission's position in possible litigation in the future but he would certainly attempt to answer any questions from the Commissioners to the extent that he can in public session.

He said the first question has to do with which Regional Policy Plan or RPP applies. He said basically Cape Wind suggests that the 1996 RPP applies, the town and the Alliance suggest that it's the 2002 RPP. He said he has looked at the arguments submitted by both sides and the case law cited by both sides and said as a general matter in this state, especially in land-use matters, the doctrine of vested rights is statutory rather than conferred by common law. He said for those of you who have served in the past on planning boards or zoning boards of appeal in your towns you are probably familiar with the grandfathering procedure under which a landowner may file a subdivision plan and gain a zoning freeze, as it's known, on any zoning amendments which are filed and passed after he has filed that subdivision plan. He said that is an example of vested rights or grandfathering and it arises under the Zoning Act. It is explicitly contained in Chapter 40A of the Zoning Act in Section 6 and it also applies to changes or amendments in board of health regulations and that is by virtue of another statutory section. He said the general rule in Massachusetts is a grandfathering or vested rights are a creature of statute. He said in looking at the case decided by both sides, he concluded that the 2002 RPP is the applicable Regional Policy Plan. He said in addition to the general rule in Massachusetts that vested rights are statutory, if one looks at the cases, the cases generally say that when a permit is being processed if there is a change in the rules and regulations governing the processing of that permit that change is applicable absent some statutory protection for the applicant and said he thinks that is the case here. There is nothing in our Act or in the general laws which gives vested rights or grandfathering to an applicant for a DRI against a change in the RPP. He said please recall that

the RPP is indeed a county ordinance so it has a certain standing as a statute and said in that context he thinks it is fairly plain that the more up-to-date RPP applies.

Chair Brad Crowell asked Commission members for questions for Attorney Wodlinger or staff.

Leo Cakounes said in the discussion the last time the Commission met and also in a lot of the information that they have received and said it refers back to the thing that he is trying to "hang a hat on" which is the public hearing. He said he as well as a few other Commission members requested the original hearing notice of December 19, 2001. He asked Attorney Wodlinger if he feels now, saying that he understands from his comments that he is comfortable with the 2002 RPP being in effect, that the public hearing which was held on December 19, 2001 triggered the public hearing notice, as it were, and covers you under the original Act.

Attorney Wodlinger said that is certainly a logical question and if you look at the context in which that hearing occurred you'll be persuaded. He said what happened at that point was that an Environmental Notification Form (ENF) had been filed with MEPA and what MEPA does when they receive one of these is they hold a "scoping session" their term. He said under the joint review process the Commission participates in that scoping session and said the purpose of a scoping session is twofold: first is to determine whether an Environmental Impact Report (EIR) is required—is the project so simple that the ENF adequately discloses the likely environmental impacts. And, secondly, if an EIR is required, what should be the scope of the study—do you have to study water quality issues, do you have to study traffic issues; it defines what the issues are to be studied so the hearing which occurred in 2001 was this preliminary scoping session. He said so none of the real and major impacts of this project had been studied at that point nor had they been disclosed. The purpose of the hearing was to figure out what is needed to do a study in order to figure out whether this project can be approved. He said we go from 2001 when that hearing occurred and we were dealing with he thinks 170 turbines at that point, to March of this year when the Secretary of Environmental Affairs approved the Final EIR. He said this is where we finally have closure on the MEPA process and we have the EIR which contains the information which was decided back in 2001 was needed, and six years later we get that information. He said, so first of all, we've had changes in the project since then in its location, in the number of turbines and said he believes in the spacing but don't hold him to that. He said secondly, that was such a preliminary meeting that you would not expect any vested rights to grow from the initial meeting to decide what should be studied so that we could understand this project.

Chair Brad Crowell asked if anyone else had questions, and seeing none, called for a motion.

Jay Zavala, said as he understands the proceedings, the Commission will be deciding on the first question as to whether the Cape Wind project is under the 1996 RPP or the 2002 RPP and said his motion is, in fact, that it is the 2002 RPP. Elizabeth Taylor seconded the motion.

Chair Brad Crowell said the motion has been made and seconded and said this is to govern the preparation of the staff report. Jay Zavala said that is correct.

Chair Brad Crowell asked if there was any further discussion.

Chuck Lockhart said we are in a situation where we are "damned if we do" and "damned if we don't" by one party or the other and we are trying to figure out what is right, what is proper and what isn't. He asked why wouldn't the Commission file a declaratory judgment instead of them suing us we sue them and let the courts decide whether we are right or not.

Attorney Wodlinger said if I were a judge sitting across the parking lot, I would say you figure it out you're the Commission, make your best cut at it and I'll review it when you're done. He said it's typical the judge would

want to get the opinion and expertise of the agency before they make a ruling. He said he believes we would be out of there quickly if we went in and said you decide this for us.

Chair Brad Crowell called for a vote on the motion. The motion passed with 13 votes in favor and 1 opposed.

Chair Brad Crowell said the Commission would now move on to question #2. He said this has to do with the completeness of the pending DRI application and proof of ownership for legal right to proceed.

QUESTION 2

Attorney Wodlinger said you may recall that in the application for a DRI, an applicant is supposed to either attach a copy of the deed for property in which he proposes to build a project or provide a book and page reference or a signed purchase and sale agreement for a lease—some instrument indicating that he has control or ownership of the property where the project is to be built. He said this is an unusual project in that respect because part of the property is owned by the federal government, the seabed beyond three miles; part of the property is owned by the state government, the seabed from the low water mark out to three miles; and then the land falls within the usual solid land property arrangements and said he would get onto that shortly. He said when they put this question out they had some serious questions about the two seabed parts of the project. He said with the benefit of the submissions from the parties and with the benefit of research that they've done themselves, he would like to divide his recommendation in two parts—one is the water side, if you will, and the other is the land side. He said he would address the water side first and the state seabed portion of that first of all. He said in Massachusetts the state seabed may be used under a Chapter 91 License granted by the DEP. He said it is called a license but it also includes elements of a lease. He said if you're occupying what is referred to as Commonwealth tidelands there is an appraisal process to figure out basically what rent you should be paying to the Commonwealth. He said so while it is called a license it also partakes of a lease that is granted by the DEP. He said there is a predicate to a Chapter 91 License which is their regulations require that the local conservation commission first grant an order of conditions and you cannot get a Chapter 91 License without that local order of conditions. He said, of course, under the Commission's statute the local conservation commission cannot grant an order of conditions until the Commission has granted a DRI approval. He said it is somewhat of a "catch 22" if one were to say to the proponent, Cape Wind, you have to show us your Chapter 91 License before the Commission is going to process their DRI application—he can't get there from here. He said with respect to the state seabed, he is recommending that the executive director use her authority to waive that application requirement and in the event that the Commission grants the DRI approval, it be granted on condition that the project proponent obtain the Chapter 91 License consistent with the approval by the Commission. He said since we cannot require it before the application, we should at least require that they get the Chapter 91 License as a condition of building out the project.

He said the federal MMS, by virtue of recent congressional legislation, was given control over the federal seabed and the federal waters beyond three miles. He said normally you would think that the federal government is not dependent on the Yarmouth conservation commission to make up its mind but as it happens, under the Federal Coastal Zone Management Act most of the coastal states have Coastal Zone Management (CZM) offices and Massachusetts is one of those states. He said under the Federal Act federal agencies are supposed to obtain from CZM a determination of consistency with the state's coastal zone policies before the feds will grant a permit. He said under the regulations of the Massachusetts CZM office they will not grant a determination of consistency without a Chapter 91 License. He said if one traces through the regulatory prerequisites, we are back to the federal government waiting on the Yarmouth conservation commission and the Yarmouth conservation commission cannot act until the Commission acts. He said, so once again, the applicant is in the position of a "catch 22" and said consequently he is recommending that the executive director waive the requirement that the applicant show ownership of the land or the seabed where the turbines are proposed to be built.

Attorney Wodlinger said he would now turn to the land side and said these developments were somewhat surprising to him saying that he anticipated the issues of the seabed would be more clear than what they proved to be and said in fact it turns out that some of the land-side issues are more complicated than he originally expected. He said he should mention that the input from the Barnstable town counsel was particularly helpful with respect to the land-side issues. He said there is some uncertainty that the applicant has ownership or control over the route of the cable on land. He said part of the route concerns an NSTAR utility right-of-way for which they have received NSTAR's endorsement and invitation to use, or permission to use, and said that is clear cut and the applicant is on solid ground. He said if one thinks about this geographically when one moves from the seabed onto the dry land the first thing that you encounter is what is referred to as the inter-tidal zone. He said that is the area between the low water mark and the high water mark and in this case off New Hampshire Avenue in Yarmouth. He said in Massachusetts, as most of you know, the owner of the upland typically owns out to the low water mark as an appurtenant right that goes with his ownership of the upland. He said that ownership and the use of that property in the area between low water marks and high water marks is subject to Chapter 91 Licensing because of the public trust interest in that area which is basically the rights of fishing, fowling, and navigation. He said that interest cannot be used by a private party without the permission of the DEP and so we are back to Chapter 91 and in that respect for this piece of land in the inter-tidal zone, he would recommend that the executive director waive a Chapter 91 License simply because it is not available at this time. He said he doesn't mean to be unduly legalistic, however while there is a Chapter 91 License that regulates whether the rights of fishing, fowling and navigation can be altered or occupied, underneath that is private ownership of real property. He said the upland owner owns that beach and while you need a state permit in order to use that beach because of the public interest in fishing, fowling, and navigation you also need a lease, an easement or a license from the owner of that property if you want to put a cable in his or her property. He said so you need two things and the permission of the owner of that private property is not something that is tied up by Chapter 91. He said that is independent and separate. He said if you will, imagine a situation where you own a lot which is one lot inland from the water and the owner of the waterfront lot is a very good friend and says why don't you put a dock on my property saying I'll rent it to you for $10.00 a year. He said first of all you would have to go to DEP to get a Chapter 91 License for the dock but secondly, you want a lease or license with your friend giving you a property right to locate a dock on his property and said, by analogy, that is what is really going on here. He said Cape Wind needs private property right to stick its cable in that private property in the inter-tidal zone and said to date we have not seen any evidence that they have such ownership. He said moving inland from the high water mark the proposal is to place the cable in various streets in Yarmouth and in Barnstable until the cable would reach the NSTAR utility right-of-way. Attorney Wodlinger said the applicant points out that he would get street opening permits from the two towns but because those street opening permits cannot be granted until the Commission acts, he cannot be expected to have those in hand at this time and said he thinks that is correct. However those streets, and noted that he was informed by town counsel of the two towns, have again property interests involved. He said as he understands it, some of the streets are private ways, some of the streets are public ways, and one of the streets is an ancient way. He said, again, this may sound fairly legalistic, but a public way can be laid out in two characters—it can be laid out as a fee or it can be laid out as an easement. He said in the case of a fee the town owns the land under the street and said this can occur in either of two ways; he said in the case of a typical subdivision the developer will build the street and it will be inspected by the building inspector to see if it meets the subdivision regulation requirements for streets. He said if it does, town meeting will accept the street as a public way so there is a vote by town meeting to accept the street and after that it's wholly owned by the town and the developer will typically convey the street. He said if it's taken by eminent domain, the order of taking will either specify its taking of an easement for highway purposes or we're taking a fee for the property for highway purposes. He said if the town takes the fee then the town owns the real property interest. He said if the town only takes an easement or accepts an easement, then in Massachusetts the abutters on either side of the street will typically own to the centerline of the street. He said, so again, the private property interest rears its head and the applicant should demonstrate that he has permission from the owner of the land in the street to place a cable in that street. He said typically this is not a contentious matter. For instance, if the town wishes to lay a water main most abutters are sitting there applauding saying when can I get hooked up saying it's the same thing with cable

TV or many other underground utilities. He said this cable is a separate matter and whether private property owners will grant an easement or a license to locate the cable in the portion of the street that they may own is uncertain. He said certainly to date we have not seen any evidence from the applicant that it has acquired those rights from either abutters to private ways or the towns. He said he mentioned one ancient way, and said those of you who may have had real estate dealings on the Cape, may have occasionally run into an ancient way. He said they are often referred to but no one quite knows what they are. He said basically an ancient way is so ancient that town records do not show any lay out or acceptance of this way as a street. He said everyone has been using it forever but it was never laid out or accepted by a town, and as that, it would appear, again, that the abutters on either side probably own to the centerline of the ancient way. He said, again, one would require evidence that the applicant has a property right to place its cable in that ancient way. He said with these elements; the inter-tidal zone, the public ways which can be either a fee or an easement, private ways which are owned by the abutters, and the ancient way which also appears to be owned by the abutters, there is another way that Cape Wind could obtain a right to put its cable in all of these areas and that is the state Energy Facilities Siting Board (EFSB). He said under its statutes a utility which believes that its project is needed in the public interest can go to the Siting Board and obtain authorization to exercise the power of eminent domain. He said if they go to abutter Smith and say we would like to run our cable through your property on your share of the street and Smith says I don't think so, the Siting Board can say in the interest of the larger community this is a project that is needed and we are going to authorize you to exercise the power of eminent domain. He said in which case Cape Wind could take by eminent domain an easement to install its cable in all of these classes of property; the inter-tidal zone, the private ways which are privately owned and the public ways which are publicly owned. He said it's not that there is necessarily not a solution here but to date we have neither evidence of permission to use the private property for the cable nor do we have a taking for that purpose which would be the equivalent of a deed or lease and would be equally good evidence of a right to use private property for the purposes of a cable easement. He said he would not have gone through all of this if he didn't think it was necessary. He said his recommendation is that those elements of the route, those parts of the route, as to which the applicant could not obtain evidence of a proprietary right or a possessory right in the form of a lease or easement—which is the federal seabed, the state seabed, and Chapter 91 License for the private tidelands—that the executive director waive the requirement that these indicia of ownership and control be obtained with respect to those elements. He said he does not see how it would be possible for the applicant to obtain those prior to the application and that if the DRI is approved that a condition be attached which requires the applicant to obtain ownership or right to occupy those portions of the route as a condition of approval. He said with respect to the landside he believes that the applicant has not filed a complete application because he has not shown a right to use various portions of private property; the inter-tidal zones, private ways, the ancient way, and those public ways which were laid out as easements rather than fees. He said the Commission cannot authorize the applicant to use private property for his project without the permission of the property owner and noted, again, that the applicant has the ability to ask the Siting Board for power to basically acquire the right to use private property for his cable route. He said that is his recommendation with respect to question #2.

Bill Doherty said a concern that he has is an appearance issue. He asked Attorney Wodlinger if the Commission supports his recommendation would the Commission be giving up any rights that the people who live here on Cape Cod expect us to protect with regard to the protection of the environment on the land side. He said he understands the equivalent piece about the inter-tidal portion saying that we all grew up here so we all know about what can go on someones property but the part that is clearly defined where citizens are living he asked Mr. Wodlinger if he was saying that none of their rights would be damaged by the Commission taking this position and questioned whether the Commission would be exposing them.

Attorney Wodlinger said we are not exposing them any more than they are already exposed. He said the applicant can go to the Siting Board and request the power of eminent domain and said there is nothing we can do to prevent that. He said if they get the power of eminent domain they have the right to take an easement in private property and said there is nothing the Commission can do about that either. He said he doesn't think that if the

Commission deems the application incomplete until the applicant obtains those private property interests on the landside, that the Commission is doing anything to prejudice private property rights. He said those rights are subject to condemnation by eminent domain regardless of what the Commission does.

Leo Cakounes said he fully understands the position on the ocean for both the state and federal side waiving with conditions until after a DRI and said he has gone through this and thinks that is a good position to be in. He said he also understands that the applicant has not met their requirements by showing us either ownership or rights over private or ancient ways or land that is owned by private parties. He said his question is directed to the filing of an application for a street opening permit saying that we went down this road once before. He asked is there not a timeframe also that is included in that if we were to require them to file for an application for a street opening permit for those sections of the land area which are in fact in the town. He said to his knowledge even though NSTAR has an easement or right-of-way, they still have to require a street opening permit from the town. He asked isn't this a "catch 22" also in that division; if they did file for street opening permit they would have to get it within a timeframe or otherwise it would automatically be given.

Attorney Wodlinger said he was not sure he grasped the point but he would try to answer as best as he can. He said the street opening permit cannot be granted until the Commission acts. He said it's a town development permit and said so while the DRI is in front of the Commission, town activity to review or grant a permit is suspended so they can't get the street opening permit. He said secondly, the fact that NSTAR might have an easement in a town way or a private way does not necessarily help this applicant; this applicant is not NSTAR. He said let's say NSTAR came to you and said we want to run a transmission line through your backyard and we'll pay you $1,000 and you say ok I'll sign the easement and then you can take it to the Registry of Deeds. He said that easement runs in favor of NSTAR; it doesn't run in favor of anyone else. He said just because you gave it to NSTAR doesn't mean the town water department can say well you gave an easement to NSTAR so we can run our pipe. He said this is a different entity and the fact that someone has given an easement to NSTAR it doesn't mean that these people don't have to acquire the same private property easement for their cable.

Chuck Lockhart asked if NSTAR could give an easement on their easement.

Attorney Wodlinger said as he understands it their right-of-way is something they own and if they are the owner they can give an easement to the applicant here.

Florence Seldin said she wants to be clear. On the waterside Attorney Wodlinger said before we determine that we can accept the DRI application the executive director can waive those but the application would not be complete because the applicant doesn't have any rights to use private property. She asked Attorney Wodlinger if he was suggesting that we can go ahead and accept the DRI but have the provision in it that the application would not be complete or that the Commission could not act on it finally until the applicant has that permission.

Attorney Wodlinger said correct; it's the latter. The application process and the regulations require an applicant to show ownership or control of the land where the project is to be built. He said with respect to the waterside he is suggesting a waiver of that requirement since we stand in the way of the applicant getting evidence of ownership or control. He said with respect to the street opening permits we can't require that the applicant have those because the towns can't act until the Commission does. He said but with respect to occupying private property for its cable, there's no reason the applicant can't obtain evidence of an easement or a lease over private property. He said under our application and regulations, an applicant should have evidence of ownership and control of all the property where he proposes to build his project.

Roslyn Garfield asked Attorney Wodlinger to clarify the agreement that Yarmouth signed with Cape Wind for the $9 million for the right to go into certain streets. She asked if that has any validity at this point.

Attorney Wodlinger said he cannot speak to that; he hasn't seen it. He said all he can say is that without somebody exercising the power of eminent domain Yarmouth could not authorize a third party, Cape Wind, to go onto privately-owned property to put its cables in. He said if there is land that the town of Yarmouth owns and there is a proprietary right like a park or a school they can certainly grant an easement to anyone to use it if they wish but he cannot speak to the validity of that agreement.

Chair Brad Crowell asked if there was anything about the eminent domain proceeding in front of the Energy Facilities Siting Board that would not be allowed to proceed based on the fact that we have not reviewed the project and asked if we would be bar to that going forward.

Attorney Wodlinger said he doesn't think so and made a minor distinction. He said the Energy Facilities Siting Board could authorize Cape Wind to exercise the power of eminent domain like they could authorize Boston Edison to exercise that power. He said the Board itself would not make a taking in its own name. He said he doesn't think anything the Commission does affects their ability to authorize condemnation one way or another.

Chair Brad Crowell asked Attorney Wodlinger if his recommendation would be that they make a motion that the application as it has currently been filed is not complete and will not be complete until some evidence of ownership interest in all of the landside is presented; is that correct.

Attorney Wodlinger said yes that is his recommendation.

Elizabeth Taylor moved that the application as it has currently been filed is not complete and will not be complete until some evidence of ownership interest in all of the land side is presented. Florence Seldin seconded the motion.

Leo Cakounes asked if they should include in the motion that we acknowledge the fact that at the state and federal level that portion will be waived and will be made as a condition of the DRI. He asked if the motion was being done in two halves.

Chair Brad Crowell said he was not planning on doing it in two halves. He asked Ms. Taylor since she made the motion.

Elizabeth Taylor said she would seek Attorney Wodlinger's recommendation. She asked Attorney Wodlinger if it should be made in two parts.

Attorney Wodlinger said he would do it in the form of two motions because under the regulations you would request or instruct the executive director to waive the application requirements relative to the seabed. He said he thinks the first motion should stand as made and if it's the Commission's pleasure so to ask the executive director that might be the subject of the second motion.

Chair Brad Crowell asked Mr. Cakounes if that was satisfactory.

Leo Cakounes acknowledged that it was.

Chair Brad Crowell called for a vote on the motion. The motion passed with a unanimous vote.

Chair Brad Crowell called for a second motion instructing the executive director to issue a waiver relative to any MMS lease or Chapter 91 License.

Elizabeth Taylor asked if there were three areas; should street opening permits be included in the motion.

Attorney Wodlinger said street opening permits are not an element of ownership.

Chair Brad Crowell said so it's purely the MMS lease and the Chapter 91 License.

Attorney Wodlinger said yes.

Joy Brookshire asked what are we setting ourselves up for if we give our executive director permission to waive Chapter 91.

Attorney Wodlinger said she can't waive Chapter 91. He said what she can do is say we will not make it a condition of the application that the applicant have a Chapter 91 License before we process his DRI application. If we approve his DRI application, we are going to make it a condition of our approval that he obtain a Chapter 91 License. He said it's just a question of sequencing; he said we couldn't if we wanted to waive Chapter 91. He said in fact, if he recalls, the Barnstable conservation commission tried to deny a wetlands permit on the basis of Chapter 91 and the SJC said the town can't do it; it's a state power and only DEP can do it.

Chair Brad Crowell asked Ms. Brookshire if that answered her question and she said it did.

Chuck Lockhart said in order for the executive director to waive the seabeds must we make a motion to that effect or could she do it without a motion.

Attorney Wodlinger said she could do it without a motion.

Chair Brad Crowell asked Ms. Fenn how she felt about doing that without a motion.

Margo Fenn said she would like to have a motion.

Chair Brad Crowell called for a motion to instruct the executive director to waive ownership interests as demonstrated by a Chapter 91 License and MMS lease.

Bill Doherty asked for a point of order and asked if we had a motion on the floor.

Chair Brad Crowell said nobody made the motion.

Chuck Lockhart moved to instruct the executive director to waive ownership interests as demonstrated by a Chapter 91 License and MMS lease. John Harris seconded the motion.

Leo Cakounes said the only thing he added to that was to make it a condition to obtain those permits after the review of the DRI and said he would like that added as part of the motion. He said he thinks it's important to have that language in the motion.

Margo Fenn asked Mr. Cakounes for clarification and said you want to waive the requirement for the MMS lease and the Chapter 91 License.

Chair Brad Crowell said and obtaining both of these would be a condition of the final certificate of compliance and asked Mr. Cakounes if he was making that an amendment to the motion. Mr. Cakounes said yes and moved that as an amendment to the motion. John Harris seconded the motion.

Elizabeth Taylor asked if that should be phrased differently and said if it is granted because we are saying here when it is granted it will be a requirement.

Attorney Wodlinger said it should be if it is granted unless you already know you're going to grant it.

Chair Brad Crowell asked Mr. Cakounes if he would like to modify his motion.

Leo Cakounes said yes put in if it is granted.

Chair Brad Crowell asked Mr. Harris if his second still stands. Mr. Harris acknowledged that his second stands.

Chair Brad Crowell asked if everyone was clear on this issue.

Florence Seldin asked that the amendment be restated.

Chair Brad Crowell said we are voting on an amendment to the motion. He asked Mr. Cakounes to restate his amendment.

Leo Cakounes said the amendment is just to add the language that the requirement for a Chapter 91 License and MMS lease be obtained prior to the issuance of the final certificate of compliance.

Jay Zavala asked for a point of order and said he believes Mr. Cakounes made the original motion and said what the Chair is suggesting is that Mr. Cakounes has amended his own motion.

Chair Brad Crowell said he has made an amendment to the motion.

Jay Zavala said he does not believe Mr. Cakounes can amend his own motion.

Roslyn Garfield said he cannot.

Jay Zavala said Mr. Cakounes cannot amend his own motion so he believes that is his motion and that is inclusive of the motion.

Chair Brad Crowell said we are voting on the motion as made and changed by Mr. Cakounes.

Joy Brookshire asked that it be repeated from the very beginning to the end.

Margo Fenn said she would try to state it and said she believes Mr. Cakounes made a motion to instruct the executive director to waive the requirement of the Minerals Management Service lease and the Chapter 91 License prior to the Development of Regional Impact review and in the event that the Commission approves the project to make it a condition of approval to obtain that license and lease.

Chair Brad Crowell asked Mr. Cakounes if that was the motion he intended to make. Mr. Cakounes said yes that was his motion. Mr. Crowell asked Mr. Harris if that was the motion he intended to second. Mr. Harris said yes. Mr. Crowell called for a vote on the motion. The motion passed with a unanimous vote.

Chair Brad Crowell said we will now move onto to question #3 which considers the Commission's scope of jurisdiction on this project.

QUESTION 3

Attorney Wodlinger said as a result of the federal legislation that gave the Minerals Management Service the permitting responsibility with respect to the outer continental shelf which is where this project is proposed said it seems quite clear to him that there is no state jurisdiction or Commission jurisdiction beyond three miles. He said that has been given exclusively by congress to the Department of the Interior MMS and said he suggests, therefore, that there is no regulatory jurisdiction beyond the three-mile limit. He said that, however, does not end the question and one of the questions before the Commission is what is the scope of review with respect to a project which is outside of its geographic jurisdiction and said let me again advert to a zoning law precedence for which you may be familiar. He said if one has a large development, say suppose it's a shopping mall, located in one town and a portion of its parking lot is located in another town and the question has arisen, can a town look only at the impacts of the parking lot or can it look at the impacts of the project as a whole in deciding whether to grant a special permit for the parking lot. He said there is a similar case involving Dracut and Lowell in which one town got the apartment house and the other town got the parking lot and the access road to the apartment house. He said the law seems fairly clear that in these cases the town which has "the tail of the dog," shall we say, is entitled to consider the impacts on that town of the project as a whole. He said another area in which this issue has been reviewed is in the case of criminal jurisdiction. He said suppose a citizen of Massachusetts is murdered upon the high seas does Massachusetts have jurisdiction to try the defendant for murder and said the answer is yes. He said quite clearly Massachusetts courts can exercise that criminal jurisdiction. He said a third line of cases falls under what is referred to as the Massachusetts long-arm statute and said he believes every state in the union has a long-arm statute. He said basically what it says is when you get an interruption at the dinner table by someone on the telephone who wishes to sell you some land in Florida and he mails you a contract and you sign the contract in Massachusetts and send him a large sum of money and later on you find out that this land is under water. He said the Massachusetts boards have civil jurisdiction for your lawsuit against the company or individual who sold you that underwater land because of his contacts with the state. He said this is a due process question whether there is sufficient minimal contact between the outer-state actor and the in-state purchaser and said not only Massachusetts but every state in the union has a long-arm statute which typically will exercise jurisdiction over outer-state individuals to the maximum extent permissible under the constitution. He said now if it is the case that the project as proposed will have effects within Massachusetts, and particularly within Barnstable County, even though it is located outside of the territorial limits of the state, he recommends that the Commission consider and take account of the impacts of the project within the state even though a good portion of the project is located outside of Massachusetts. He said we actually have some precedence on this from the Commission itself. He said those of you who are long-serving members may remember the case of the Lucky Lady—Leisure Time Cruise Corporation versus the Cape Cod Commission—in which it had proposed to operate a gambling boat out of Hyannis harbor, and actually it was not even in federal waters, and said he believed it was to go out to international waters, and conduct its gambling operations. He said they argued that they were exempt from the Commission's jurisdiction. He said the case was heard in federal district court in Boston and the ruling of the judge there was that the operation was subject to Cape Cod Commission jurisdiction even though in this case it was in international waters not even federal waters. He said looking at all of the case law, it seems to him that the Commission lacks regulatory jurisdiction beyond the three miles but is entitled under the case law and under the legislative intent apparent in the Cape Cod Commission Act to take account of effects within the state from activity going on outside of the state and said he would recommend that define the scope of review if and when this project's application is completed.

Bill Doherty said in the comments where Attorney Wodlinger is suggesting that we take into account, he asked if he had any comment with regard to the kind of effects that we should be concerned about with regard to the part that comes within our jurisdiction.

Attorney Wodlinger said the first section of Chapter 716 defines the issues in which the legislature consigned to the Commission's care and supervision. He said those include coastal resources, economic resources, recreational resources; he said the list is quite extensive. He said marine resources are also included and said he believes that

includes fisheries for example, coast-wide navigation. He said he thinks Section 1 of the Act is quite detailed and extensive in defining the scope of jurisdiction and so any effects upon those interests and values which the legislature asks you to look after is something the Commission should look at with this project.

Bill Doherty said as a follow up, suppose that the project goes in and the proponents of it say that we have no enforcement since we have no regulatory authority of what they do out in that area, what actual authority can we exercise with regard to this.

Attorney Wodlinger said that is precisely the question that has come up in the cases involving projects in two towns. Is the town that has "the tail of the dog" entitled to veto, if you will, or regulate that tail even if it means that the project as a whole must be reconfigured or cancelled and said the answer is yes. He said the town is entitled to look at extra-territorial affects when it makes its decision as to that part of the project which is within its jurisdiction.

Elizabeth Taylor asked Mr. Wodlinger if he were recommending #3 or #2 on the list of definitions for the scope.

Attorney Wodlinger said #3.

Chair Brad Crowell said this is a question that he asked at the Commission's last proceeding and said it had to do with considering impacts of an infrastructure facility, as this transmission line is, beyond the facility itself. He said it had to do with a recent case we had with KeySpan which was the augmentation of a natural gas pipeline. He said under this reasoning it would seem to obligate us to consider every home that might potentially be connected to this pipeline because it's put in place to serve additional customers and those homes obviously would generate traffic, consume open space and that sort of thing; a number of values that the Commission is supposed to be concerned about. He said where do we draw the line here if we consider extra jurisdictional impacts in this case shouldn't we do that in other cases as well like KeySpan.

Attorney Wodlinger said the statute has to be your guide. The case law for the Vineyard Commission and the Cape Cod Commission; both bodies of case law note that the two Commissions have extraordinary powers and there are no other counties in the state where the legislature has given regional regulatory commissions the power that it has given the Vineyard Commission and the Cape Cod Commission. He said the statute has to be your guide because you are creatures of the Cape Cod Commission Act and your powers are limited by the Cape Cod Commission Act. He said as it happens the Cape Cod Commission Act gives you quite broad authority to protect the interests and values which the legislature identified and placed within your care. He said let's turn, for instance, to the question of economic impacts. He said he would say that it's entirely within your jurisdiction to consider the benefits of an additional supply of electricity in terms of economic impacts to the residence of the Cape and to businesses on the Cape. He said the issue of air quality, if there are benefits from this project on the Cape because electricity may be generated without the generation of CO2 and other gasses which result from the burning of fossil fuels, that is certainly a benefit you can consider. He said when it comes to other economic issues such as impacts upon that portion of your economy generated by tourism, if you find there is such an impact and if you find that it is relevant and important then you should consider it. So judging by the statute, if there are fisheries impacts you should determine whether these fisheries impacts would be good or bad. He said regarding navigational impacts; if there would be navigational impacts you should examine those. He said the scope of your review is really defined by the statute and your job is to determine whether there are such impacts and, if so, how they cut. He said you're aided in this exercise by the fact that an environmental impact review report has been filed, by the fact that there is pending from the federal government environmental impact statements which when completed will help you to evaluate these impacts. He said the review process is set up to equip you with the information you will need to make these evaluations and make these decisions. He said, in addition, the DRI application and the information that is brought out by the staff in connection with the DRI

application will also inform your judgments. He said he is not saying that it's an easy job; it's actually quite a comprehensive and extensive evaluation you will need to make but the statute must always be your guide.

Chair Brad Crowell said that wasn't quite his question. He said his question was are we being consistent with decisions that we have already made. He said specifically a decision we made recently on a KeySpan gas pipeline which clearly has some impacts beyond the end of the pipeline—the new homes connecting to this in terms of traffic and probably open space as well that are covered by the statute. He said if we are to be guided by the statute in that case, should we have been guided by the statute in the KeySpan case also and are we being inconsistent if we weren't.

Attorney Wodlinger said some impacts you may decide are too speculative or deminimus and not worthy of consideration. He said in the case of a gas pipeline you may say I can't tell how many new houses are going to be built if this pipeline goes in and you turn to the staff and you say can you advise us how many new houses are going to be built if this new gas pipeline goes in. He said now either staff can or cannot tell you so there is a limit to what you can do with the information available. He said we are all only human beings and there is a limit to what we can comprehend and what we can act upon. So to demand perfect consistency in every case is probably unrealistic in my view.

Margo Fenn said she doesn't think the KeySpan comparison holds up. She said we weren't permitting houses when we were reviewing the KeySpan proposal; we were looking at a gas pipeline and that gas pipeline serves existing development and it will presumably serve some future development which may or may not come before the Cape Cod Commission. The impacts are related to the actual pipeline itself and in this case the impacts of the cable are integral to the whole project. There are both positive and negative potential impacts from the whole project that will accrue in Barnstable County and absent the cable there would be no larger project. She said she thinks it's very difficult to separate them out and said she does not see the comparison between the two projects.

Chair Brad Crowell said he would suppose that every person has an opinion on that and said he thinks some would say that this project is only about an undersea cable and others clearly take a different point of view.

Florence Seldin asked Attorney Wodlinger to tell her how option 2, which talks about review of the entire project and its impacts, differs from option 3 which ends by saying, within Barnstable County of the entire project. She said there seems to be nuances that she is not quite getting.

Attorney Wodlinger said he fears that maybe the question was not sufficiently specific and said let me do it this way. Option 1 is basically saying we can only regulate out to three miles so we are not going to look at anything beyond three miles. Option 2 is saying we are going to regulate the whole project and we are going to look at the impacts of the whole project. And Option 3 is saying we can't regulate beyond three miles but insofar as the project outside three miles will have impacts within Barnstable County we are going to take account of those impacts.

Alan Platt said then what happens if what is considered to be a negative impact the only solution to which is a modification to a structure outside of the jurisdictional area.

Attorney Wodlinger said as in the zoning cases, if the town of Dracut says well we are not going to approve this parking lot then the developer has to come back to them and say how about if I reduce the number of apartments in the apartment building in Lowell so that the traffic isn't too heavy through Dracut, will you approve it then. So you only have jurisdiction over what is within three miles but if you say to the developer if you have "X" number of turbines out there in "Y" location we think this is going to have bad impacts on fisheries or navigation or tourism or whatever then the developer has the option of coming back to you and saying well how about if I modify the project and put up "X" minus "N" number of turbines in this location instead.

Alan Platt said you mention that he has the option and said suppose he doesn't decide to pick up on that option. In other words he says hey tough.

Attorney Wodlinger said if he says hey tough then he can go to the Energy Facilities Siting Board or he can go to the superior court or land court and say the Commission got it wrong.

Leo Cakounes said suppose the applicant decided to have the cable landfall in Dartmouth or somewhere else other than Cape Cod we would be completely out of the picture at that point as far as not having "the tail" any more and we would not be able to say where "the dog" goes. He asked if that was a good assumption.

Attorney Wodlinger said that is correct.

Bill Doherty said there are other means of transmitting electricity besides cable. He said if the applicant decided to have, for example, a microwave transmission similar to a line that is in New Hampshire from Quebec and said let's say the receiver was on land on the Cape would we have similar ability to exercise jurisdiction.

Attorney Wodlinger said yes he would look at it the same way.

Chair Brad Crowell said he has a question similar to the same line. Say the applicant came to us or the project as it was represented to us was not a hundred and some turbines but it was one turbine connected to Cape Cod via a cable and we did our deliberations based on this. He said after a year the applicant, no longer an applicant, the owner of this facility says this is a pretty good business to be in so I'm going to add a few, maybe 100 more turbines to this would we have any jurisdiction at that point presuming that the cable didn't change.

Attorney Wodlinger said if the cable didn't change I guess the question is would he require any municipal development permits. If he didn't require a permit, then I think we would be watching the project with interest.

Chair Brad Crowell said he thinks he has made it clear in his questions that he is concerned that course 3 which Attorney Wodlinger is recommending is inevitably leading us to some contradiction. He said he believes the Commission's work here is important and said he wants the Commission to have a say in this. He said he wants that say to carry forward through any legal challenges and he is concerned that if we go with Option 3 it's a perilous course for us and whatever we may do may in the end not amount to much. He said his preference would be, after much consideration of this issue, that we go with Option 1 but he will open it up for a motion.

Leo Cakounes said as a follow up on what Mr. Crowell just said he kind of, maybe legally agrees with Mr. Crowell but is bothered by a couple of statements which he read in the documentations that he got and said he finds it very difficult to be able to put a positive twist on the cable if we don't have knowledge of what's attached to the other end of it. He said how can we give the applicant any benefit at all for this cable if we don't have some type of idea of what is on the other end of it. He said that is why, although he may agree with Mr. Crowell legally, he still thinks number 3 is the best option. He said he thinks we should review and regulate what is in our control but he thinks the staff should work to see what elements of the entire project may, in fact, impact us. He said in the documentation there is a lot of information on people concerned about oil spills and people concerned about environmental hazards. He said we all know the water is coming this way so anything that happens out there is going to impact our beaches and said he thinks we can regulate it to the point to at least be ready in case of something bad happening outside our jurisdiction when the results of that are going to end up on our beaches. He said leans toward number 3.

Joy Brookshire said number 3 doesn't say anything about jurisdiction outside the three-mile limit and said that is crucial that we have the right to look at federal and state waters. She said she would like to take number 2; review the entire project and its impacts and add within and outside the three-mile limit.

Chair Brad Crowell asked if anyone would like to make a motion.

Jay Zavala said not at this point in regard to a motion, however, as we are making our statements he is drawn to part of what was offered to us to review by counsel for the town of Barnstable where it offered in its conclusion that the Commission has the jurisdiction to examine all aspects of this entire development and said he is persuaded by their discussion on this. He said to give Ms. Brookshire some comradery he is drawn to number 2 as well that the Commission does have jurisdiction over all of this and the cable is but a component of this entire project and we are affected by all of this project not solely by the cable. He asked Mr. Wodlinger, before he has the courage to offer a motion, if he could talk to that second component a bit further.

Attorney Wodlinger said as he suggested earlier, number 3 may not be very aptly worded and said the intent of Option #3 is to look at the whole project but only regulate that portion of it within three miles.

Jay Zavala asked what does looking at all of it do for us from a regulatory standpoint.

Attorney Wodlinger said to take Mr. Cakounes' example, if the Commission decides that the generation of clean energy is a definite benefit for the Cape then it could approve the cable within three miles weighing that benefit against whatever detriments it may find related to economics, fisheries or anything else. He said in other words, in deciding what to do you would look at the whole project but all you would act on is that portion of the cable within three miles and on dry land. He said you would not purport to say well you can't have 130 turbines but you can have 100 turbines or you can have 200 turbines. He said you would not attempt to regulate beyond three miles but in regulating within three miles you would look at the impacts of the whole project. He said that is the intent of number 3. He said perhaps it doesn't clearly state that but that is the intent.

Jay Zavala said as a follow up would that suggest that in the same process from a regulatory perspective, if one were to see our vistas as the turbines being a benefit because some may hold that they are beautiful from beyond the three-mile limit that we would have some say with regard to that as we balance benefits and detriments.

Attorney Wodlinger said yes. He said let's say there were 20 factors that you wanted to take into consideration in deciding whether or not to approve what's within three miles and if the item which tipped the balance one way or another for you were views and vistas and you viewed the vista of the turbines out in federal waters as an important benefit then you would vote to approve the cable. He said you're not voting on the turbines you're only voting on what is within state jurisdiction but in doing so you're taking account of the positive benefit within state jurisdiction which you believe flows from the view of the turbines. He asked Mr. Zavala if that was clear to him.

Jay Zavala said yes and asked Attorney Wodlinger if he would concede then that item 3 in order for the Commission to favor it has to be reworded in the form of a motion. He said because as written he personally sees it as being very limiting.

Attorney Wodlinger said if it is unclearly worded then let's reword it. He said basically we are dealing with two concepts. He said one is what you are going to regulate and the other is what you're going to take account of when you regulate what you're going to regulate.

Jay Zavala said that was clear.

Roslyn Garfield said she finds there are many loop holes that we can cover in number 3. She said it seems to her that we would be open to a lot of legal dispute and she doesn't think that it is worded firmly enough whereas number 2 and number 1 both clearly project what we intend. She said she thinks number 3 does not clearly project what we intend to do.

Margo Fenn asked Attorney Wodlinger if he would help reword number 3 to capture the concept that they've been discussing.

Attorney Wodlinger said following up on Mr. Zavala's view, he would say the third option is to regulate those elements of the project within the three-mile limit but to take account of the impacts of the entire project including those portions of it beyond the three-mile limit.

Chair Brad Crowell said he thinks it's important to point out that this isn't the decision; it's an opinion. He said we're guiding the preparation of a staff report and preparation of a draft decision. He said the decision is what ultimately will prevail. He asked Attorney Wodlinger if that was correct.

Attorney Wodlinger said that is correct.

Jay Zavala said to that what would you define as accounting and to take account of.

Attorney Wodlinger said any impact within the County resulting from the entire project.

Jay Zavala asked if that language could be used as well.

Attorney Wodlinger said sure.

Bill Doherty said it's clear to him but the main concern he has is that we have a definition with one part where we can regulate and one part that we can look at and one part with what happens when we look at it and what effect does it have on the part that is regulated and asked if the language they are trying to develop puts that all together. He said he views the Commission's role as one of trying to protect the interest of the whole community and said he agrees with Mr. Crowell about trying to be consistent about it. He said he doesn't want to get them into the area where they are going to take a position that is outside of the authority that the Commission has. He said there might be an argument, for example, if there is an oil spill well then the state has the responsibility of regulating that or the federal government has the responsibility and if it happens and it affects the beaches then we have to depend upon the protections given us from the other agency who has the responsibility for managing that particular resource. He said we can argue about the effect of it but he is concerned that we don't overstep what we have a right to do. He said he heard what Attorney Wodlinger said about the extraordinary powers of the Cape Cod Commission as a regulatory agency and said it's one that we have been given but he thinks it's been given it in the sense of exercising it with prudence and not overstepping or of trying to step up the ladder to take over the responsibility of the Commonwealth or the federal government. He said he hopes that they work through this because he has a great concern that anything that the Commission does is in the interest of the greater good of the people that they are representing and not just for the sake of saying ok we're taking this over because we can.

Joy Brookshire said she liked what Attorney Wodlinger had to say when he tried to sum up what they were thinking and said she thinks Chapter 16, Section 1 is part of what they can look at in the federal waters because of the affects on the Cape and questioned whether that should be in there. She said not to be sticky about the language but this is going to have a life of its own for a long time and this Commission could change and the language has to be as succinct as possible so that future Commission members can look at it, read it and understand what we discussed today and what our intention was as we go forward.

Leo Cakounes said he was going to propose to make a motion to review those elements of the entire project on land and within the three-mile limit. And review the impacts both positive and negative of the entire project. John Harris seconded the motion.

Chair Brad Crowell asked Attorney Wodlinger if he had any comment on the sufficiency of the motion.

Attorney Wodlinger said you might say review and regulate.

Leo Cakounes said he had that written down and said he would read the motion again. He moved to review and regulate those elements of the project on land and within the three-mile limit and review the impacts both positive and negative of the entire project.

Chair Brad Crowell said he believes John Harris seconded that. Mr. Harris acknowledged that he did.

Attorney Wodlinger said he thinks perhaps that more clearly sets forth option 3.

Jay Zavala said, in light of what our commissioner said with regard to our responsibilities, as he has been listening and what he has wanted to discern is that we not shrink from this responsibility to regulate but to stretch ourselves to the outer limits of where we have responsibility for the citizens of the Cape. He said within that framework does this give us the ability to stretch to that limit and not shrink from our responsibilities.

Attorney Wodlinger said he thinks option 3 as reworded aptly defines the limits of the Commission's authority and said he does not believe the Commission has any authority to regulate beyond three miles.

Elizabeth Taylor said Attorney Wodlinger said something about "and take into account any impacts" and said if we say "be able to review" are we saying the same thing or is that quite different.

Attorney Wodlinger said he reads that as the same thing.

Joy Brookshire said she still has a concern about the wording of the entire project as not being defined enough. She said does the rewording take into consideration beyond the three-mile limit when we say the entire project.

Attorney Wodlinger said he thinks the entire project includes the turbines in federal waters, the cable in state waters, and the cable on private property. He said he thinks the entire project is the project that is described in the Environmental Impact Report which is what was, by force of statute, referred to us as a DRI. He said it doesn't hurt if you want to make it doubly clear you could say including those elements of the project located in federal waters but he thinks it's fairly clear.

Roy Richardson said Attorney Wodlinger talked earlier about the long-arm within the proposal that is before us and asked where is the long-arm concept included in that.

Attorney Wodlinger said it is in option 3.

Roy Richardson said in terms of the ship that sailed out of Hyannis that was quite clear to him at that point and asked Attorney Wodlinger to give him an example of something within option 3 that we are considering where the long-arm might apply theoretically.

Attorney Wodlinger said the best analogy is the two-town zoning case law where Dracut can approve or disapprove a parking lot in Dracut even though the entire project in Lowell is dependent on that parking lot. He said the Dracut planning board can take account of the impacts of the entire project even though 10 percent of it is

located in Dracut and 90 percent is located in Lowell. He said here, he doesn't know the percentage but let's say 80 percent of the project by dollar value is located in federal waters and 20 percent is located in state waters and in Barnstable County solid land. He said in deciding whether or not to approve the project that is clearly within jurisdiction, which is within three miles and on solid land, the Commission is acting like Dracut in saying we don't like that project in Lowell even though we can't tell the guy he can't build a 10-story apartment building in Lowell we can tell him he can't build a huge parking lot in Dracut to serve that 10-story apartment building. He said in this case the Commission would be saying we can't tell Cape Wind how many turbines or whether they should build any turbines at all out in federal waters but we can tell them if you build 130 turbines we are not going to approve this cable. Attorney Wodlinger said that is the best analogy he can give.

Roslyn Garfield said as Mr. Cakounes read his motion he omitted within Barnstable County and asked if that has any impact on the motion as it was given to us.

Attorney Wodlinger said he doesn't have the wording in front of him.

Leo Cakounes said he would read the motion again. He moved to review and regulate those elements of the project on land and within the three-mile limit and review the impacts both positive and negative of the entire project. He said in the document that he has in front of him the final line says review the impacts both positive and negative within Barnstable County. He said to be honest he eliminated that purposely and said, again, that is because of the oil spill scenario although he believes the Commission's regulatory authority is within Barnstable County but he wants to review and have the ability to review the impacts of the project both positive and negative. He said he certainly knows the Commission can only regulate the ones for Barnstable County.

Jay Zavala said he was hoping to follow up on where Ms. Brookshire was earlier with regard to the entire project and said, again, he is drawn back to the attorneys for the town of Barnstable where they use the phrase all aspects of the entire development as part of their language. He said he believes, as Attorney Wodlinger was defining the Commission's responsibilities, that he was speaking to Section 1 of the Cape Cod Commission Act and asked Mr. Wodlinger if that was correct.

Attorney Wodlinger said that is correct.

Jay Zavala said if it were offered as a friendly amendment to the motion that all aspects as defined in Section 1 of the Cape Cod Commission Act and asked Ms. Brookshire if that would add clarity and said it would for him. He said what he is offering would be that friendly amendment to the motion that included the words all aspects that are defined under Section 1 in the jurisdiction of the Cape Cod Commission.

Chair Brad Crowell asked Mr. Zavala if he wanted to offer that as an amendment and Mr. Zavala said he just did. Mr. Crowell asked if they should ask Mr. Cakounes to change his motion.

Jay Zavala said or as a point of order, if he accepts the friendly amendment to what he has; all aspects as it relates to Section 1 of the Cape Cod Commission Act. Mr. Zavala said, as we all know, Section 1 defines all of those various values and aspects that we are charged to protect, preserve, conserve and so forth.

Leo Cakounes repeated the motion saying to review and regulate those elements of the project on land and within the three-mile limit and review the impacts both positive and negative and all aspects of the entire project as it affects and relates to Section 1 of the Cape Cod Commission Act.

Chair Brad Crowell asked Mr. Harris if he wanted to maintain his second on that.

Mr. Harris said yes.

Chair Brad Crowell said just a thought, this doesn't have any legal standing as he understands it and said this is purely advisory so we may be going a little too far in our care here and asked Attorney Wodlinger if he would characterize that way.

Attorney Wodlinger said ultimately when the Commission makes its decision those members who believe this is the correct course will follow it. He said those members who advocate a narrower scope of review or jurisdiction or both will follow that. He said in terms of instructing the staff on how to process the DRI he thinks this is helpful to the staff.

Chair Brad Crowell asked if the staff feels sufficiently instructed.

Project Planner Phil Dascombe said a little bit of clarity that would help staff a great deal would be to be specific on the weighing of the benefits and detriments and whether they are in Barnstable County or not. He said to give an example, Cape Wind might use Rhode Island to stage the construction operation and there may be jobs created in Rhode Island and said would you as a Commission want to consider those as part of your weighing process or air quality benefits in Maine, for example. He said it would be helpful to staff to know where those benefits and detriments analyses would fall.

Chair Brad Crowell asked if anyone had any suggestions to clarify that.

Chuck Lockhart asked if that could be played by ear. He said we have a general motion and as things come up we'll deal with them. He said he would be reluctant to sit down and start itemizing something for fear that he would forget something that might be important. He said he thinks they have hit the nail on the head here with Mr. Cakounes' motion. He said he is very comfortable and confident with the quality of the staff that we will be able to take care of it.

Chair Brad Crowell said we may want to give some discretion to the staff and the subcommittee on that.

Jay Zavala said he would ask the chair to move the question.

Chair Brad Crowell called for a vote on the motion as recently read. The motion passed with a unanimous vote.

A motion was made to adjourn at 4:50 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Robert D. Jones

Robert Jones, Secretary

APPENDIX C: Cape Wind Subcommittee Hearing, September 6, 2007

Cape Wind Hearing Minutes
Cape Wind Energy Project
Mattacheese Middle School
September 6, 2007

Subcommittee Members Present: Elizabeth Taylor, Chair, Jay Zavala, Chuck Lockhart, Alan Platt, Frank Hogan, John Harris, Joy Brookshire

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Elizabeth Taylor opened the hearing, and introduced the subcommittee
Chuck Lockhart read the hearing notice. Ms. Taylor read the agenda for the evening, and stated groundrules for hearing.
Ms. Taylor stated that there is 5 minute time limit for speakers, and the subcommittee may continue hearing to Monday, September 10, and 11 as needed. Ms. Taylor asked all to be respectful, refrain from clapping or shouting. She stated that there is an opportunity for detailed testimony on Monday, September 10, at Assembly of Delegates chambers, and anyone wishing to testify should request in writing, by US mail or email to Phil Dascombe by 10:00 a.m. on September 7, 2007. Expanded testimony will be allowed for no more than 1 hour. More information on CCC website.

Ms. Taylor asked for presentation by Cape Wind

David Rosenzweig, attorney for Cape Wind
Mr. Rosenzweig stated that he will address two of the legal issues, then Craig Olmstead will provide overview of the project. He stated that Cape Wind is here to be helpful. He stated that it is essential to keep in mind CCC jurisdiction pertains to cable within state, and that cable installations are routine. He stated that no adverse impacts over the longterm are anticipated, and referenced the cables to Islands, had no adverse impacts to Cape, and that the CCC did not review. Mr. Rosenzweig commented on CCC actions to date. He stated that Cape Wind is reserving rights at this time, referenced more fully in CW Sept 4, 2007 letter. He stated that August 8, 2007 served as cutoff date for hearing process (as end of 90 day hearing period), and CW maintains that this hearing tonight is not authorized by CCC Act. He maintained CW's objection to consideration of anything outside of State waters, beyond jurisdiction of the CCC. He stated that findings in Secretary Bowles' MEPA Certificate are binding on CCC, and that the CCC can approve the project with conditions relevant to issues within jurisdiction.

Craig Olmstead, Cape Wind
Mr. Olmstead made analogy between this project and similar work: Common utility work, cable route. He stated that the proposal is to install two circuits at minimum depth of 6 ft under the ocean, and then transition to road rights of way and utility easement. For mitigation, he referenced the FEIR certificate, approximately $5 mil, and noted the agreement with Town of Yarmouth: CW to pay $125k to Englewood Beach area, and annual payments of $250K.

Phil Dascombe summarized the staff report. He discussed the permitting sequence, criteria for approval of DRIs, and summarized MPS consistency.

Ms. Taylor moved to public testimony.

Elected officials
Peggy Konner, Aide to Rep. Matt Patrick
Ms. Konner stated Rep. Patrick's position in favor of Cape Wind project, and read Rep Patrick's prepared statement. He stated that he put time into passage of CCC Act, and in a prior RPP an energy MPS supported wind energy. He stated that it appears that CCC staff does not support wind power, and that there is no reference to wind in current RPP. He stated that in the end, visibility from land is the key issue. He stated that other environmental issues have been addressed, and that there is no argument that this will contribute to better environment, without use of fossil fuels. He questioned why this project gets more scrutiny than re-licensing of Canal Power plant. He stated that it will result in more stable prices of energy, that youth will benefit from environmental benefits, and that there will be many new jobs created by the project.
He stated that environmentally the project will benefit Cape. He noted that a WBNERR report determined that nitrogen loading from atmosphere is impacting eelgrass. He questioned the staff report concern about eelgrass. He stated that sediment deposition will be temporary, compared to algae growth from N loading, and that any project that reduces N loading is a benefit. He stated that none of the objections raised in staff report are insurmountable.

Tom Bernardo, aide to Rep. Demetrius Atsalis
Mr. Bernardo read a prepared statement by Rep Atsalis. He stated his position on this project has remained constant; absolute need to increase green energy, including wind, and that a national policy is long overdue. He stated that this project is not good policy. He stated that there should be a federal plan for siting the wind farm, and that he urges CCC to set high standard for review.

Sue Rohrbach, Aide to Sen Robert O'Leary
Ms. Rohrbach read a prepared statement by Sen. O'Leary. He stated that this project exposed inadequacies in permitting/regulatory processes. He stated that there is an urgent need for ocean planning. He stated his support of CCC determination to include consideration of all aspects of the project. He stated that Cape Wind's submission of the FEIR prior to the FEIS has forced CCC to act before complete info from Minerals Management Service. He stated that it is important to wait for FEIS in order to make best, well researched decision. He stated his concern that the costs of the project will be shouldered by constituents. He stated that the EIS will address visibility, public safety, rare species, and that it is best to wait for completion of federal review. He stated that this is a landmark undertaking, and its of utmost importance to consider all information.

Suzanne McAuliffe, Yarmouth Selectman
Ms. McAuliffe stated that she was present to express views of Board of Selectmen, and that she will go into more extensive concerns on Monday. She stated that the LCP has

guided the town. She stated that the Yarmouth Board of Selectmen is opposed to Cape Wind project in current site, and that Yarmouth is committed to alternative energy. She gave examples in town of renewable energy use. She stated that the issue is with the current site. She stated that five years ago the town negotiated agreement with Cape Wind to ensure a construction schedule and repair of roads in reasonable fashion. She stated that the agreement is not an endorsement of the project, that it is simply mitigation and construction schedule. She recommended that the Commission should have a copy of Yarmouth's negotiated agreement to ensure consistency. She stated that the main concern for the town, under benefits and detriments, is hazardous materials spills from the 40,000 gallons in the offshore platform, and small ships navigating the Sound. She stated that Yarmouth is ground zero for any spills, and that in under 5 hours, a spill will hit Yarmouth beaches. She stated that while Yarmouth's concerns are outside the 3 mile state limit, she thanks the Commission for taking right path to consider benefits and detriments.

General public testimony

William Griswold, Centerville
Mr. Griswold stated that he sent a report on Offshore windfarms in Denmark, which reviews impacts of windfarms in a seven year study of birds, underwater organisms, seals. He stated that the study indicates that seaducks, seals and fish varieties have increased, and that in general there are positive environmental impacts from windfarms. He stated that tourism has increased, and housing values have doubled. He stated that Denmark's Tourist guide has windfarms as attractions. He stated that the opposition has created a mythology, the most recent of which is the squid fishery that will be impacted. He stated that the largest squid fishing boat can navigate in the Sound, and that in Denmark, there is huge tourist and sailing interest in the windfarms. He invited the Commission to Denmark to see the windfarm on the horizon.

Carl Freeman
Mr. Freeman stated that renewable energy projects have more hoops to jump through, and that CCC review is double jeopardy. He stated that the Nantucket cable was approved in 4 months. He compared wind energy permitting to racial segregation. He stated that he was personally irked by stories that seem to become facts. He stated that none of the terrible things proposed will happen. He stated that the Commission staff report is picayune, or a delaying tactic. He stated that he is a Cape Cod resident, and breathes the air here. He stated that he wants less greenhouse gases, less mercury, less blood spilled to secure oil. He recommended that the CCC take a small step beyond obstructionism and look at the real facts. He stated that this will be a big step toward renewable energy, and that the damage will be far outweighed by the benefits.

Jean Mangiafico, League of Women Voters
Ms. Mangiafico spoke on behalf of LWV. She stated that the LWV came to consensus to support the Cape Wind project, after 2 years of study. She stated that the LWV held a public forum, went to Denmark, visited a plant to see manufacture of turbines. She stated that members of LWV believe the development of utility scale project is critical to

provide clean air and promote climate change. She stated that the project is consistent with renewable energy, and that windpower is a viable resource.

Seth Kaplan, CLF
Mr. Kaplan stated that the Commission is a very important institution. He stated that he appreciates the vital role the Commission plays in protection of Cape Cod. He stated that in this role the Commission has an obligation to engage question of what do we do with global warming. He stated that the issue was key here on a glacial outwash plain subject to sea level rise. He stated that we need to move toward Zero emissions energy, and that the infrastructure to get us to that point should have a level playing field with other energy review. He stated that the Nantucket cable is an effective precedent, and that this project is identical to that project. He stated that given the reality of global warming, our obligation is to figure how to build supportive infrastructure. He indicated that the Commission is good at figuring out how to get things done, and mitigate appropriately.

Chelsea Harnish, Clean Power Now, reading statement from president/director
Ms. Harnish stated that CPN has been informing the public about renewable energy projects. She stated that the project will provide 79% of Cape power, equivalent of taking 175,000 cars off the road now. She stated that we need to act now, and that there is an indigenous supply of energy right off our coast. She stated that CPN believes CCC jurisdiction does not include project in federal waters, and can't be legally expanded beyond area determined by state. She stated that CPN urges you to approve project. She stated that recent opinion surveys show overwhelming support of the project. She stated that by approving the project, the Commission will show the country that Cape Cod is a leader.

Ed Mangiafico
Mr. Mangiafico stated concern over news of melting of Polar ice cap. He stated that he has watched this process for 6 years, never imagining length. He stated that this project has been more thoroughly vetted than mining or fossil fuel projects. He stated that he reviewed the issues, went to Denmark. He stated that he has had a hard time hearing specious arguments on birds, fish, profit of developer. He stated his disappointment that the only valid argument appears to be that we are better people, and that we can't have some impact on our view. He stated that he hopes the Commission will do the right thing.

Fred Schlicher, MassClimate Action network
Mr. Schlicher stated his support of the project, and wants the Commission to expeditiously approve the cable. He stated that he speaks tonight on behalf of 35 chapters across Massachusetts. He stated that MassClimate Action Network works collaboratively with local governments to promote climate change. He stated that his 1st message is that Cape Wind is a national, state, regional priority, and that clean, renewable energy is needed now; time is running out. He stated that his second message is that the world is watching CCC. He stated that this decision is a weighty one, but CCC should represent progressive Cape Cod community by embracing clean sustainable energy future. He stated that if CCC does not approve application, several important public benefits will be

lost: air quality, regional reductions in CO2, energy diversity for Massachusetts, new jobs, position of Massachusetts as mover/leader in this tech field.

John Rogers, Union of Concerned Scientists
Mr. Rogers offered context on climate change implications. He stated that in July the UCS issued a Report "Confronting Climate change in the North East" (report copies). He reported on the findings. He stated that since project was first considered in 2001, report says how project could effect global warming, and that the report spells out consequences of not acting. He stated that if global warming continues unabated, Massachusetts will be adversely impacted, including health effects, pollen, air quality, allergies, agriculture, cranberries need chilling requirements, fishing industry would be impacted as temps rise (young cod), also damaging storm surges result from warmer seas. He stated that the report goes on looking at 2 different scenarios. He stated that to avoid worst outcome, we need to reduce carbon intensity, and that offshore wind may be opportunity. He stated that benefits are starkly apparent.

Martin Aikens IUEW (electricians)
Mr. Aikens stated that he has solar panels, and returns electricity to the grid. He stated that this project is a good opportunity to return to the community. He stated that Cape Wind has spent millions of money already, but people in power make this review process go on and on. He stated his feeling that the CCC should not be holding this hearing as the public comment period closed August 8. He stated that this project is good for everyone. He stated that Cape Wind will pay decent wages, health benefits and retirement fund. He stated that the Commission should look at up to 3 miles, and time has come to get permits and let people get to work. He stated that he wants this and the members of IUEW want it; jobs and money will come into play.

Gerard Dewey, Maritime Trades Union
Mr. Dewey stated that the Commission should abide by EFSB decision. He stated that the project will bring new construction jobs and reduce dependency on fossil fuels. He stated that the CCC should stop changing the rules, and that the CCC should only consider project out to 3 miles.

Patrick Butler, representing the Alliance to Protect Nantucket Sound
Mr. Butler indicated that he will provide expanded testimony on Monday, September 10, 2007. He stated that the Alliance did not have individual members speak tonight to save them for expanded testimony. Mr. Butler stated that he disagrees with staff interpretation of the Commission's May 31 vote. He stated that he has represented 110 DRI applicants in front of the Commission, and in his opinion the Commission is consistent; applicants are required to answer all the questions, if they don't, then the Commission may procedurally deny the project or ask for more information. He stated that he believes the hearing is reasonable and lawful.

Dona Tracey
Ms. Tracey stated that wildlife issues should not be dismissed. She stated that wind farms impact birds, that 10,000 birds and bats were killed in NY example. She stated that the

Natural Heritage and Endangered Species Program raised concerns about bird impacts, and that NHESP had concerns about Piping plover and tern impacts. She stated that a "take" of rare species is prohibited by state and federal law. She stated that Cape Wind should be asked for three years of studying birds and ground truthing in Horseshoe Shoals. She stated that whale impacts are known; that whales are endangered species, and acoustic impacts are known 50 miles from pile driving. She stated that dramatic changes in whale behavior are known from as close as12 miles. She stated that dredging is a huge problem for marine mammals; that Northern right whales were seen in Sound (6 between 2001-2005), tagged and spent significant amount of time in Horseshoe Shoal. She cited death of other species from boat strikes in the region.

Cliff Carroll, WindStop
Mr. Carroll stated that Cape Wind made promises to be good neighbor, but didn't show up. He showed the off-shore platform located outside jurisdiction . He referenced an oil spill report prepared in 2005, released 2006. He stated that there are 40,000 gallons of oil in off-shore platform, and if oil spilled toward Cape Cod, 90% probability of reaching shore. He stated that there could be huge impacts to fisheries, and that all these impacts in Barnstable County. He stated that there has been no mapping of affected areas.

Barbara Brack
Ms. Brack indicated that she is convinced Cape Wind is the right thing to do, that 86% of Massachusetts residents want it to happen. She expressed concern for air quality for Cape Cod. She stated that she doesn't understand why Yarmouth Selectmen are opposed, and that arguments against the wind farm don't hold up.

Richard Bartlett
Mr. Bartlett stated that officials should act responsibly, climate change is happening. He stated that impacts of climate change are more important than impacts suggested by the opponents. He stated that we should be responsible stewards of nature, and urges approval, both short and long term.

Ian Pager-Rogers, Greenpeace
Mr. Pager-Rogers stated his support, that clean power is needed, wind is a limitless, safe and resilient resource. He stated that there should be a presumption that these types of projects should be approved. He stated that there are minor impacts from offshore windfarms. He stated that any attempt to delay is the latest reason to delay the project. He stated that the Commission shouldn't change the rules, that this is the right project and CCC should approve it.

Aileen Lubold
Ms. Lubold stated that she liked the idea of renewable energy in the Sound. She stated that Massachusetts should be a leader in renewable energy, important project and move forward.

Diana Connett

Ms. Connett stated her concern with impacts on energy crisis. She stated that 90% of energy comes from dirty sources, these cause high energy bills and high asthma rates. She stated that there is no debate over global warming, and rising sea levels a result. She stated that the Cape Wind project is an action to counter global warming.

Dorothy Svoboda
Ms. Svoboda mentioned mining deaths. She stated that the Sound is not owned by opponents. She stated that in six years, one major oil spill in Buzzards Bay, pollution, other projects been built. She stated that Yarmouth selectmen should listen to the public.

Jim Liedell
Mr. Liedell stated his concern about possible 20 foot rise in sea level. He stated that 6 years of study should not be extended, will make us fall further behind. He stated that the probable benefits greater than detriments. He stated that many of the MPSs were potentially conditionable. He mentioned the mitigation money from the Host Agreement with Yarmouth, full time jobs during construction, and many other direct and indirect benefits. He stated that Cape Wind has provided factual data to support approval.

Lynn Sherwood
Ms. Sherwood stated that she is the former shellfish biologist for Yarmouth, worked for Mass Division of Marine Fisheries, and said that she is disgusted that we are still standing here talking about impacts of project. She asked how long have contaminants entered our air during this time. She stated that elected officials have blocked progress. She is also a teacher and stated that 30% of kids in her class have asthma. She stated that if you consider benefits and detriments, decision is clear cut.

Richard Lawrence, Self Reliance
Mr. Lawrence stated that he was excited about a project that can propel their vision forward. He spoke on behalf of Self Reliance, and that they looked to Europe as a leader in renewables, and offshore. He stated that there are no adverse impacts in Europe; the environment and economy are booming. He said he had spoken with folks in Denmark and they support offshore farms. He stated that he is a renewable energy advocate; all issues come back to energy. He's teaching about renewables to young and old at CCCC, with funding from Cape Wind. He said there is a statewide effort to support renewables, looking to us for leadership.

John O'Brien, former CCChamber Chair
Mr. O'Brien read a 2004 letter from chamber. He stated that the project caused challenge for chamber, that the project has struck a nerve positive and negative. He stated that the chamber has looked at issue, and that it's a complex industry. He stated that the Cape Light Compact is only energy aggregator in region. He stated that the Chamber determined that windfarm has plusses and minues, and that he doubts about price benefits. He stated with wind, power may come when we don't need it. He stated that the chamber has come down as against project. He stated that true cost benefit analysis has not been done, and that the Chamber recommends comprehensive energy policy for

siting, and all other fixed structures in coastal waters. He stated that any development in resource like the Sound should consider tradeoffs of better prices with impacts.

Charles Kleekamp, Cape Clean Air
Mr. Kleekamp stated that the project's benefit was its impact on oil generating plants. He stated that oil fueled generation plants comprise 24% of all capacity in NE, and that price of electricity from oil fueled is most expensive. $93 per Kwh, gas $34, coal $18. 0 fuel costs will push oil off the supplier list. He stated that Cape Wind will provide nearly the same amount as the Mirant plant. He requested consideration of the oil saved, emissions avoided, XX mil tons of CO2, SOx, NOx, and to approve the project.

Neil Good
Mr. Good stated that the Commission should preserve special character of Cape Cod.

Barbara Durkin, tourist to Cape
Ms. Durkin stated that she is disturbed by ad hoc process for largest construction project. She stated that Cape Wind DEIR is flawed. She stated that Cape Wind would pose threat to public safety. She stated that this is a reactive process. She stated that EMI's plant in Chelsea is not consistent with Cape Wind's claims of clean air. She stated her concern about fishing interest, avian interests, endangered species the Sound. She stated that pile driving will be a taking of marine mammals by harassment. She stated that Cape Wind should be stopped. She stated her concern about ferries, and public safety hazard.

Ron Borgeson, Commercial fisherman.
Mr. Borgeson stated that he represents the mobile gear sector, fishing in Horseshoe Shoals. He stated that he supports alternative energy, but can't support project in this location. He stated that the shoals are a gift, all different fish congegrate in all different times of year, including diverse scup, summer flounder, squid. He stated that there were millions of dollars there and fishermen who work there year after year. He stated that this was not fair tradeoff; Fishermen will be displaced.

Mary Jane Curran, retired CCCC professor
Ms. Curran stated that she is coordinator of renewable energy program. She stated that she recommends approval of the project. She stated that Massachusetts is poised to be a leader in energy, and that Cape Wind is a catalyst for understanding need for renewables. She stated that jobs will be created, and through maintenance. She stated that more homes and businesses are demanding more renewables. She stated that CCCC has become a leader in course work in renewable training, and that there are opportunities for folks to work on cape with good wages.

Frances Demoula
Ms. Demoula stated her concern about home insurance; concern about hurricanes and impacts on turbines. She stated that she wants to have clean air; but that Cape wind will not be filtering our air. She stated that 75% of energy will come from Cape Wind, but that energy will go into grid, and not lower our energy costs. She questioned what are the risks and benefits?

Liz Argo, Clean power now board member, and video researcher
She stated that she submitted videos as evidence. She stated that issues like dredging and fish impacts can be mitigated and with science. She stated that the responsibility of CCC is to be mindful of project that wants to accomplish a public benefit. She referenced videos and interviews with Denmark folks. She stated that MassAudubon has supported the project, with contingencies. She stated that rapid climate warming is a concern to people.

Richard Elrick, President of Clean Power Now. Also ferry captain
Mr. Elrick stated that there are 3 myths perpetuated by Cape Wind review: Sound is like the Grand Canyon; never seen industrial activity. He stated that its not, consider fishing dragging bottom, boats dumping, spills, etc. and that the sound is not so pure. He stated the second myth that navigation concerns are severe: Horseshoe shoal is shallow, it is outside of shipping lanes, turbines sited .5 mile apart. He stated that there was a small footprint of turbines on water. He stated the third myth: There are deep water offshore locations south of the Sound. He stated that technology does not exist now. He stated that he believes that DEIS will show conclusively that the benefits outweigh detriments.

Robert Wineman, Orleans resident
Mr. Wineman stated that he agrees with previous speaker. He stated that his main concern is retroactive review of Cape Wind. He stated that both elected and appointed officials have been pot-shotting Cape Wind, and that review unfair as compared to cable to Nantucket. He stated that he hoped CCC will treat Cape Wind fairly, on its merits.

John Paul Kurpiewiski, Waltham, scientist
Mr. Kurpiewiski stated that he specializes in energy conversion devices, and that he has a patent for his work on clean energy. He stated that 85% of energy sources are fossil fuel related, that decreased CO2 emissions are a benefit, that global warming is fact, and that decreased reliance on foreign oil is key. He stated that we have most to lose from rising seas. He stated that the CCC should approve Cape Wind.

Steven Mello, Wareham
Mr. Mello stated that he supports project. He stated positive benefits, including steel jobs, year round tourist industry. He stated that the most compelling reason is pressing need to generate 75% of electric demand on Cape, and foster healthy community for present and future generations.

Dan Gilbarg, Coalition for Social Justice
Mr. Gilbarg endorsed Cape wind, and hoped CCC will too. He stated his concern over health impact of coal and oil plants on public health. He stated that childhood asthma is a result of power plants, and that deaths linked to power plants. He stated his concern about generation of more dirty power plants (like coal) as power demands rise. He stated that project has minimal negative impact.

Peg Wineman, Orleans

Ms. Wineman stated that her husband and she have done water quality testing for last 20 years. She stated her concern about children and grandchildren; want to leave a better world for them. She stated that individuals need to take action to promote energy conservation, and that safe sources are sun and wind. She stated her support of Cape Wind.

Robert Jones, Hyannis
Mr. Jones stated the need to consider how this project will impact the waters of Nantucket Sound. He stated that there are definitely impacts within the Sound, to shorebirds, finfish, mammals. He stated that there is no guarantee that 75% Cape's energy demand will come to Cape Cod. He stated that wind speeds are not provided, so hard to evaluate. He stated that it's the CCC duty to protect Nantucket Sound. He stated his concern about navigation around turbines.

Wayne Lamsen, Steamship Authority
Mr. Lamsen stated his concern about impacts to operations, radar interference, proximity to ferry routes, restricted flow of ice, maneuvers within the sound during poor weather. He stated that he will testify in expanded format.

Konrad Schultz, Brewster
Mr. Schultz stated that the CCC should consider all of the impacts as a whole; economic impact, especially to tourist industry. He stated that people come to Cape spend a lot of money to enjoy our beaches. He asked what is the cost of the permanent loss of this asset? He stated that no reduced electric rates have been agreed to/promised, and that cape residents will bear the brunt of the impacts. He stated that the cost will be born by citizens, benefit enjoyed by developer (energy credits). He stated that the CCC should engage independent cost benefit analysis.

Susan Brown, Harwich
Ms. Brown thanked CCC; showing up is 80%. She said she traveled to Denmark, wanted to hear from folks who live with a windfarm. She said think Globally, act locally, and please support this.

Steven J Scannell, Harwich
Mr. Scannell stated he is a Nantucket fisherman. He stated that he represents a consortium; Love Power Consortium. He stated that the CCC should support project through consortium model, that infrastructure should be a conduit system, so it doesn't have to be dug up again. He stated that the Country needs a testing ground for freestanding turbines. He stated that tax credits and subsidies should go to consortium model. He said that since the yes and no camps can't talk about consortium model, CCC should.

Dave Moriarty, Falmouth
Mr. Moriarty stated that he is adamantly opposed to wind farm as proposed. He stated that people of Cape Cod are not getting a fair shake, and that if he had to choose between fishermen and electricians, pick the Cape Codders.

Harold Krause, Chatham
Mr. Krause referenced NJ, and the refineries. He stated that it is disappointing to see how one individual can benefit from public resource. He stated that the Cape Wind lawyer threatened CCC; he doesn't understand that. He stated that the CCC has beauty to protect. He stated that the project does not make economic sense, and that he really cares about this.

David Barclay, NE Sustainable Energy Association
Mr. Barclay stated that he promotes clean energy solutions. He stated that this is very positive project, and that CCC should accelerate review process. He stated that there are no significant environmental impacts. He stated that wind has lowest impact, is cost competitive. He stated that evidence that fisheries have increased in similar projects.

Jerry Palano Acton, Ma
Mr. Palano stated that the CCC should approve project, based on real technical , economic, etc. benefits. He stated that CCC should separate out false claims, scare tactics, etc. He stated that beauty of the Sound will be enhanced. He stated that CCC could be proud to approve this project.

Moses Calouno, Maritime Information Systems, Inc,.
Mr. Calouno disputed claims by other speakers. He stated that there is a 500 m exclusion zone in Britain, that MIT evaluated fisherman's data, and can't validate it, and that spill concerns are federal issue.

Elizabeth Taylor asks for motion.
Alan Platt, continues hearing to 9/10/07 at 10 am, Assembly Delegates chambers, First District Courthouse. Seconded by Joy Brookshire. Approved unanimously.
The meeting adjourned at 9:10 pm.

Respectfully submitted,

Elizabeth Taylor 10-9-07
Elizabeth Taylor, Subcommittee Chair

APPENDIX D: Cape Wind Subcommittee Meeting, September 10, 2007

Subcommittee Hearing Minutes
Cape Wind Energy Project
First District Courthouse, Barnstable
September 10, 2007

Subcommittee present: Elizabeth Taylor, Chair; John Harris, Joy Brookshire, Alan Platt, Chuck Lockhart, Frank Hogan. Bob Jones was present in the audience.

Elizabeth Taylor opened the hearing and read the rules for testimony. She noted that the Committee reserves the right to ask questions, or may end testimony that is not pertinent.

Patrick Butler, representing the Alliance to Protect Nantucket Sound, explained that the Alliance is a non-profit organization that has been providing comments throughout the process. He noted that the project is unprecedented in scope. He explained that Eliza Cox, Sarah Turano-Flores, Tom Broadrick, Paul Bachman and Glenn Whately would also speak.

Mr. Butler stated that the evidence is incomplete and inadequate and does not address the staff report. He stated that Cape Wind has not attempted to address issues raised in the FEIR letter. He believes that the applicant should address the issues, or the Commission should procedurally deny the project. He noted that they have brought a stenographer to develop accurate minutes. He noted that David Rosenzweig refered to the power of the Energy Facilities Siting Board (EFSB). Mr. Butler would like to state that the Commission's power is not pre-empted by the EFSB.

Sarah Turano-Flores explained that an important issue is the jurisdiction of the EFSB, and whether that authority extends to and over-rides the Commission's decision. She stated that the applicant appears to be proceeding on the premise that the Commission does not matter. She stated that Cape Wind maintains that the EFSB has the power to over-ride the Commission decision. She stated that the importance of clean energy should not over-ride local values and interests. Local interests were deemed important enough to create the National Seashore. The Commission was created to protect interests under the Commission Act. These interests would be nullified if the EFSB were allowed to over-ride the Commission decision. She referred to Section 13 of Cape Cod Commission Act, which states that decisions are final and that only the court has jurisdiction to review Commission decisions. Some exemptions exist in the Commission Act, but are specifically listed and do not include energy facilities. Section 13 of the Act also gives authority for the Commission to bring suit to enforce its decisions. The Commission decision is final and exclusive.

Mr. Butler referenced a blue folder that he handed out. He noted that in order for a project to obtain an approval, it must comply with the Commission's requirements. The document explains why the project does not comply with the Minimum Performance Standards (MPS) of the Regional Policy Plan as well as other requirements.

Eliza Cox explained that the Commission Act sets forth four criteria for DRI approval, including complying with the MPSs, Local Comprehensive Plans and local bylaws. In addition, the benefits must outweigh the detriments. The MPSs set forth the minimum requirements. Projects are required to meet all MPSs. The staff report states that the project is inconsistent with seventeen MPSs or that consistency is unclear. She stated that there are also other MPSs that the project does not comply with. She referenced the binder and various memoranda. She highlighted a few of the standards.

MPS 2.2.2.1 does not allow development in FEMA flood zones. The landfall location is within a flood zone. This violates the MPS, unless the project is a water dependent use. When defining this term, a wind power plant falls outside the bounds of a reasonable interpretation of the term. Onshore wind facilities account for ninety percent of wind facilities. This indicates that they do not depend on water, even if they could be considered a water dependent use. In the Commission letter on the FEIR, the Commission stated that the analysis of alternatives was inadequate.

MPS 2.2.2.4 states that no new water dependent use should be located within one hundred feet of a coastal bank. MPS 2.2.2.9 states that there should be no new structures within a V-zone or beach. MPS 2.2.2.6 states that there should be no new dredging, unless there are no feasible alternatives. She noted that obviously dredging is proposed with the installation. She believes that Cape Wind has not adequately demonstrated that there is a public benefit, and that there is no alternative. More evaluation of impacts to finfish, eelgrass and other resources is needed.

MPS 2.2.3.6 regards impacts to eelgrass beds. She noted that no alternative locations were examined that would not impact eelgrass beds. She believes that this MPS has not been adequately addressed. She believes that MPS 2.2.2.8 regarding shellfish and fisheries has not been met.

She noted MPS 3.1.1 regarding the provision of economic data. She believes that the information that was provided is inadequate. She noted that the Commission has asked for more, but Cape Wind has not provided it. She believes that the project will have tremendous negative impacts.

She also mentioned MPS 4.1 regarding impacts on infrastructure. Based on inconsistencies with the MPSs, she believes that the CCC cannot approve the project. She also explained that the project is inconsistent with the Barnstable LCP. She referred to Tom Broadrick's affidavit.

Paul Bachman, from the Beacon Hill Institute (BHI), the economic expert for the Alliance, explained that he had assessed the principal effects of the Cape Wind project on the economy. His findings are that there will be a small decline in tourism, fallen earnings and a decline in local property taxes. The survey results are specific to the Cape and Islands. He stated that Cape Wind's findings are not based on a tourist economy. The BHI Report looks at costs and benefits in a systematic fashion. He noted that there are environmental effects, aesthetic effects, $947 million in costs, $500 million

in benefits, and thus with a $211 million difference, it does not make sense to build the project. He noted that the economic benefits include the provision of clean energy. Overall the conclusion of the studies is that the costs outweigh the benefits.

Glenn Whatley, President of the Alliance to Protect Nantucket Sound, spoke on the topics of missing information and benefits versus detriments. He noted that while the Commission staff had given a list of incomplete data, wind speed data had not been provided. In addition, there is the issue of total cost, which is why the Long Island Sound project was cancelled. He referred to a report by PACE, a well known consulting company. The report notes that off shore wind turbines are twice as expensive as onshore. He discussed the benefits and detriments of alternative energy, noting that the Canal plant is not being torn down and that the applicant is proposing a diesel plant in Chelsea.

Pat Butler discussed the benefits/detriments test. He discussed the concept of historic preservation and community character. He noted that the Cape has unique historic and cultural values that must be protected. He believes that the windfarm will have multiple impacts. He showed a diagram of impacts on multiple historic districts and properties. He noted that eighty six historic properties would have an impacted viewshed. He noted that Cape Wind has acknowledged impacts on historic properties. He referenced a photograph produced by Cape Wind showing turbines and the platform. He explained that the platform has the same footprint as the hospital addition approved as a DRI. He suggested a site visit to a historic property. He noted that the Commission has accepted three referrals for historic homes in this neighborhood, including Manheim Realty Trust. He believes that there is no question that there will be a detriment from the project on these historic resources.

He summarized the key points from the presentation, which include, 1) substantial questions about the applicant's control of title, 2) they strongly believe that the Commission has independent jurisdiction and authority to review this project as a DRI, 3) the record is inadequate 4) the project does not comply with the Regional Policy Plan, local bylaws, and Local Comprehensive Plans. He discussed historic St. Andrew's church and views to sound. He noted that the applicant is unwilling to participate in the DRI process, the way his clients have done over the years. He stated that the Commission Act was intended to protect a special place in the world. The applicant has not met their burden.

Cliff Carrol, representing Wind Stop, stated that the Commission should defend the Cape's economic engine and what Cape Cod is. He is concerned about a catastrophic oil spill from the transformer facility. He believes that if a spill were to occur, there is a ninety percent chance that it will affect Cape Cod shores. The travel time for the oil is 4.8 to 11 hours to reach the shore. He stated that on average, one transformer catches fire each day in the United States. There has been a letter from every town demanding an oil spill trajectory. He questioned the effect transformer oil will have on shellfish beds. He noted that his analysis has not been done. He noted that any area that has salt water could be impacted by an oil spill. He noted that transformer oil remains in water for a long

time. He explained that EPA noted that small spills of vegetable oils and other oils can have deleterious effects. He mentioned an example of an oil spill in Vancouver where four hundred gallons of rapeseed oil caused major casualties to birds. He has concerns about the impact to the tourism economy if there is an oil spill. He noted that when a spill is reported, a NOAA Coordinator would provide some basic analysis to identify areas of critical concern. Mr. Carrol has maps and could make them available to Commission staff. For this map, there are multiple wildlife refuges and state parks where critical wildlife resources exist. He believes that the Cape Wind project is the largest potential threat to the Cape's coastline. He believes there should be bonding in the event of a spill. He believes that this issue should be addressed. He believes that the FEIR is incomplete, and the Commission cannot make a determination.

John Harris inquired about the transit time to shore and how much time it would take for a response. Mr. Carrol stated that it depends on the type of spill. The spill map pertains to transformer oil. He stated that the timeframes depend on the time of year, wind direction and other factors. He noted that nothing in the report accounts for a response. There is nothing that addresses how a spill will be addressed on Cape Cod.

Suzanne McAuliffe, Yarmouth Selectman, spoke on the project's consistency with the Yarmouth LCP. She noted that the Yarmouth LCP was approved at town meeting, though not approved by the Commission. She is concerned about the preservation of coastal and maritime interests. She would like the Commission to address the preservation of unique natural features. In the location where the cable comes into Yarmouth, she would like the threats to public safety and resources addressed. She would like the Commission to help Yarmouth coordinate protection of resources with neighboring towns. She spoke about open space protection in relation to the Sound. She mentioned that historic sites, including historic maritime traditions of use of the ocean should be preserved. She would like to protect public interests on the coast by perpetuating coastal and maritime access. She listed various goals in Yarmouth's LCP, and noted that development should be in harmony with the town's character, and what the town looks out to at the sea. She requested that any construction details that the Commission discusses with Cape Wind should be reviewed for consistency with the town's agreement with Cape Wind. She believes that this is the most important project before the Commission. She believes that Nantucket Sound is the lifeblood of tourism communities, and an industrial project in the Sound will adversely impact tourism.

Patty Daley, representing the Town of Barnstable, addressed the application in terms of consistency with the Regional Policy Plan and the Barnstable Local Comprehensive Plan. She believes that the project is not consistent with the LCP. She believes that consistency with the LCP is an important criteria for the Cape Wind review, as the Commonwealth and the Commission Act requires coordination with local interests. She expressed concerns with impacts from jet plowing, hazardous materials releases, and impacts to historic structures. She noted that there are several LCP goals that need to be addressed, noting that historic structures and character brings tourists. There are serious concerns about impacts to these resources. She will be providing maps. In regards to the coastal resources section of the Barnstable LCP, the sea is never far from the land. Scenic

qualities are key to recreational resources. Coastal resources attract visitors who support businesses. It is necessary to look at open waters as commercial and open space. Historic water uses should be protected in their traditional locations and maritime character should be protected. Shellfish resources should be properly managed. Coastal pollution should not be permitted.

Charles McLaughlin, legal counsel for the Town of Barnstable, showed a video of Arlene O'Donnell, State Commissioner of DEP, speaking on oil spill response and noted that several spills have occurred in the past.

Mr. McLaughlin spoke on oil spill issues. He mentioned several disasters and their impacts on coastal resources. He mentioned an example of an oil spill off of Point Judith that destroyed the lobster industry in that area. He mentioned that the Flying Cloud, the ferry to Nantucket, once washed into the rocks. He expressed concern over the impacts of potential oil spills.

Deputy Chief Dean Melanson, from the Hyannis Fire Department noted that he has served twenty-two years on the fire department and teaches for the fire fighting academy and Cape Cod Community College. He has responded to spills in the harbor. He believes that they are unable to respond to spills of this size. They are inadequately equipped, even with DEP trailers, to respond to spills. Their booms are calm water booms. He believes that none of the local towns have blue water boats for a response to a spill on seas over ten feet. He noted that there is at least a thirty minute delay between the notice of a spill until the team is in the water. He explained that the booming of the Coast Guard is reserved for their usage on their vessels. They do not deploy for other spills. They have not received information about the off-shore platform for the emergency response to the platform. The Hyannis Fire Department has a thirty two foot vessel, the largest on the Cape, but it is a calm-water boat that is not designed for rough seas.

Mr. McLaughlin stated that Cape Wind's navigational risk assessment is inadequate. He believes that the conclusions in it are often wrong. He explained that Cape Wind concludes that vessels will run aground long before they get to the towers, however, the barges and ferries have drafts that make all but four towers vulnerable to collision. He noted that there will be 225,000 passages during the life of the project and all would be vulnerable to collision with the towers. He stated that Cape Wind has glossed over the fact that barges are liquid bulk cargoes, and that they convey home heating oil. The clean up costs of a spill would be significant. He noted the Bouchard spill in Buzzards Bay that cost $36 million to clean up. He noted that the Point Judith spill costs $11.6 million to clean up, plus there were shellfish planting costs. In addition, there were unknown impacts to the lobster industry. He stated that the risk of collision is not addressed in the Cape Wind report. Navigation issues are a reason to deny the project.

Mr. McLaughlin noted that the properties with a view of the project provide thirty million dollars in taxes. In the event of abatements, there could be a significant loss of taxable income to the town. In regard to mitigation for navigation hazards, he suggested the concept of fendering. In this scenario, vessels could bounce off without catastrophic

damage. He also noted that Barnstable does not have skimmers to deal with a spill. He noted an alternative, which was used by Mirant in Sandwich, where they switched from oil to gas.

He summarized the Town's concerns. They believe it is the most important project to come through the Commission for review. While they believe that the applicant thinks that the EFSB will overrule the Commission, this is the time for the Commission to act. He advocated for the Commission to deny the project and noted that if the Commission only considers the cable, and not the turbines connected to it, there are no benefits to the project.

At 12:40 pm, Joy Brookshire made a motion to recess for lunch, with the intent of returning at 1:30 pm. Alan Platt seconded the motion and all the members voted in favor.

The hearing reconvened at 1:30 p.m.

Charles Kleekamp, representing Cape Clean Air, spoke to address the merits of the Cape Wind project. He referenced a Harvard University report that cites air pollution as the single biggest environmental health threat. He explained that air quality on Cape Cod is fifty percent worse than that in Boston. In part, the pollution is transported from elsewhere, such as Midwest power plants, however it is also created from local power plants and vehicles. He explained that the benefit of wind energy is that it reduces the sources of pollution. He noted that oil is the most expensive fuel and gas is the next most expensive. He believes that wind will always replace these energy supplies based on cost.

Alan Platt requested Mr. Kleekamp to stick to DRI related topics.

Mr. Kleekamp stated that wind energy has beneficial impacts on health. He noted that the Army Corps Of Engineers and the EFSB have concluded that the air quality benefits are significant. He noted that oil consumption is unsustainable. He stated that the United States is now importing seventy percent of its oil consumption. He believes that natural gas production is also unsustainable, even though the U.S. is increasingly importing gas.

He discussed the cost benefits Cape Wind. He noted that the price will always be lower than the cost of other producers. He stated that wind could be offered for long term projects. The project achieves the Mass Renewable Energy Portfolio objectives. He stated that it is the single largest project to date to reduce CO2. He stated that Cape Wind is equivalent to twenty-five percent of the greenhouse gas initiative in the Northeast states.

Citing the rationale and merits of locating the wind farm at Horseshoe Shoal, he noted that wind speeds are best in Nantucket Sound. In addition there are shallow waters. He believes that there are problems with alternate sites. The wind speed is less at the Mass Military Reservation. He noted that the Long Island Sound project was cancelled due to deeper water and wave heights. He noted that deepwater sites are more expensive and

require public sector funding to succeed. He noted that the project in Nysted, Denmark, is very difficult to see and the area never has seen a decrease in tourism or property values.

He explained that decommissioning of the project requires the posting of a bond. The lifetime of the project is 20 to 25 years. He stated that the electrical platform would use transformer oil, which is much like mineral oil that is used as a laxative. He took a drink of mineral oil. He noted that this is not a new technology. Many off shore wind farms have been built and are operating in Europe. Many more are under construction. He believes that navigation is not a problem with European wind farms. He believes the Commission should approve the wind farm.

Chuck Lockhart requested him to explain how the pollution that blows in from the west will change with this project. Mr. Kleekamp noted that it would not change, but the changes would be more local.

Richard Elrick, a ferryboat captain, who is on the board of Self Reliance and Clean Power Now read a statement into the record. He explained that Clean Power Now is a non-profit organization that promotes clean power. Their immediate goal is to promote an understanding of wind projects. He explained that this project is not just about this project, but about the big picture and how we are viewed by the world. He explained Horseshoe Shoal is outside of navigation routes and too shallow for commercial shipping. He believes that drifting into the windfarm does not seem to be a likely scenario. He believes that chances for collision are likely very small for many reasons. He also believes that no one should have exclusive use of the Sound. He believes that fishermen will still be able to fish after the windfarm is built. He states that deep water technology is not economically viable at this time. He states that Nantucket Sound is not a pristine environment and that it has been used for many different industrial activities. He advocates that the project should not be driven by politics. He believes that the Commission should focus on the science and facts, like projects in Europe.

Martin Reilly, representing HyLine Ferry, explained that HyLine has been opposed to the project from the outset. They are concerned about its proximity to ferry routes and dangers to passengers. They believe this is a public safety concern. They explained that HyLine has three ferry routes between the Cape and the Islands. They have concerns about radar interference and the dangers of operating in inclement weather. They believe that the turbines will complicate navigation. They believe that all of the dangers add up to a recipe for disaster. They would like the Commission to consider this project in deep water because technology is now available and such a location would preserve the natural beauty of the Sound. They believe there would be cost benefits. They believe that the project would have minimal electricity savings in exchange for considerable public safety risks. They believe that there is a need to think about the Sound the way we think about the National Seashore in terms of preservation. However, if the project goes forward, issues should be addressed, including dredging and the laying of cable. They believe that there should be consultation with ferry managers to develop an ocean traffic management plan. They believe that liability insurance should be maintained for ferry operators.

Business interruption insurance should be required during construction. A specific decommissioning plan is needed.

Wayne Lamson, representing the Steamship Authority, stated that they have the same concerns as HyLine. He introduced Greg Gifford, boat captain, to comment based on his maritime experience.

Greg Gifford stated that there is a great concern for safe navigation and that the project could adversely affect the traveling public. He noted that while the wind turbines will be lit, in certain ocean traveling conditions, the tacking operations would not be possible in the western part of the Sound. He believes that there is sufficient draft (10.6 feet) within the shoals areas for ferry boats. He has concern for interference with radar. He has concern about lack of data on fluidized sediments during cable installation. He is concerned that channel access may be blocked during installation.

Neil Good stated that he is concerned about historic preservation and opposes the Cape Wind project. He explained that the Norsemen may have come to Cape Cod and called it Vinland. He stated that multiple researchers believe that Cape Cod is Vinland. He is concerned about preserving cultural landscapes.

Wayne Kurker, from Hyannis Marina, expressed concerns about navigational hazards and collisions at sea. He referenced navigation charts and channels. He believes that Cape Wind's navigational risk assessment for the harbor is inadequate and full of misleading statements. He noted that there is extreme vessel congestion in summer months. He explained that the currents are wild. He believes that it is unconscionable to characterize the farm as navigationally safe. He noted that British coast guards believe radar is so obscured that it is dangerous. He stated that radar experts are willing to come to speak with staff about navigation concerns. He believes that most of the area is fished on by commercial fishermen. He believes that the Shoals area is used by multiple users and has value to many. He believes that dredging Hyannis Harbor for cable installation at six feet is not enough, given that the harbor has been deepened three times already. This project would preclude additional deepening.

Lindsey Counsell, representing Three Bays Preservation, noted that they own an eighty-five acre bird sanctuary. Therefore, they are representing the birds. He explained that the Sound is a shallow water area. They are concerned that there is a lack of information on dispersing habitats in this area. He believes that the detriments test has not been met. He showed maps of shellfish, eelgrass, and other resources. He explained that the Commission has the opportunity to look at the application in this broad context and consider impacts to all resources together.

John Spillane, representing Ten Taxpayers, urged the Commission to accept jurisdiction over Horseshoe Shoals. He has submitted a complaint on behalf of 10 taxpayers. He noted that his complaint acknowledged that jurisdiction is obscure. He criticized Secretary Bowles for trying to limit the Commission's jurisdiction. He expressed

concern about bringing cable into the proposed location because the area is environmentally fragile. He is also concerned that Cape Wind does not control the site.

Doc Mosby, representing Barnstable Municipal Airport, stated there are concerns regarding aviation through Horseshoe Shoals. He explained that four hundred aircraft transit this area in any given year. It is a heavily traveled route. He is also concerned about noise from turbines. He noted that planes would have to alter their routes, resulting in different noise impacts from aircraft. He does not believe that this project has an active FAA permit.

Jack Wheeler, representing Nantucket Airport stated that Nantucket Airport is opposed to this project. He referenced a report examining aviation layers, and what planes are going where, which may be helpful in the analysis.

John Griffin, a private pilot and vice chairman of the Barnstable Airport Commission urged the Commission to review the entire project. He explained that there are five airports in Barnstable County. Based on all the aircraft in the area, safety is his main concern. A turbine field like this would have a serious impact on air traffic control. He explained that wind turbines create radar problems.

Chuck Lockhart inquired whether Cape Wind had spoken with the Barnstable Municipal Airport about emergencies. Mr. Griffin stated that he did not believe that they had.

Edward Barrett, representing the Massachusetts Fishermen's Partnership, stated that they represent 19 commercial fishermen's associations. He stated that there are several areas of concern. He noted that the site is in federal waters, however the state manages the area. He explained that the area is defined as essential fish habitat for fluke, sea bass, striped bass and scup. It is also deemed a habitat of concern requiring special protection, because of it is habitat for juvenile cod. The area is important for fisheries. He noted that 656,000 pounds of fluke, 421,000 pounds of bass, and 600,000 pounds of scup landed from this area. He stated that it is a healthy resource, noting that five million dollars of fish are currently coming out of the shoals. He noted that the fish have a multiple effect on the economy, including fisherman, transport, sale, and restaurants. He noted that tourism is a huge engine in the economy on the Cape. He believes that this is the heart of the economic engine. He noted that this is just the commercial fisheries and does not address recreational fishing. He also has safety concerns. He asked the committee to think about 1,000 feet of fishing gear behind a boat, thus making using this area, based on current spacing, unusable for fishing.

Steven Buckley, a Chatham resident, stated he has worked for five different environmental agencies reviewing development projects. He stated that only one percent of all federal actions are the subject of environmental impact statements. The average size of those documents is 400 to 500 pages. He believes that the thought that 4,000 pages is not enough is amazing. He looked at the staff report, and stated his concern about the concept of no feasible alternative as an ambiguous term.

Dona Tracy, representing Wildcare Inc., stated that all communities need an agency like the Commission. She believes that preserving a beautiful view is important. Making an analogy to an octopus, she stated that Cape Wind would be destructive to wildlife and their habitats. She noted nesting birds and birds using the area as a migratory flyway. She explained that the habitats that will be affected are within the Commission's jurisdiction. She explained that the birds do not avoid turbines all over the world. She noted that 10,000 birds and bats have been killed at Maple Hill. She is also concerned about right whales in the Sound. She stated that they have been documented by NOAA. She noted that there has been two entanglements in Vineyard Sound resulting in one death. She believes that it is appropriate to have acoustical studies within the Sound for whales.

John Harris made a motion to continue the hearing to the October 4, 2007 Commission meeting. The subcommittee would meet next on September 11, 2007 at 10 am in Rooms 11 & 12. Mr. Hogan seconded the motion and it was unanimously approved. The meeting adjourned at 4:30 p.m.

Respectfully submitted,

Elizabeth Taylor 10-9-07

Elizabeth Taylor, Subcommittee Chair

APPENDIX E: Cape Wind Subcommittee Meeting, September 11, 2007

Subcommittee Meeting Minutes
Cape Wind Energy Project
Barnstable Superior Courthouse
September 11, 2007

Subcommittee Members Present: Elizabeth Taylor (Chair), John Harris, Alan Platt, Chuck Lockhart, Frank Hogan, Joy Brookshire

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Elizabeth Taylor (ET) opened the meeting at 10:00 am and asked Commission staff to provide direction for the meeting.

Phil Dascombe (PD), planner at Cape Cod Commission, said there were several sets of minutes to approve and noted that the minutes of Feb 17, 2005, March 13, March 19, March 21, 2007 needed approval but that a quorum of the subcommittee present at those times was no longer available. PD noted that the Commission's regulations allow the chair to approve these in such cases. ET asked for approval of other meeting minutes of July 13, 2006 and July 21, 2005, Frank Hogan (FH) moved to approve, seconded by Alan Platt (AP) and approved 3-0.

David Rosenzweig (DR), Attorney from Keegan Werlin representing Cape Wind (CW) introduced representatives present; Chris Rein (CR), ESS consultant; Craig Olmsted (CO), CW Project Manager; Rachel Pachter (RP), CW Assistant Project Manager; Mark Rodgers (MR), CW Communications Director.

DR: said that clear from testimony that no new issues have been presented at hearings and project has been subject of exhaustive review. Said concerns have been addressed during MEPA process. Said the Alliance to Protect Nantucket Sound (ATPNS) submitted a few new items, which CW feels are not relevant. DR said that CW believes the Cape Cod Commission (CCC) jurisdiction applies only to transmission cable and that CW stands ready to address issues that are related to CCC review process. CW strongly disagrees with the ATPNS's position on the CCC power with regard to an Energy Facilities Siting Board (EFSB) override and said that this issue is not relevant at this time. ATPNS alleged that CW has not demonstrated property rights, CW disagree. Designated Federal agencies have the expertise to address the aspects of the federal waters review. Ask that CCC not pre-judge those issues. References the Nantucket Cable which traversed same waters, similar landfall, no CCC review. CW stands ready to answer questions.

PD: Noted that received email from Rodney Cluck from Minerals Management Service that was sent to all cooperating agency, that DEIS document ready in November. PD suggests that subcommittee take the Minimum Performance Standards (MPS) one at a time as identified in the staff report, and start the discussion about whether additional materials are needed. PD suggests that CW respond as the subcommittee proceeds.

Chuck Lockhart (CL): Asked questions. Stated some are trying to diminish the importance of the view and compared this issue to the Old Kings Highway district (OKH), which denied a tower based on it being unsightly. OKH jurisdiction is based on views, whether color of house, or a windmill behind it. Precedents exist that view considerations are important. CL asked if CW have an emergency response procedure, or meetings with Barnstable Municipal Airport or how an injured person would be transported to hospital. CL asked if CW are required to submit a monthly report of accidents, and referenced the Cathness Windfarms (UK) stats/report, 2002-2007 that there were 230 accidents and 15 fatal accidents worldwide. He said that blade failure is biggest problem and they can travel 400 m. CL noted that fire is also a problem due to height of turbines, little that a fire brigade can do but let structure burn. CL also had questions about ice throw, decommissioning in 20 – 25 yrs and construction of concrete abutments of turbines. CL also questioned CW assertion that the project will generate 75% of Cape power needs.

CO: Said that as wind speed varies, the output will vary. On average, says that output physically delivered to the grid will be equivalent to 75% of Cape demand, 182 MegaWatt Hours. CO noted that DEIS will address decommissioning more thoroughly when it is issued. Union labor will be used for construction.

ET: Suggested that the subcommittee start with the coastal section of the staff report and introduced John Ramsey (JR), Applied Coastal Engineering, registered PE, consultant to the Commission.

JR: Outlined the standard 2.2.2.1 regarding location of the transition vault in the V-zone and said the main issue is during hurricane conditions, pavement in V-zone can get torn up. JR said that aim would be to keep the vault out of the v-zone to avoid potential problems.
CL: Asked whether this could be addressed by moving transition vault.
JR: Said it could, specifically by moving it 50 ft to get it out of v-zone and that a move would be conservative.

JR: Discussed MPS 2.2.2.3 (Barrier beaches) and MPS 2.2.2.4 (Non-water dependent development in coastal bank) and noted the importance of proper delineation of coastal wetland resources. JR stated that need to have all these resources identified on an engineered plan and that this could be easily addressed with a survey/delineation. JR also noted that keeping infrastructure out of high hazard areas is the goal of 2.2.2.4.
DR: Stated that the water dependency has been a fluid issue at DEP. Chapter 91 licensing has not been completed, and determination on water dependency may change again.
CO: With regard to 2.2.2.4, CW has to get the power across the coastal bank. He asked if the real issue is moving the vault 50 feet, then CW could look at that option.
CR: Said ESS currently preparing an NOI and delineations of coastal resources is done, and will be part of NOI filing. CR said this could be provided sooner, perhaps within a couple of days.
ET: Said that the subcommittee would need this new information, but felt that if it would take a couple of days to provide there would be insufficient time to review it given the

remaining time. ET asked if CW would like to extend the decision period to allow this new information to be presented.
JR: Noted the CCC would usually need a stamped engineered plan.
CO: Said that CW would see if that info could be submitted this afternoon.
ET: Said CW had our staff report stating that we need this info since September 4, and asked why CW were only responding now.
AP: Stated that he felt that the subcommittee needed to hear from MMS and also asked whether all sides would benefit from more time.
DR: Stated that he didn't believe that the DEIS issues are within the scope of things that are subject to CCC review. Issues that we can address within context of this review, CW will respond.
JB: Said the CCC had determined our jurisdiction and that the information being requested is related to the cable.
DR: Noted that CW does not have control over the release of DEIS and the CCC jurisdiction pertains to the mandatory EIR. DR also stated that the timing is predicated on the secretary's certificate on FEIR and the CCC statute.
ET: Reminded CW that they can control a permit extension, which would allow the subcommittee to do their review. ET said that the subcommittee may have to make a decision based on inadequate information.
FH: Said he echoed ET's statement.
DR: Stated that CW had already spent six years in permit review.
ET: Stated the CCC review hasn't taken six years.
DR: Said that CW has strong need to bring permitting process to close and that CCC statutory time frames are dictated by legislature and that these are fair to all.
PD: Noted that from CW's perspective, the idea of an extension has been a concern because of the appearance of the permitting on the project continuing indefinitely. However, the CCC concern is that we need more info to determine consistency with our standards. PD noted that CW could not pursue construction of the project until the federal process had concluded. PD suggested a rolling extension of short duration that was enough to allow the CCC to complete its process was reasonable.
CL: Referencing a brochure on the Danish offshore wind experiences, CL said that 6 years is not unusual for permitting of these facilities.
CO: Noted that those time frames include time to operation, and CW is years from operation.
PD: Noted that CCC statutory time frame only started on March 29, 2007 when the MEPA certificate was issued, but that the CCC could not begin its review because the CW application was incomplete. PD noted that in response to the Commission, CW did lots of research to locate deed for inter-tidal area which completed the application, which allowed process to start on August 3, 2007.
AP: Said that he felt that in the interest of the Cape community, it would be wise to go with extension.
JH: Expressed concern about completing the CCC process under the Act. JH emphasized that the CCC not trying to block this project, but that we are trying to be thorough in our review. JH said he was concerned that we're not getting to a place where we are working together and that it was clear that there are many things that need more information. JH said CW is not cooperating.

JB: Said that at Thursday's hearing, DR stated that EFSB decision was binding and pre-emptive. JB said that this statement typifies CW's unwillingness to provide more information and that the statement really bothers her.
DR: Said that some of the issues may be getting confused and doesn't want jurisdictional issue to distract from process. Said CW wants to be responsive to relevant issues and is prepared to address relevant concerns.
ET: Said that we are at the 11th hour, and we still need more information. ET said that new information is not timely and does not understand why CW is not willing to give us a short extension to November. ET said not asking for a long extension, and want to have all the info to do our review. Subcommittee feels that we don't have time to do a proper review and will have to decide on inadequate information.
JH: Said that he thought this situation was an injustice to the folks who live here and that he didn't understand the reluctance to extend.
DR: Said that the federal and local process are being mixed.
JH: Said he is not concerned about the federal process at this moment, but about the CCC process.
AP: Said that CW's unwillingness to give an extension gives credence to idea that CW doesn't care about CCC process.
PD: Said it may be helpful to CW for the subcommittee to be clear about what additional information CW should provide, in context of staff report comments and MPS.
CL: Asked about dredging, and recalled how town widened the channel in the harbor not so long ago and that cable will be installed somewhat consistent with channel. He asked what happens in the future when the ferry needs more room.
CO: Said CW can move the cable.
JR: Talked about the proposed jetplow as the least impactive of dredging methods, but expressed concern about the eelgrass resources and the sediment analysis completed. JR said that not much sediment information is available between landfall and the sound and that the sediment analysis is based on only one core sample at the mouth of bay. JR noted that finer sediments will have greater impact on shellfish, eelgrass and organisms and that no sensitivity analysis for the modeling had been done. JR said there may be turbidity problems. In FEIR, CW's delineation of eelgrass around Egg Island was adequate but the CCC still needs project specific survey data along the rest of the cable route. JR stated that eelgrass is a habitat issue; could be a temporary impact, could be mitigated, but needs examination. He noted that the level of analysis provided is not consistent with what is normally required for a dock installation.
CR: ESS did standard of care research that other cable installations have done and a detailed study at Egg Island. Predictions are conservative in model and CW will use silt curtains, and cable is 70 ft from eelgrass bed. CR noted that there will be a survey of eelgrass following installation and he believed that the impacts will be minimal.
JR: Said he uses the ASA model himself but concerned about using only one core data sample for that modeling. Only 2 cores of information were provided for nearly 2 miles of cable length. For the Hub line to the bay, (offsite example) the geotechnical data missed information, and they had to engineer on the fly. JR noted that there is highly variable geology in the Sound area and that there may be spots where CW needs to reroute the cable to avoid rocks, etc.

CR: Said CW will have real time modeling to manage fluidizing sediment while plowing and do not plan on doing more onsite evaluation. CR said they had discussed sediment cores with MMS and it is their determination on the 401 Water Quality Certification.
ET: Expressed concern that there has not been an ROV or dive survey of cable route and that eelgrass is a critical, and diminishing resource.
JR: Clarified that CW did a nice job around Egg Island resource but that the issue is the in-between zone out to three miles. JR said it would be helpful to see what the surficial sediments are along the route and would be useful in determining that this is the least impacting on the resources. JR said that along the specific route, level of information should be greater than that provided.
CR: Said that CW had reviewed sediment data with DEP, they agreed that there was adequate data for them to issue a 401 Water quality certification.
CL: Asked if sediment would affect jet boats.
CR: Said in general 70% of sediment loosened by jet plow settles relatively close to trench, and relatively quickly.
PD: Noted that the MPS prohibits dredging, unless there is a substantial public benefit and no feasible alternative, said that CW should address this specifically. Noted that jet plow is defined as dredging by the state.
DR: Said that jet plow is not considered dredging by federal standards, and it is the least impacting technique for installing cables.
JR: Discussed subsurface noise impacts associated with the project. JR questioned whether the best attempts are being made to reduce impacts and whether the timing of construction was appropriate.
CO: Said CW will use Best Management Practices within the industry.
JR: Suggested that impacts could be avoided by avoiding spawning seasons with specific construction windows.
CO: Said this would depend.
JR: Said that minimizing impacts is the question and asked what has been done to avoid or minimize impacts to fish during spawning seasons and what areas are being impacted over what time period.
ET: said she is worried about marine mammals, especially permanent vibration or noise impacts coming off the structures.
JB: Asked how far the noise travels when you drive a pile.
JR: Said that there is analysis in EIR about noise levels, and that noise travels a long way under water. He said the construction sequence is important.
CL: Noted that the host agreement with the Town of Yarmouth, said that there would be no construction on land between Memorial Day and Labor Day.
PD: Said it would be helpful to CW to sum up information needed.
ET: Said she the subcommittee had specifically requested the relocation of the transition vault out of the V-zone/100 ft buffer to coastal bank, a coastal resource area delineation, and information on the sediments and grain sizes.
DR: Said that the EFSB has required additional analysis of eelgrass beds prior to plowing.
JR: Said that there are many issues with eelgrass; and that aerial photography is useful but has limited benefit, and that information needs additional ground truthing.
AP: Asked what is sufficient.

JR: Said that following photography, dive surveys would be needed and that this may be a few week effort in the field.
CO: Asked how long would a survey be good for.
JR: Said they are usually valid for a couple of years, but it depends on sediment transport in survey area.
AP: Asked for staff comments on way forward.
PD: Said that the subcommittee can request more information, and CW will respond in some way. PD noted that all will require more time to prepare and review new materials.
RP: Said that FEIR noted information on eelgrass at that it will be surveyed in July, with divers.
JR: Agreed but noted that this is only Egg Island, what was need was a survey elsewhere, to define the potential eelgrass beds.
CO: Said CW is committed to mitigation, also monitoring for several years.
PD: Asked for CW to cite location of mitigation in FEIR.
RP: Section 10.3.5 of FEIR mitigation for submerged aquatic vegetation.
JR: JR said to be clear, we currently don't know where additional eelgrass beds are located prior to permitting the cable. Want to know in advance so CCC can set conditions to mitigate impacts in advance.
CR: Said that in addition to looking at state GIS resources, also had folks on boats looking for eelgrass during geotechnical investigations. ESS had a level of confidence that there is no eelgrass out there. CR said he is aware of Egg Island eelgrass, and focused on that. Based on this, proposed that they have enough information.
AP: Asked how recently the state data was reviewed.
CR: Said he would have to look at citations, but thinks the databases were from last fall.
JR: Acknowledged that the state database is a great resource, but is limited to the coastline as it is prepared from aerial photographs and therefore there is no data for much of the cable route. Also, in choosing among the cable routes, no data indicated which had or didn't have eelgrass.
CL: Asked how you mitigate for eelgrass impacts.
CR: Said that during construction, observe the jet plow operation, and manage. Also, installation of a sediment curtain to contain sediment around the resource. Should there be impacts to eelgrass, you can plant eelgrass but CW doesn't expect to need to do this.
ET: Asked how much sediment can eelgrass stand.
JR: Said that biologists will argue about this point; but concern is covering of roots.
CO: Said CW anticipates a couple of millimeters of silt, and not expecting impacts.
PD: Asked if CW is clear on information requests.
ET: In addition to moving vault and coastal resource areas delineations and sediment analysis, a Submerged Aquatic Vegetation (SAV) survey and associated mitigation was requested.
JR: Said the applicant had relied a lot on remote sensing of sediments. He said that if he were laying cable, he would want more samples to have a better understanding of sediment types, particularly for construction.
AP: Asked if JR was suggesting that data may already exist to address concern.
JR: Said yes, but just don't know. If there are only 2 core samples, the CCC should request more.
CO: Said CW will look into it.

ET: Summarized requests to relocating transition vault out of the V-zone, delineation of coastal resource, a better delineation of sediments along the cable route and information used in modeling, a SAV survey and CW's case for a public benefit and that no feasible alternative exists.
DR: Said that CW will have to discuss whether they can provide this information.
JB: Said particularly wanted the analysis of feasible alternatives, and mitigation for impacts should be addressed, and for CW to address the public benefit.
PD: Noted that the timing is critical and it may be useful for CW to understand the process to get a decision to the full CCC. PD noted that the CW hearing is continued to Oct. 4th and that the CCC packet goes out a week before that. Staff has to take direction from the subcommittee and encapsulate their recommendation in a draft decision. There is typically then time for the applicant to review the draft decision before a subcommittee meets to review that decision, a subcommittee meeting is set for 9/24 for that purpose. PD concluded that means that under current timeframes and accounting for drafting time, the subcommittee has to make a recommendation tomorrow. Only way all parties can get more time is if CW decides to agree to an extension.
DR: Noted that he will get back to subcommittee on an extension today.
Sarah Korjeff (SK), Historic Preservation specialist on CCC staff, provided a summary of the project's consistency with the MPS in the community character section, including the cables not physically altering any historic resources or historic/cultural landscapes. SK noted that the FEIR had determined that the wind farm would have an adverse impact on historic resources in Barnstable County and that mitigation and effect would be analyzed during the upcoming federal process.
ET: asked how impacts would be mitigated.
SK: Said this typically involves redesign to reduce impacts, also photo documentation, lot of room for creativity in mitigating a project. SK also noted that when a property is listed, 4 criteria used, one or more of which need to be met. There is a statement of property's integrity and has to have high integrity of setting to be listed.
ET: Asked if CW had considered mitigation.
CO: Says the designation seems like a term of art. Said CW had reduced lighting, changed turbine color, and have done all that they are able to at this time.
SK: Noted that this is a part of the federal review process. SK discussed the archaeological resource issues; and that they need to be avoided, but project has been redesigned to address these issues. Mass. Bureau of Underwater Resources has indicated there would not be impacts.
PD: Briefly discussed lighting issues and noted the staff report identified questions about proposed construction lighting. Said need a narrative of how construction lighting will be managed but that this is likely to be a boilerplate.
AP: Asked if there is permanent lighting.
PD: Said that there are permanent lights on the turbines, but MPS does not pertain to aircraft lighting requirements.
AP: Asked if every tower will have a light.
CO: Said only perimeter lit at different intensity, and corners.
PD: Asked if CW would describe marine lighting for boats.
CO: Said ship navigation lighting will not be visible from shore as near base and same configuration as FAA lights.

JH: Asked if the project consistent or not with historic MPSs.
SK: Said that the project within state boundaries, meets standards. But looking at entire project, there is an impact identified and can be considered as part of the benefits/detriments findings.
JB: Asked how lights on turbines maintained.
CO: Said year-round monitoring and maintenance crews out nearly every day of the year in the wind farm.
PD: Asked if info request for CW were clear.
CO: Said yes, not complicated to provide lighting information during construction.
SK: Said RPP states that CCC will seek opinions from tribal council, local historic commissions, and state. Mashpee Wampanoag have indicated that there may be archaeological resources within the shoals, but more information needed.
PD: Suggested a lunch break, and suggested that the subcommittee hear from Water Resources next.

Recess for lunch.

Reopen meeting at 1:30 pm
ET: Said that RP ask for permission to tape proceedings.
RP: Identifies herself, and asks for permission to tape proceedings.
ET: Asks committee to approve request.
JH: Said he didn't mind but wanted to be asked.
The subcommittee consented that proceedings be recorded by RP.
ET: asked if CW had come to a conclusion on the extension.
DR: Said tried to caucus the CW LLC during the 45 min break. Trying to round them up and express CCC concerns to them, but can't go any further than he did this morning without hearing from the entire LLC. Hope to have that this afternoon.
CO: Responded to issue raised earlier: Regarding fire, CW has a draft emergency response plan outlined in the FEIR and will be finished as project continues. It is fleshed out in 2.0 D of EIR. CO noted CW is required to meet all OSHA requirements. Decommissioning, removing cable but conduits and duct banks remain. Written description of construction lighting to be provided.
CR: Said any lighting would be downward directed, shielded task lighting, limited to that required to complete task at hand.

ET: Said that the CCC is requesting that Cape Wind sign an extension agreement to extend the 60-day DRI decision time to allow Cape Wind to submit the additional information identified by the Commission staff report as well as those items identified in this mornings discussions. ET said that this information was needed to assess the impacts of the proposed development.

Andrea Adams (AA) discussed lighting and Hazardous materials issues and MPS consistency. AA recommend adding a procedure to address lighting complaints, similar to other project requirements. Described CW fueling during construction and asked whether it was feasible to limit fueling to areas outside wellhead protection areas as noted

in the materials. AA also said that post construction use of haz. mats, and how to handle hazmats during maintenance and decommissioning needed to be addressed.
CR: Said CW did not intend to refuel in wetland buffer zones, but potentially within Zone IIs, and that CW should reword commitment. CR said will have an emergency response plan.
AA: Said that need information on the kind of hazmats and wastes that would be generated, and noted there is a quantity limit. Also needed information on how wastes will be managed.
ET. Asked if this is information that has been asked for already.
AA: said it was itemized in staff report.
CR: Said CW can reply in a written response, noted that much of this will be provided in final plans, which is standard for this kind of project. CR said that other than fuel, don't intend to use hazardous materials.
AP: Said he would like opportunity for the Commission to receive and review the draft Environmental Impact Statement (EIS), as it would have additional information necessary to address the impacts of the proposed development. AP said he would like an extension agreement to the 60-day decision period to allow time for the submittal of additional information and to look at the draft EIS, plus 60 days following its published date.
CO: Said that CW couldn't agree to that.
ET: Asked if CW will be addressing hazmats in the water.
PD: Said based on CCC May 2007 vote, staff report looked at issues pertaining to cable impacts, but the same vote was that the CCC could look at issues resulting from the rest of the project as part of benefits/detriments.
CL: Said that position on jurisdiction differs from CW's and feels strongly that CCC should consider the whole project.
DR: Said it is up to the CCC how you address these issues. Those issues that pertain to federal facilities are going through separate permitting, and CCC can comment to MMS process as a cooperating agency.
JB: Asked if there is info that you won't provide because you feel it is out of our jurisdiction.
DR: Said that questions that have been submitted through staff report, CW will respond to them and reiterated that CW is not in control of timing or substance of DEIS.
ET: Said info CL is asking for can be considered through benefits detriments discussion.
CR: Said he will describe as accurately as possible the construction materials that are to be used.
CO: Said CW designed the project around a specific turbine, but this may change, and therefore it hard to know specific oil to be used. Similar oils are used by different manufacturers.
JB: Asked who would be responsible for clean up if haz mats spilled.
ET: Said based on Monday's testimony, local emergency response teams won't be able to respond.
CR: CW will have emergency response plan developed.
AA: Discussed noise, relating to cable construction and said a narrative of how noise will be dealt with is needed.
DR: CW can address AA questions in a narrative.

CL: Said he is concerned about noise under water.
PD: Said CCC vote in May provided specific direction that staff comments based on project in state waters and that a benefits/detriments discussion may get into issues in federal waters.
Tom Cambareri (TC), discussed water resources issues raised in the staff report. TC noted that the cable project comes close to Zone I areas and expressed the concern about re-fueling. TC noted in a DRI for New Seabury that a fueling station with containment strategies was developed. TC said that cable route goes through Zone IIs, Stormwater Pollution Prevention Plan (SWPPP) does address Zone IIs and water supply protection and that need SWPPP to include operation and maintenance plan. TC noted that for projects with a federal subsidy, it is subject to sole source aquifer review by EPA. TC discussed the MPS for fresh water and that a monetary contribution is typically required. He noted that water withdrawals were required for installation of the vaults and need additional evaluation of water withdrawal. TC said RPP aims to cultivate turf without pesticides, program for revegetation needs to be specified by CW.
CL: Asked how a maintenance guy who has to go to the bathroom is accommodated.
CO: Said there is a service boat with proper containment system.
ET: Said that CW was being requested to provide information on issues to do with the Zone II, plus SWPPP needs to address resource to be protected (surface waters and water supply) and that a maintenance and operations plan are needed.
CR: Said CW have a SWPPP which addresses these points, will address separation of stormwater leaching basins to groundwater, identify surface water bodies, etc. and will make sure these issues are addressed in the plan. CW is clear about materials needed to address concerns.
JH: Asked when this information will be delivered to CCC.
CR: Said in short term, CW will indicate how to incorporate this information ultimately into the SWPPP. But will not reissue the SWPPP until the start of construction.
JB: Asked what is difference between draft and final reports.
CO: Said the draft is included in the FEIR, its contents can be reviewed there.
TC: Said any decision could be conditioned to require the SWPPP.
ET: Asked what monetary contribution is used for.
TC: Said it is used for an assessment of ponds, and management strategies.
CL: Asked how the money is established.
TC: Said it is typically negotiated between town and water staff. He said CCC staff will contact town of Yarmouth, and get ideas about the ponds, and will report back.
Leslie Richardson (LR), reviewed the economic development MPS, and information submitted. LR suggested that information needed on companies that will do proposed work, if they are local, or hiring locally. LR requested complete wage information, also are there any housing impacts. CCC also look at services provided in the required analysis, but product provided is the electricity generated from the turbines in this case. Said the CCC also uses information on the opportunities to local business, residents, suppliers, minorities, elderly, unemployed, job training and providing affordable housing in meeting Other Development Review Policies (ODRP).
ET: Asked if CW have info to provide.
CO: Said CW has not identified companies to do work, as it is premature. Said prevailing rates assume that jobs will be union jobs. Assumes that workers will be housed at home

as essentially CW subcontract construction of upland portion to a single entity, and likely use a local contractor. Said CW will try to use CC business/residents if capable of performing the work. Said if installing turbines, this could be contracted to international company, as none on Cape Cod with expertise. CW also provided source of training to Cape Cod Community College (CCCC) by grant.
RP: Said that jurisdictional portion of the project will not have a need for affordable housing, and will have no effect one way or another.
LR: Noted that the provision of affordable housing could be considered a benefit.
ET: Said installation of turbines provide temporary jobs.
CO: Said benefits all of us if local people are trained to do maintenance, one of the motivations for grant to CCCC.
CL: Asked how turbines installed.
CO: Said they are built in a sequence, monopile driven into seabed. Then a transition piece on top of the monopole, set 2 or 3 tower portions on top of that, with nacelle on top of that. Hub in front of nacelle with either blades attached or pre-assembled on-shore.
CL: Asked about gear oil.
CO: said not sure whether practice is to charge gear heads before or after installation, and there are hydraulic systems in the machine.
AP: Said he would like clarity on Yarmouth host agreement, Town says it is opposed to the project but CW have agreed to provide monies.
LR: Said her understanding is that Yarmouth has agreement with CW, but do not support the project.
DR: Said he didn't want to speak for the Town as to whether they agree or not with the project, CW reached an agreement as to what the design, permitting, mitigation would be.
ET: Said Suzanne McAuliffe indicated it was a construction protocol.
PD: Noted that in turn, agreement required the Town to act in good faith on the permits before them.
DR: Said will provide information about CCCC training program.
CO: Said it will benefit CW to use local labor.
LR: Said the jobs generated related to larger project, not cable. LR noted that most jobs are not within Barnstable County.
CO: Said host agreement states that CW will try to locate an operations center in Yarmouth.
LR: Asked how many jobs associated with this.
CO: Said very few; 3-5. Routine maintenance boats will try to be as local as possible but need a commercial port for construction vessels, thus New Bedford.
LR: Said based on info submitted can't comment on economic impact of increased energy supply.
FH: Said CW earlier mentioned that production of 75% of Cape energy demand was discussed and asked if there is a benefit in terms of electricity costs.
CO: Said he couldn't answer the question directly and explained the physical path of electrons into the grid.
PD: Asked CW to describe the contract sale of energy and the potential for providing that to the Cape through Cape Light Compact.
CO: Said he couldn't speak to that.

DR: Said in the actual sale of electricity, there is the option to buy green power and consumers could buy green power directly.
CO: Said if all consumers on CC purchased green power from another, off-Cape source, physically the power could come from the Canal Power plant but their contract would be for green power.
ET: Asked what is the actual benefit to the cape pocket book.
CO: Said that he didn't have a good answer.
DR: Noted there are purchasers of electricity who would find a benefit from buying green power even if not cheaper.
JB: Asked who benefits from sale of energy certificates.
DR: Said there is a scarcity of Renewable Energy Certificates (REC), so many suppliers have to pay an alternative compliance payment. The EFSB determined that the additional supply of REC's by Cape Wind would lower the cost of energy to consumers as the cost to acquire RECs would be reduced by increased supply.
ET: Asked if Mirant can buy RECs from CW, and continue to operate as is.
DR: Said that Mirant is not a load serving entity, its distributors and marketers of electricity that would benefit, like NSTAR.
LR: Referenced CCC comments on DEIR outlining concerns with the studies provided, as based on all jobs coming from Barnstable County - Global Insight Study. LR asked if this study was updated or done any new analyses.
CO: Said not since FEIR.
ET: Stated that CCC needs to have job analysis clarified, skilled and unskilled labor, during operations and construction and requested information outlined in the staff report.
CL: Said that it is conceivable that CW could hire someone local to do upland installation.
LR: Said that there is a concern that economic studies performed are flawed and the additional information discussed at the meeting would be useful but would not address these flawed studies.
ET: Said that it would be in CW's interest to provide as much information as possible on economic benefits for benefit/detriment tests.
PD: Noted that it would be important to define the extent to which the benefits would accrue to Barnstable County.
Charlie McLaughlin, Town of Barnstable, said there had been an expression of interest by Cape Light Compact to deal with Cape Wind, but that it was premature to enter into contracts at this time given costs of project have not been determined.
Pat Butler, noted that the agreement between Yarmouth and CW does not indicate support of project.
CL: Asked if it was possible to bring a New Bedford boat out of an Osterville harbor.
CR: Said that a larger port needed, and Osterville not big enough.
CO: Said that not sure how larger replacement parts like blades could get to Osterville harbor.
Heather McElroy (HM), CCC staff discussed natural resources issues and said that most issues for wetlands, wildlife and plant habitat are easily addressed given use of existing rights of way – disturbed areas. HM reviewed individual MPSs for the subcommittee. HM said that typically CCC does not allow any disturbance within 100ft buffer to wetlands. HM noted that disturbance within utility easements should be the basis of open

space requirement taking into account SNRA, and HM reviewed the open space provision options. HM noted that this is the first application of this standard in this manner because other similar projects have been limited to road rights of way.
ET: Asked if CW have found a parcel of land.
DR: Noted that CW believed that this was a new application of the standard. Said that during Keyspan hearing Margo Fenn suggested CCC had flexibility on application of open space requirement, and so not clear why this is showing up for CW and if multiplier is consistent.
HM: Said she was not involved in Keyspan project, but this is different because off road (utility easement) element. HM agreed there is room for CCC to use discretion on this issue. It is clear that disturbance must be mitigated and RPP notes utility easements cannot be used for permanent open space protection. Noted utility easements do provide important habitat. HM noted that the multiplier is related to the cable location in SNRA. If any areas are outside SNRA adjustments can be made.
DR: Said that CW believed they had met this standard.
PB: Noted that Natural Heritage's decision was being appealed and that Supply New England's DRI required utility area count toward the developed area.
HM: Reviewed calculation, and said it would be approximately 13 acres as a mitigation amount.
E: Asked how CW would comply.
DR: Said he believed CW is in compliance. DR stated that this is first time this had come up but they can do calculation and submit a recommendation at that time.
ET: Asked about the invasive species management plan and whether this was for the NSTAR area.
HM: Said Yes, this is the important area
CR: Said that these plans could be submitted later.
HM: Said that it is reasonable to condition Invasive species management in decision
PD: Said only part of staff report left to discuss was Page 25, ODRP on transportation. Said that CW agreed to submit information on construction that will make the project consistent with this ODRP. PD reviewed other findings needed to be made by the CCC. Said on the consistency with local zoning, Yarmouth position is that project is exempt from local zoning. PD said that staff will contact DHCD as to whether that is a consistent reading of zoning act, and Barnstable has yet to provide comment. PD also said Barnstable LCP consistency needs to be established and that the Town has yet to weigh in, but referenced Patty Daley's testimony on Monday.
AP: Said need to resolve the issue on the table, which is that if the CCC had an extension, CCC would have time to do a thorough review.
PD: Said that without an extension, the subcommittee would need to make a recommendation tomorrow. He said that with AP out on Wednesday, there would still be a quorum for the subcommittee to vote. PD said there were several options on the table but if the subcommittee is not at a point where they can decide and without any extension of time, you may have to consider procedural denial.
CO: Said CW waiting to hear from 1 other LLC member on an extension.
PD: Said in the absence of an extension, the subcommittee would have to decide if they can make findings of consistency with MPSs
AP: Suggested a recess to hear on an extension.

Short recess, reconvene at 3:57 pm

DR: Said contacts with principals at CW and propose two week extension from Oct. 4 to 18th, so long as no fee imposed.
PD: Asked if that was a two week extension to October 21st.
DR: Said yes.
AP: Noted that the Executive committee has to decide on fee waiver.
PD: Requested that CW confirm request in writing and asked when next meeting should be scheduled.
Subcommittee discussed scheduling and arranged meeting for 10 am on 9/20.

Meeting adjourned

Respectfully submitted,

Elizabeth Taylor 10-9-07

Elizabeth Taylor, Subcommittee Chair

APPENDIX F: Cape Wind Subcommittee Meeting, September 20, 2007

Subcommittee Meeting Minutes
Cape Wind Energy Project
Barnstable First District Courthouse, Assembly of Delegates Chamber
September 20, 2007

Subcommittee Members Present: Elizabeth Taylor (Chair), John Harris, Alan Platt, Chuck Lockhart, Frank Hogan

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Elizabeth Taylor (ET) opened the meeting at 10:00 am, ET noted that at the last subcommittee meeting the subcommittee had requested additional information to continue the review process and that Cape Wind (CW) had been asked to submit information by the close of business on September 17th. ET noted that CW had submitted information via email on September 18th at 6:35 pm and that the subcommittee had received via email on September 19th. ET noted that the subcommittee has also received additional materials from CW (EFSB filing and decision) before the meeting started and noted that the subcommittee had not had an opportunity to review those materials. ET said that she felt that this was a failure of the applicant to submit information in a timely manner and does not afford the subcommittee time to review and digest the material in time for today's meeting that had been scheduled a week and a half ago. ET said that she understood the Commission staff would be able to provide some initial comments on the September 18th response and asked for this.

Phil Dascombe (PD), planner at Cape Cod Commission, said the staff reviewed the response against the information requested by the subcommittee, which they received at the start of business yesterday. PD noted that the CCC's coastal consultant John Ramsey (JR) had prepared initial written comments (distributed to subcommittee and applicant) but had not had time to digest the information submitted as he received them yesterday. PD noted JR would be available in the afternoon if needed, and suggested the subcommittee start with other areas. Jessica Wielgus, CCC staff attorney, suggested that each staff member review the requested information, CW's response and whether it complies with the request and what remains outstanding.

Andrea Adams (AA), CCC planner and hazardous waste specialist, discussed the responses by CW under Comment 1 to do with hazardous materials and wastes (MPS 2.1.1.2 (A2). AA said that information on the types of hazardous materials /wastes to be used, how they are managed and minimized, how the project meets state regulations, how re-fueling in wellhead protection areas would be addressed for cable and how to address emergency planning and spill response. AA noted a conversation with Chris Rein (CR) with ESS Group by telephone concerning hazardous materials in wellhead protection areas in which strategies were suggested to CW. AA summarized CW's response in that the cable does not result in the use or generation of hazardous materials but that during construction of the upland cable fuels and lubricants will be needed as necessary for construction vehicles/machinery. AA said that the project could be conditioned to bring it into compliance with MPSs, especially requiring re-fueling/maintenance of vehicles

outside water protection districts and the submittal of final emergency response plans. AA noted that several draft plans in this area are in the Final EIR.

ET noted that the responses dealt with land issues, and questioned whether the response should have addressed issues related to hazardous materials that could originate from the turbines. PD said that based on the CCC's May vote, those issues could be something to be considered under the benefits and detriments analysis rather than MPS consistency.

Tom Cambareri (TC), CCC water resources staff, discussed comment 3 (MPS 2.1.1.2 (B2) to do with fresh water delineation. TC said that the CCC may require applicant to contribute toward management strategies on fresh water ponds it impacts and that CW has identified several ponds and wetland systems. TC described construction techniques and suggested that a water quality assessment be completed before and after the project has been constructed. TC described sampling and analysis needed and estimated that this would cost approximately $30,000. TC recommended that the CCC require this mitigation. ET asked CW if they would agree to this mitigation. Attorney David Rosensweig (DR) responded that he would get give the subcommittee an answer in a few days. TC said that he spoke to Mr. George Allaire, Yarmouth DPW Director and that he was satisfied with the agreement the town had with CW for road repair and did not request additional funds. PD said that the CCC had received a letter on September 19th from Robert Lawton of the Town of Yarmouth dated September 13, 2007 about concerns the town had with the Host Agreement with CW and requested discussions with the subcommittee and mitigation as appropriate. ET read the letter into the record.

Suzanne McAuliffe, Yarmouth Selectman, said that the Town of Yarmouth is receiving a lot of information and requested closer involvement and communication with the Town of Yarmouth.

TC discussed Comment 4 (ODRP 2.1.1.6) and water withdrawals. TC noted that construction at New Hampshire Avenue would be below groundwater but disagreed with the response that the amount of groundwater to define the amount of groundwater and felt it could be calculated and estimated. ET said that CW should provide these calculations.

TC discussed Comment 5 (ODRP 2.1.1.8) describes re-vegetation plan by CW, TC noted that it doesn't provide a more conservative plan in sensitive resource areas like wellhead protection areas. TC said CW should provide this information. PD noted that these ODRP's are not standards but if they were to be met, the CCC could consider them project benefits.

TC discussed Comment 2 and 6 to do with stormwater (MPS 2.1.1.2(A4), 2.1.3.1, 2.1.3.2, 3.1.3.3, 2.1.3.5 and 2.1.3.6) and deal with BMPs. TC said CW should identify in their SWPPP plans the wellhead protection areas (Zones I and II). TC said CW should evaluate the existing catchbasins to see where they are and where discharge goes and also the amount of hazardous materials. TC said an operations and maintenance plan would also be needed. TC said the information required could be conditioned to be provided before construction commences. ET asked when the monetary contribution would be

required. PD said that typically mitigation amount is agreed before a decision, but actually paid by the applicant before construction. TC said most of information could be conditioned to be provided later, but PD noted that CW should provide agreement at this point on the mitigation amount. The subcommittee asked staff for past practice on use of funds. TC replied that funds have been used for a variety of purposes including treatment of phosphorus for a project in close proximity to a pond. He also explained the process for disbursement of funds, which include input from the town. ET asked if the town had input in determining an appropriate amount. TC replied that the town would have input on the amount and use of the funds. The subcommittee agreed that there should be further discussion with the town of Yarmouth and CW on the monetary contribution.

Natural Resources planner Heather McElroy (HM) provided preliminary feedback on consistency with MPS 2.1.4.6, noting that the applicant had provided a brief concept of how they would manage invasive species. She noted that the actual management could be conditioned, but species would need to be identified and best practices identified.

Concerning the open space requirement of MPS 2.5.1.3, she noted that the committee should make a determination on whether to require open space. She clarified that her report had not suggested that areas within the road right-of-way should be included in the open space calculation, but that open space should be required for disturbance in the utility easement, which included rare species habitat. She noted that the RPP requires land disturbance to provide open space; however, the applicant had objected to twice the amount of disturbed area required of disturbance in Significant Natural Resource Area (SNRA). She noted that the portion of the easement that is not SNRA would have a lesser requirement. The applicant had provided a partial response with some calculations, however the applicant was not intending to make an open space proposal.

ET asked if 5.8 acres was the total land area outside of the road right-of-way. HM replied that was correct. PD noted a packet received from Mr. Butler's office this morning relative to this issue. Ms. Taylor did not choose to consider it due to the late submission. Mr. Butler responded that the response was late because he wanted to review CW's response first. Alan Platt (AP), ET and Frank Hogan (FH) did not want to waive the requirement. John Harris (JH) thought HM was going to confirm the acreage. Chuck Lockhart (CL) noted that Mr. Butler's response discusses no exemption for utility projects. ET explained that the committee needed the final calculations. HM replied that the total area of 3.9 acres within SNRA had been provided by the applicant, and that she needed calculations on the additional amount outside of the right-of-way. PD noted that CW was challenging whether open space should be required. DR noted that the disturbed area would be revegetated and wouldn't restrict the use of land, and he didn't believe that an open space requirement was applicable to an underground utility line.

PD recommended the committee decide whether MPS 2.5.1.3 applies to the project. ET believed it did. ET asked CW if they had any further response. DR stated that there may be other issues that arise in the review, and that it was difficult to respond to this in isolation, and reserved his right to comment until other MPS compliance was reviewed. CL felt that the amount of open space required given the type of disturbance should be

revisited at a later date. HM replied that the RPP would not make a distinction between this type of disturbance and that associated with development of a building and related site work.

AA discussed compliance with MPS 2.6.1.1 concerning noise issues. She noted that the applicant's response was that they would be in compliance with the SIP, that noise issues would be temporary, and they would put a plan into place to deal with noise complaints that may arise. Based on the applicant's responses, she was comfortable that the project could be conditioned to address noise issues.

Yarmouth Selectman Suzanne MacAuliffe asked whether proposed changes to the project currently before the Energy Facilty Siting Board (EFSB) were consistent with information reviewed by the Commission. DR responded that changes filed with EFSB were to bring the record current with the DEIR/FEIR filings.

AA noted a previous project reviewed by the Commission that included an agreement between the town and the applicant to deal with noise issues that was incorporated into the Commission's decision. There was discussion about hours of construction and provision of a staff person to handle noise complaints. PD noted the EFSB decision sets parameters for construction. CL asked staff to stay in contact with Yarmouth Selectmen regarding noise issues. Attorney Charles McLaughlin, town of Barnstable noted that the cable would involve several road crossings, and asked that the town of Barnstable also be included. AA noted it would be helpful to have details of CW's plan to address noise issues. DR replied that this is something typically provided after the Commission's process was completed.

Economic development officer Leslie Richardson (LR) discussed compliance with MPS 3.1.1 that requires applicants to provide enough information for the subcommittee to assess the economic benefits and detriments of the project. CW responded to questions raised at the last meeting including commitments to using union labor, and submitted a letter from a selectman in a town where an affiliated company, EMI had built a natural gas plant stating that EMI had used local labor and suppliers. CW had stated they expected to encourage local labor, but also state that they expect contractors to commute from within 50 miles and therefore not impact affordable housing. CW has given total number of jobs (75 on shore, 25 off-shore), unknown number of local employees, CW also notes that 13% of total wages and 44% of total non-labor purchases during construction will be in Massachusetts, therefore a lower percentage could be assumed for Barnstable County. Fiscal information was through the agreement with Yarmouth and taxes paid to Barnstable. Her conclusion was that the project would have little impact on the local economy. However, the subcommittee should determine whether the applicant had provided sufficient information and that they agree with her assessment.

Craig Olmsted from CW (CO) stated that the Global Insight report looked at the entire project, explaining the reason the numbers are so skewed to material not being supplied on Cape and couldn't imagine why they wouldn't use local suppliers.

JH noted the applicant had contributed $100K to CCCC for renewable energy training and asked how many students were trained as a result of this funding. Rachel Pachter with CW replied that the program had been in place 3 years, with 6 semesters of courses developed. LR noted that this was a certificate program and wasn't sure if any training had been provided yet.

CL noted that traditionally most union labor workers do not come from the Cape. LR noted that she could try to research the issue further, but there is little more she could do without commitment by the applicant to a contractor. The subcommittee discussed the number of full-time permanent workers, which would also be considered in the benefits/detriments analysis. The subcommittee agreed that they had enough information to address MPS 3.1.1. DR discussed the $4.2M identified in the MEPA Certificate as an economic benefit. PD noted that the funds were to be used on Cape Cod, Nantucket and Martha's Vineyard.

LR concluded that given the information she was provided, no long-term jobs would be created, very few short-term jobs would be created, minimal amount of local purchases from businesses and suppliers, various additional revenue generated for the towns of Barnstable/Yarmouth, however the net fiscal impact was unknown. The subcommittee agreed that they had adequate information to assess consistency with MPS 3.1.1.

PD noted CW agreement with the transportation ODRP identifying construction activities on its website.

AA discussed compliance with MPS 4.3.1.1. and 4.3.1.2. She noted that CW stated they would limit fuels and lubricants during construction. AA believed that the project could be conditioned to comply with these MPSs. She noted that in past projects the Commission has required that fueling take place outside of wellhead protection areas and CW has stated it will do so. She expressed concern whether it would be practical to do this in this case.

Chris Rein (CR) pointed to MA DEP regulations that speak to wellhead protection, and local zoning controls. He stated CW's intention to follow and comply with these regulations. ET asked if the Commission could require re-fueling off-site. AA replied that the CCC could do so. CL discussed the draft emergency response plan and noted that an incorrect contact for the Barnstable Fire Dept. is listed and expressed concern that there may be other inaccuracies in the report due to shortcuts taken by the applicant. He asked why the report stated that the applicant "may" establish an emergency contact list and steps to be taken in the event of a spill. CR noted that this was a preliminary plan, designed to provide a road map of how they will address these concerns. He stated that CW commits to finalizing every detail prior to construction. DR stated that CW had no objection to a condition requiring submittal of a final plan. CL expressed frustration at not having complete information prior to a vote on the project. DR suggested a condition that CW would file a report prior to construction, and if there are problems, CW would work these out with staff. CL asked where the incident reports get sent. CR stated that it depends on the nature of the incident and the applicable regulation. However, in any

event, if the incident is noteworthy, CW would have a copy of that report. CL believed that other agencies, including the towns and the CCC should be on that list, as an item that could be conditioned. CR responded that they have never received that type of request, but agreed that request could be conditioned. ET follows up discussion by stating the assumption that the towns would be interested parties in receiving that type of information. PB refers to past DRI's (Willowbend GC, Mashpee Medical Complex, Cape Cod Hospital) as references to projects conditioned by the CCC. He points out that DRI's have typically required present information to make a determination of consistency and to support a benefits detriments test, rather than try to be conditioned after the fact. ET agrees that that is the standard DRI process and would like to see a finalized emergency response plan (ERP) for the project. AA points out that the airport decision required that the Town of Yarmouth receive information in an on-going basis. ET agrees that CW should provide incident reports to Yarmouth, Barnstable and the CCC.

Charles McClaughlin (CL) notes caveats in ERP is that CW will respond to spills for which they are responsible. What about collision events with boats that CW is not responsible for? Once in federal waters, how are spills prevented from reaching the Cape? ET responds by saying those issues will be covered during the benefits and detriments discussion. Susan McCauliffe (SM) would like the Town of Yarmouth to work with the CCC to place limits on construction equipment refueling along New Hampshire Avenue to prevent spills. AA points out that the upland landfall cable is not within a mapped future water supply area, or wellhead protection area, however SM's concerns are valid. PD suggests future discussion between CCC staff and the Town of Yarmouth the devise a system to meet that standard. ET again requests review of the ERP in light of this concern, as well.

AA updates committee that review of standards 4.3.1.1 and 4.3.1.2 are complete. She notes that comment 2 addresses 4.3.11, 2.1.1.2 a.2, and 2.1.2 f.3, which deal with household quantities of hazardous materials. Also, comment 3, which addresses 4.3.1.4 which specifically requires and ERP. ET, put final ERP on a list of things CCC would like from CW.

Exterior lighting review begins. Suggests condition to require submission, review and staff approval of exterior lighting plan. AP raises question about permanent lighting, rather than construction lighting, which will be addressed through benefits and detriments discussion.

<1/2 hour break, back at 1:15 PM>
<reconvene 1:15 PM>

John Ramsey (JR), coastal engineer with Applied Coastal Research Engineering in Mashpee to discuss MPS consistency. Raises concern over meeting MPS 2.2.2.1. due to hurricane damage exposing the transition vault. Noted CW response that additional engineering and construction would be required to move the transition vault out of the V zone. JR is unclear as to why that makes relocation improbable for CW. ET points out that to be consistent with the MPS, the vault must be relocated outside the V zone,

otherwise a variance is required. PD notes exception to the standard regarding water dependant uses. As defined by the RPP, JR notes that the transition vault use does not meet that definition.

ET asks for the committees thought on this information. Committee members FH, AP and JH all okay with that information. ET suggests that the committee make a finding. AP makes a motion that the transition vault is not a water dependant structure, based on what we know. FH 2nd's. CL requests CW response. CO notes difference between an upland cable and an off shore cable; an upland cable can be wet, but an ocean cable needs to be much deeper when it hits land, as much as fifty feet deep. JR requests clarification on why it would be such an engineering feat to move the transition vault outside the V-zone. CO describes the upland portion as requiring upland techniques, while the submarine cable needs to be sheet piled. Moving the cable box perhaps could be engineered and constructed, but would be a far more disruptive process along Hampshire Avenue and not likely desirable, additionally, if the box settles during a storm, that is not a major issue in terms of the electronic equipment. A storm that large will cause bigger problems along Hampshire Avenue. AP asks why the submarine cable can't be used the entire length. CO responds that it could, but not without considerable excavation, as it needs to be deeply trenched.

DR notes that the project will have to obtain a DEP chapter 91 permit either as a water dependent use, or as a non-water dependent use. As we (CW) read the definition of water dependency in the MPS, there seems to be the recognition that what the CCC should be consistent with the DEP and chapter 91. DR also points out that one of the pre-conditions to seeking DEP chapter 91 approval is obtaining all local permits. PD attempts to clarify definition for water dependent use as not exclusively tied to chapter 91. DR's read on definition is inclusive of chapter 91, but not just limited to chapter 91, so the allowance is even broader. ET recognizes need to make a finding regarding water dependent use. CL points out the Town of Yarmouth may have input on the location of the vault. PD notes that the CCC can only make an exception for placement within the V-zone, if they agree the transition box is a water dependent use. ET remarks that based on the information before the committee, it is a non-water dependent use, but that leaves an opening for CW to provide more information to substantiate a change in the committee's finding. PD notes again that making a determination as to whether the transition box is a water dependent use is key to moving forward and determining any additional information CW will need to submit. CL asks whether if the cable is wet, does that make it a water dependent use. JR responds with his interpretation that Chapter 91 was intended to limit development within the coastal zone to that which was oriented toward marine uses. AP addresses motion on the table that the project is not a water-dependent use; four in favor, CL unsure, abstains. PD suggests that, to the extent to which the committee is able, clarify whether there is additional information that CW should provide in order to show consistency with the standard. ET asks CW whether they are planning to provide additional information. AP asks, despite the fact that CW disagrees with the CCC, are they planning to provide a proposal that addresses the committee's questions or consistency issues. CO seeks to clarify whether the CCC would like to see plans and drawings that show the transition vault outside the V-zone. CL asks

whether Chapter 91 can issue a license for water or non-water dependent use. DR response is yes, the committee's finding may not be the last word on the water dependency issue in terms of Chapter 91. JR clarifies the state perspective on water dependency. DR disagrees. The higher standards for non-water dependency are not a prohibition. They do require a demonstration of public benefits, which CW believes it demonstrates and therefore will attain approval from DEP.

Jessica Wielgus (JW) reminds subcommittee of the flexibility clause in the RPP, which states that if the applicant is unable to meet the MPS, they may make an alternative proposal to protect the same interest as well as propose appropriate mitigation. AP supports the suggestion and asks CW how they feel about it. DR raises question of how to minimize impact and provide mitigation.

ET moves discussion along toward 2.2.2.3. JR reports on the coastal bank delineation. CW has demonstrated that they are not on a dune or beach. Plans were adequate to make that determination. JR discusses 2.2.2.4, in that this standard cannot be met given the water dependent determination. CL asks the difference between a V-zone and a barrier beach or coastal bank. JR clarifies that a v-zone is land subject to coastal storm flooding. It doesn't have to be a barrier beach, but it could be.

JR begins discussion of 2.2.3.6. CW response to this comment was similar to what was in the FEIR, indicating that the federal government does not consider jet plowing as dredging, however the state does. The plans also propose a coffer dam/sheet pile area that will be dredged down to approximately10 feet right off-shore of New Hampshire Avenue. The coffer dam area is considered dredging as it has similar impacts. In JR's opinion, jet plowing has similar impacts to dredging, as well. ET asks whether there are pictures of the mechanical dredging relating to the coffer dam in the record. CO responds that he can't expect the subcommittee to go through all the stuff they have, but it's in the FEIR somewhere.

Heather Heater (HH) of ESS describes the coffer dam area. The process does not involve the creation of a dry dock. Sediment is removed, in order to transition the cable and have it buried at an appropriate depth, but the dam is open. When the material is dredged out and backfill the materials, we put a turbidity current at the open (seaward) end in order to contain any sediment from going beyond the coffer dam area. Water depth changes, subject to tides, but the turbidity curtain will be visible above mean high water. JR asks where does the excavated material go? HH responds that the materials can be placed on a barge temporarily, until ready to return it to the excavation area. ET asks how long will the coffer dam remain. HH responds that once the excavated material is returned to original contour within the site, the coffer dam will be removed. HH also states that the removal of coffer dam has a minimal impact on the water column.

JR notes that it is common for sediment temporarily stored on a barge to be dewatered, which will cause turbidity. ET asks whether the sediment will be dewatered on the barge, or whether it will be contained. CW/CR respond that as many barges as needed will be used to completely contain the material from the excavation until which time it can be

returned to the coffer dam and restored to pre-existing seafloor conditions. PD reminds the subcommittee that dredging, if they feel this is dredging, can be allowed under certain conditions, if there is a public benefit. He asks whether the committee feels they have received sufficient information to make that finding.

AP asks for Cape Wind's position. CW believes that the transmission line is needed and the least cost alternative will have final siting board decision.

CL notes that the end of NH Avenue is pristine quahog habitat. Is there any mitigation efforts being made to the Town of Yarmouth? CW responds that that is in the host agreement. HH notes the 2:1 ratio for mitigation.

JR asks for clarification on whether there will be mechanical dredging in the coffer dam. HH confirms mechanical dredging. FH comment that he is unsure whether there is enough information before the subcommittee to make a finding. PD clarifies that CW is referring the subcommittee to the 200 page EFSB decision to support their public benefit argument, and as the source of the information the subcommittee needs to make a finding. Therefore the subcommittee should have everything they need to make a finding. CW offers additional comment pertaining to jet plowing technology as the best and lowest cost technique.

JR reviews 2.2.3.7, notes that this issue has been covered before. DEP's eelgrass mapping is a good resource for general location of beds in coastal areas, but not sufficient for delineating room for a project. CW has done a good job delineating the one bed they found near Egg Island. The concern is over eelgrass beds that have been found at the turbine site and the likelihood of beds along the shallow waters of the cable route. The only information CW has provided for delineating beds along the cable route is with acoustic instruments along the surface, which is not sufficient as a technique for delineating eelgrass beds. The concern is that there are eelgrass beds along the cable route. ET asks whether there are benthic restrictions on eelgrass. JR responds that yes, light and water clarity are requirements. However many areas along the cable route are shallow enough to support eelgrass. The DEP maps are not definitive.

CR points to pg. 11 of CW email response relative to eelgrass, particularly bullets #6 relating to aerial photography and bullet #7, which pertains to the use of divers employed to minimize impacts during cable installation. With emphasis on those two bullets, CW feels the proper attention has been paid to minimization and mitigation of potential eelgrass impacts. ET seeks clarification on the type of photography used for each stage. CR responds, aerial photography to be used initially, then divers during cable installation to protect eelgrass beds found in the photography where necessary. Divers will also collect geophysical and geotechnical information on existing, unmapped eelgrass beds. ET asks why not do this now. CO responds that it doesn't make sense to delineate more locations now. ET states that seabed delineations are preferable.

FH asks how tall eelgrass grows. JR response 2 – 3 feet and notes that CW focuses on eelgrass around Egg Island, but there may be other beds that will be impacted. The

bullets on pg. 11 don't commit to a full survey and the current situation requests a decision, when the pertinent information is unavailable. PB notes that if you establish a DRI with certain conditions and after the fact finding change those conditions, what then will be the requirements? Suggests staying with the existing procedures that have been used in previous DRI's. ET asks CW what the flexibility is in moving the cable if eelgrass beds are discovered. HH said that there is a 100 ft. corridor in which to shift the cable as needed, but what flexibility is there if additional room for navigating eelgrass beds is required. DR notes the "material change" clause in the EFSB decision which will affect the level of corridor deviation.

ET asks how much eelgrass beds shift. JR responds that they tend to be steady and if located offshore, though estuary beds are retreating. ET asks how the committee would like to handle this issue. AP asks whether appropriate to specify when the mapping should take place. JR notes that eelgrass could be located with aerial photography along the cable route, if the right season, or with an ROV, which is not affected by season. ET points out that, in that case, the mapping could be done now. AP suggests setting the elements of a procedure that CW could follow that would satisfy the committees concerns. CL notes CW commitment to mitigation in replanting eelgrass. JR notes CW mitigation as 2:1, but points out that eelgrass is not easy to mitigate for.

ET noted that the subcommittee meeting needed to end as the regular Commission meeting was to convene at 3:00 p.m. and suggested that further review of the action items be completed at Monday's subcommittee meeting (24th). ET said that at the meeting the subcommittee could review items covered at today's meeting. ET asked for conformation of the specific information requested by the subcommittee, and directed PD to distribute a list to the subcommittee and Cape Wind to clarify and confirm these requests.

Meeting adjourned at 2:35 p.m.

Respectfully submitted,

Elizabeth Taylor 10-9-02

Elizabeth Taylor, Subcommittee Chair

SUBCOMMITTEE MEETING MINUTES
Cape Wind Energy Project
Cape Cod Commission Office
September 24, 2007

Subcommittee Members Present: Elizabeth Taylor (Chair), Frank Hogan, John Harris, Alan Platt, Charles Lockhart, and Joyce Brookshire

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Elizabeth Taylor (ET) opened the meeting.

Phil Dascombe (PD), planner at the Cape Cod Commission, passed out a copy of a letter from Attorney Butler regarding the project. He noted Cape Wind (CW) had provided a copy of their E-mail response on 9/22/07. PD distributed a copy of a letter from the Town of Yarmouth regarding the project's consistency with Town development bylaws. PD noted an E-mail had been sent out on 9/20/07 highlighting the Subcommittee's requested information of CW.

ET suggested the Subcommittee take up the discussion of MPS 2.2.2.7, impacts to eelgrass beds, which is where the discussion at the 9/20/07 Subcommittee meeting had ended. She introduced John Ramsey (JR), Applied Coastal Engineering, and a consultant to the Commission.

John Ramsey (JR) said the Subcommittee should keep in mind eelgrass, and sedimentation impacts. JR said an issue with jet plow installation is how much geotechnical information is available along the proposed route. The issue is geology – Cape has a glacial geology, including glacial erratics. JR said fine grain sediment was also an issue. Noted cable route was relatively long, but Commission had limited geotechnical information. Expressed concern about stirring up glacial till, particularly related to fine grain sediments, and disturbing those sediments, and creating a larger impact than what was seen in the cores. CW has indicated further geotechnical work would be done as jet plowing was being done. JR said typical construction projects would have a closer core spacing and would not typically expect to base a five-mile cable lay on approximately 10 cores into Lewis Bay, with 4 cores in Lewis Bay. JR said that limited data used to estimate sediment impacts to eelgrass beds and modeling was done based on limited core data CW, if the sediment varies the impacts will be very different. JR said the cores in the mouth of Lewis Bay show sandy material, which tends to have less impacts because it settles back down. But, if different material is found, impacts will be very different.

ET asked if there was a general "rule of thumb" on the number of cores, or number of cores per mile.

JR said it depends on the geology. CW has done geophysical analysis where instruments are dragged along the cable route, looking for variations. May be that CW used this analysis to determine number of cores, but there does not seem to be a connection

between the number of cores and geophysical analysis. CW has indicated follow on work would be done prior to jet plow work, but this has not yet been done. JR said it was more typical that this would be done prior to design not before construction, which does not appear to have been done in this case.

ET asked for JR recommendation on number of cores. JR recommended cores and/or grab samples every 500 feet (+/-) verified by geophysical analysis. JR said cores every 1000 feet down to six feet were quick cores.

Craig Olmstead (CW) said two cable companies had looked at the information provided, and had determined it was adequate to do a preliminary design. Either company or another company would require entire route survey for erratics. CO noted nothing had been found to date to indicate a problem with jet plow installation, certainly not glacial till.

David Rosenzweig (DR) noted the Nantucket Cable, which was installed last year followed essentially the same route, and there was no evidence of undue disruption to sediment, or disruption to eelgrass. DR said used the same technology as CW.

CO (CW) said CW would ask companies to look for submerged aquatic vegetation as well.

Alan Platt (AP) said that if CW had information from the Nantucket Cable project that was relevant to its project, it should be submitted in support of CW proposal.

DR said there was nothing to submit. Nantucket Cable was installed. No reports seen about disruption to eelgrass beds, or disposition of sediment. Nantucket Cable was required to do construction monitoring.

Chris Rein (CR) representing Cape Wind said they had met earlier in 2007 with the Massachusetts Department of Environmental Protection (DEP) for application for 401 water quality certification. Certification that states CW is upholding regulations related to sedimentation and reviewed core information with DEP. DEP told CW that adequate core and sediment information done to submit an application to DEP.

ET asked if other Subcommittee members had questions.

AP said again that if CW believed information from Nantucket Cable project and from DEP was in support of its proposal, the information should be provided to the Subcommittee. Not just simply stated to the Subcommittee.

CO (CW) said he did not know what information might exist.

AP said that if CW did not know what information might exist, CW should not discuss it in the Subcommittee meeting in terms of its proposal. If CW had data, then it should be submitted to the Subcommittee.

JR said there might be data for the Nantucket Cable; it was installed. JR said the Martha's Vineyard cable did run into glacial erratics. JR said it depended on where the cable was being laid. JR said a letter from DEP on the 401 permitting section would be helpful, in that they may have determined the amount of information was adequate to make a determination. Expressed concern that other dredging projects, including along the proposed route, had required more information than what CW had provided.

ET asked for the Subcommittee's consensus whether the subcommittee wanted more core samples, and/or a letter from DEP. Frank Hogan (FH) said more core samples and a letter from DEP would help answer questions about eelgrass impacts.

DR (CW) said DEP would issue a 401 permit or not. DR said the application for a 401 permit had not yet been submitted; would be filed at a later date. DR comments were based on informal meetings with DEP staff. JR expressed concerns about conditioning a decision on the DEP 401 permit, as the CCC had to make a finding that the effects were minimized before then. ET noted subcommittee did not have this information and could not make a decision based on it.

PD said he was making a punch list of items that the Subcommittee requested, asked if the subcommittee want a comment letter from DEP. ET said it seemed that CW did not have a formal comment letter from DEP on the 401 permit. DR (CW) said CW had DEP comments on the DEIR and FEIR and inadequacy of data for the cable route was not raised as a concern by DEP. 401 permit application has not yet been submitted. ET said the Subcommittee needed more data on this. AP said lacking the information from the DEP on this, the recommendation of getting more core samples, and more data from this, was what the subcommittee needed.

JR said the core samples were a spot on the sea bottom. Noted other geophysical analysis was done over the cable route. Need to corroborate the geophysical analysis with core sample and ground-truth the other surveys with core samples. ET said Subcommittee is still in the position of trying to make a decision but is lacking adequate data.

PD noted time constraints to complete the review and that the subcommittee needs to make a decision in a day or two. Suggest clarification from CW as to whether they intend to do more core sampling. If not, this may impact Subcommittee's deliberations.

ET asked if CW intended to do more core samples, and/or provide more information in another manner, such as from the Nantucket Cable project. DR (CW) said CW could see what information was available from the Nantucket Cable project. Would try to provide it soon, but not by the end of the day.

Joyce Brookshire (JB) asked if CW could fax the Cape Cod Commission information from the Nantucket Cable project. JR noted Nantucket Cable project information is useful, in that the cable goes through similar geology but noted CW route is different

from the Nantucket Cable route. Information is of some value, but may not be enough to make or break the decision on CW project.

ET noted concern about replanting or transplanting eelgrass if CW cable route did impact eelgrass, and asked if replanting works. JR said this is difficult, particularly in open water environments. At exposed sites, difficult to get eelgrass started. Work by University of New Hampshire indicates success, albeit limited, in eelgrass mitigation in more protected environments like estuaries. Eelgrass and mitigation is generally done on a much larger basis than a one-to-one mitigation. Really dependent on the location of the eelgrass bed.

ET noted CW had mentioned mitigation on a one-to-one basis. Her experience indicates this is not sufficient and that National Marine Fisheries Service (NMFS) generally requires a 10-to-one mitigation ratio. JR recommended NMFS should be consulted on the mitigation ratio. ET noted eelgrass does not replant well, and does not thrive in open water environments and supported NMFS recommendations for mitigation be followed, which is often a 10-to-one ratio. JR suggested a 10-to-one ratio may be high, but recommended that NMFS be consulted on eelgrass mitigation.

DR (CW) said NMFS tended towards fisheries impacts. ET noted that lack or loss of eelgrass had a fisheries impact. JR said a clarification was that the Environmental Protection Agency (EPA) did the regulation, whereas NMFS would comment to the EPA on vegetation impacts.

Heather Heater (HH) representing Cape Wind said the EPA had commented during the FEIR process and suggested approach relative to eelgrass at Egg Island, including the suggested 200-foot no wake zone and to stay out of the area and create an action control plan. CW has said they would also install a turbidity curtain around this eelgrass bed during jet plow installation. Incorporated EPAs comments. ET said CW has been focusing on Egg Island impacts, and a one-to-one restoration. HH said no one has suggested more than a one-to-one mitigation. CW has seen NMFS recommendations on assessments.

JR said the turbidity curtain can minimize impacts and noted mitigation for impacts is typically negotiated during permitting, and is not necessarily commented on in the DEIR/FEIR process. ET said she felt the eelgrass was a significant natural resource, and that a one-to-one mitigation was not sufficient.

PD said that what he has heard so far was that the Subcommittee had requested more core samples, and ground-truthing of the modeling using these samples, to determine consistency with the MPS on eelgrass. He asked if the Subcommittee was intending that the impacts and mitigation would then flow from that once there was agreement on the extent of the impact. The response was yes.

JB said from the mouth of Lewis Bay to the landfall site, the only eelgrass study was done for Egg Island. This is a concern. Reliance on aerial photography is insufficient.

CR said this had been discussed at a prior Subcommittee meeting and described how eelgrass surveys were done. Begins with aerial photography and state data, noted mapping locations are generally close into the coast. Eelgrass in other areas generally considered changeable, and can be impacted by fishing actions. CW did detailed studies of certain places, including diver confirmation. Said they have provided the best information based on aerial photos, state Geographic Information Systems resources, and physical surveys. Will do subsequent studies closer to construction. ET said the Subcommittee did not have seabed/diver confirmation along the cable route.

JR said the aerial photos were not specific to eelgrass. Fisheries impacts from dragger boats do not indicate eelgrass areas offshore are "ephemeral." JR said the Cape's sea bottom geography indicates relatively shallow water a long way out, which is conducive to eelgrass growth, as opposed to areas around Boston, where the underwater geography drops off steeply from the coastline. He noted CW was required to look at the site for submerged aquatic vegetation between the Draft and Final EIR, but eelgrass did not get addressed, and may not have been on people's radar during the EIR process because commenters were concerned with the bigger picture. He said that just because eelgrass along the entire route was not addressed does not mean that its not important; he noted that we need to look at eelgrass in the area that may be impacted, and that relying on state aerial photos is not enough.

ET said the subcommittee was requesting diver substantiation of eelgrass beds along the cable route. ET asked JR to discuss MPS 2.2.3.8.

JR said CW focused on fish habitat concerns avoiding winter flounder. Understandable, given this species' population crashes. JR said there were no other limits in dredging windows, other than related to impacts to winter flounder. This is a concern, because there are other species such as fluke, horseshoe crabs, blue fish, and other species. JR said Massachusetts Department of Marine Fisheries (MADMF) has limited dredging construction impacts to protect more species than just winter flounder. Also dependent on the resources impacted. CW only proposes limits in Lewis Bay; no seasonal windows for species between Lewis Bay and the wind farm. JR experience indicates windows for work will be tied to more species. JR said it also relates to sediment information. MADMF likely to also comment on turbidity and impacts on which species.

JR said shellfish impacts and mitigation discussed only for recreational fisheries in Yarmouth and to work with Yarmouth Shellfish Constable. Need also to work with Barnstable's Shellfish Constable. Need to look at impacts to the whole cable route, not just the landfall/Lewis Bay. Said this also related to the sedimentation impacts and information provided on kinds of sediment.

ET asked for clarification on assessments done by CW. JR said variety of species were looked at, but only avoidance window for construction was linked to winter flounder. Need to be looked at in terms of limits on dredging windows.

CR said these topics addressed in DEIR and FEIR. Agencies responsible for fish habitat have commented, covered 20 species. Horseshoe crabs were not designated as "essential fish habitat." No expressed concern about blue fish only winter flounder. CW is prepared to mitigate impacts. Said CW done sediment modeling based on sufficient available data and impacts will be minor and temporary. Turbidity levels will return to pre-construction levels in a day or two of construction. Topics have already been addressed and reviewed by other agencies. ET asked for comments from Subcommittee members.

Charles Lockhart (CL) said he noted that construction was anticipated to take place in 10-12 months. No construction in Lewis Bay between January 1st and May 1st. No construction in Yarmouth between Memorial and Labor Day. Given these constraints, asked if the schedule realistic. CO (CW) said offshore cabling could be done quickly, even with restrictions. Dependant in part on when upland work begins. Will in part determine if project can be completed in 7-8 months, or whether construction will continue into the next year.

CL asked how cable would be laid. CO (CW) said this has not been finalized. Most sensible method is to start at the shore and work out to the wind farm.

AP said JR should sit down with Cape Wind representatives to discuss these data issues, but under the current timeframes that would have to be done by the end of the day. ET asked if the Barnstable Shellfish Constable had been contacted.

HH (CW) said CW had contacted the shellfish constable in terms of what information is available, and what shellfish is in Lewis Bay. HH said that the shellfish constable noted that there is no regulated bed, and HH noted that details in DEIR in Section 5.4 or 5.5.

PD said he had heard numerous requests for information by the end of the day. Said it was worth noting that this was important because the Commission's timeframes would soon end. Suggested that many of the issues could be discussed with the applicant if there was more time, but under current timeframe, there does need to be a response by day's end. He noted that an extension of the time would allow those discussions to happen.

DR said MEPA Certificate identifies $4.22 million in mitigation over the project life natural resources preservation, marine habitat restoration, and coastal recreation. Noted Cape Cod Commission is given an active role in this by the MEPA Certificate.

PD said important to note the wording from MEPA Certificate. Said those monies are to be managed by Coastal Zone Management (CZM) at the state level. Cape Cod Commission can make suggestions to CZM about how funds may be spent, but no guarantee they will be provided. Said the Subcommittee should articulate mitigation that can bring the project into compliance with the RPP and should not rely on funds that CZM has control over, Cape Wind should mitigate the impacts and re-negotiate their

mitigation amount with MEPA so that the mitigation funds can be tied to specific impacts. Said to his knowledge, the CZM dollars are not specifically earmarked.

AP said the first step was to understand what the impacts are. Not arrived at an understanding of what is to be mitigated.

PD said the Subcommittee should discuss the extent to which they have sufficient information to make a finding that the project can be constructed to meet the MPS. PD said he has heard and agrees that a discussion between the coastal consultants would be valuable. Said that the key issue is one of time; and is there time to do this. PD asked if another extension is needed, particularly considering that the subcommittee has not finished discussion of MPSs, nor even begun a discussion of other Cape Cod Commission criteria for approval of a project.

JR addressed concept of avoidance. Cable may only take a few weeks to construct. Suggest Subcommittee think about the cable being placed in a window of time that addresses impacts to species in addition to winter flounder, and is consistent with other dredging around the Cape. JR said project has been looked at broadly. Other dredging windows for dredging in Lewis Bay, Popponesset Bay, and in estuaries may be more appropriate.

CL said that Cape Wind seems to want the Commission to be dependent on the monies directed to CZM. Noted projects had not yet been identified, and noted that further data would be forthcoming from the Federal processes. CL said the Subcommittee needed to understand what the impacts of the development are, but data and implications of the project were in part dependent on Federal processes.

DR (CW) said CW was doing the best it could, and Subcommittee was doing the best they could, but Commission does not have jurisdiction over the wind farm.

AP said at the last Subcommittee meeting, there was a request for an extension and asked for comments on this issue. ET reiterated request for the Cape Cod Commission to receive the draft EIS by the Federal Minerals Management Service (MMS) and suggested draft EIS would address project impacts. Requested an extension to allow more information to be submitted.

CO (CW) read a statement which said it was not fair or necessary to extend the review of this DRI project. CO said that the jurisdictional cable is undergoing an unprecedented level of scrutiny towards an otherwise routine installation of cable to provide electricity to the Cape and Islands. CO said that there are multiple agencies at the federal, state and local level reviewing every aspect of the project and said it is imperative to the project and for future of clean energy that permitting continue to progress at all levels. CO said that Cape Wind believes that the record before the Cape Cod Commission is complete and exhaustive and is adequate to base its decision on. CO said that the information that the Commission has reviewed has for the most part been available for several years and any additional information has been submitted in a timely manner. CO said that while

they respect the jurisdiction of Cape Cod Commission, they also understand that the timeframes dictated by the legislature for the Commission's review to be important tools to ensure that the project is evaluated in a timely and efficient manner. As staff has recommended on many occasions and as the subcommittee already knows, the Commission's decision and likely will be contingent on Cape Wind receiving additional permits including Chapter 91 and a 401 Water Quality Certificate. To Cape Wind's knowledge, there is more known about the transmission line and more care taken in mitigation than any decision that preceded it and didn't see any point in prolonging the process when by all standards the record is complete and the process should move forward.

ET said the Subcommittee had identified a list of issues and needed information to assess project impacts that staff had followed up with in its September 20, 2007 e-mail. Said the subcommittee received CW responses today and will try to review but have not received all the information they need. Noted that the Subcommittee needs to make a recommendation this week so a decision can be drafted in the remaining timeframe. Said the subcommittee again asked for an extension, which has been denied. ET said this was a failure to submit requested information in a timely manner and does not afford the Subcommittee time to review and digest the information. ET said the subcommittee needs to receive all outstanding information by the close of business today in order to have time to review information under the project current timeframe. ET asked if more information will be provided today.

Asked PD to review the list of information received since the last Subcommittee meeting. PD suggested the Subcommittee ask CW to review its responses of September 22nd step by step to provide a basic understanding of the responses to the group.

DR (CW) said the last Subcommittee meeting resulted in a punch list that was E-mailed to CW on Thursday, 9/20/07. CW spent Friday and part of Saturday to provide a response. Sent a response on Saturday, 9/22/07 to try to respond quickly. First item related to $30,000 mitigation related to freshwater pond assessments. CW response reiterates spill containment and response to prevent adverse impacts to freshwater bodies. Reference over $10.0 million dollars in MEPA Certificate. Opportunity for state agencies and Commission to identify issues of importance and participate in allocating funds for mitigation of the issues and reference Host Community Agreement. Believe $30,000 contribution is already addressed in the other monies; and superfluous.

ET said the $30,000 was a specific amount of money for a specific purpose. Said monies CW is talking about at the state are not specific. Not specified where these other monies will go, how they will be spent.

ET asked CW to address next bullet on disturbed areas in NSTAR Right-of-Way, and areas designated as Significant Natural Resource Areas (SNRA), Route 6 layout and if there was an Open Space proposal to meet MPS 2.5.1.3. DR (CW) addressed calculation of area, at 3.9 acres subject to open space mitigation. HH described how calculation was done. Arrived at 0.8 acres in the SNRA. Over a project length of 1.9 miles in the NSTAR

Right of Way. Route 6 area also in SNRA. ET asked if this was how CW came up with the 3.9-acre figure for SNRA impact. HH said yes.

ET said the Commission requires a 2-to-one mitigation for SNRA impact, which would be 7.8 acres of open space. DR (CW) said did not believe this requirement was appropriate for a cable project. Project is not "open space" for conservation or recreational purposes and temporary impacts. Existing funds identified in MEPA Certificate and CW is not a typical project for which set aside is required. Said they don't believe a cash contribution is appropriate. Heather McElroy (HM), natural resource specialist at the Commission, said her recommendation for the CW project differentiated between parts of the project that run in NSTAR easement and roadway right-of-way. She said her recommendation relates to the utility easement in that it is different from other projects, whereby disturbance is temporary, but affects an uncleared area. HM said the CW project would affect undisturbed area and removal of vegetation. HM said it was her understanding that other utility projects the Commission has reviewed have occurred in road right of way. CW project is different, where the disturbance is new, and affects SNRA, and the SNRA area is largely rare species habitat.

CL went back to the issue of the $30,000 mitigation monies for freshwater ponds, and the monies noted in the MEPA Certificate. Asked CW to clarify how Town of Yarmouth seek funds to address impacts. CR said the technical point regarding a pond study is there will be limited construction right of way, and construction will be at least 40 feet from the nearest wetland, and 80 feet from one pond, and at least 180 feet from another pond. Sediment barriers will be used to trap sediment from the trench and right-of-way. Will be inspected daily by an inspector and know instantaneously if sediment had gone out of the right-of-way. Even so, would have to migrate some distance to reach the resources. Said leaks of hydraulic fluid or oil leak would be monitored and will have four plans to deal with leaks and/or spills. Very limited risk of a spill reaching the resources. Town of Yarmouth can ask for an allocation out of the $10.0 million mitigation pool to study the ponds.

CL said concerned that reports and plans will be finalized after the Commission has had to issue a decision. $10.0 million dollars is not a lot when you look at all the resources to be protected. Not sure the monies for the freshwater pond study is in the $10.0 million, or that $10.0 million is enough. Said CW relies on things that will be provided, and said he finds this troubling.

ET said that when an applicant before the Commission is going to do work in a resource area, there is mitigation that is requested. This is what the $30,000 figure is. Does not assume that there will be a siltation problem into the ponds, but the ponds are a resource area. ET asked CW to address the next bullet noise and lighting related to the cable route, and developed in consultation with Yarmouth and Barnstable and if this consultation has occurred.

CR (CW) said no detailed consultations on noise and lighting have happened. Only general discussions in the context of Yarmouth's Host Community Agreement. Will

occur when local permits and approvals, such as road opening permits will be sought. DEIR and FEIR include noise assessments. Details can be discussed with local officials. Commits to develop a noise complaint protocol prior to construction. Should there be complaints, CW will provide contact information to address this, will address it, and follow up, but said it would be tied to local permits. ET asked for staff comments.

Andrea Adams (AA) a Planner with the Commission, said that noise and lighting impacts are subjective; depend on those people impacted by the noise or lights. Said CW committed to addressing such issues, but concerned whether this is sufficient for the Town of Yarmouth and Barnstable at this time. Suzanne McAuliffe (SM), Selectman, Yarmouth, referred to Energy Facility Sitting Board document and use of horizontal directional drilling that will require further proceedings before the Sitting Board to determine how this could be done in a manner to minimize traffic and noise impacts. Said Yarmouth does not have enough information on these impacts and hearings will be in November and December 2007. Host Agreement is six years old, and based on alternate construction methods. Yarmouth would like to discuss specifics with CW and the Host Agreement is under scrutiny by Yarmouth's attorneys. SM said it has been used by CW as evidence that everything is all set with Yarmouth, said this is not so. Use of the Host Agreement in this way is inappropriate. Feels this should not drive the Commission's decision. ET asked for comments from the Subcommittee. FH suggested going forward with the remaining bullets.

ET noted the next bullet involved submission of a final Emergency Response Plan in consultation with Commission staff, the Towns of Yarmouth and Barnstable, to identify activities involving hazardous materials and wastes, and emergency response. CR (CW) said noted CL's ongoing concerns. The plans to be produced need further project development and not prudent to finalize the project's Emergency Response Plan at this time. Said draft provided in FEIR and final plan will be based in part on selection of a contractor. Will be required to complete such a plan before construction can commence. Typical that such plans are finalized just prior to construction.

ET said it seemed an oil spill response plan would be standard, and already in place and that she was concerned about the ability of Towns to respond to incidents. CR said the standard parts of the plans have been written, project-specific items will be put in the plans just before construction commences.

Patrick Butler (Alliance to Protect Nantucket Sound) (PB) said the experience with the DRI process was different. Noted comments on prior Commission review and that standard is that the plans must be created, and in place before the Commission completes its review. Gave example of the Mashpee Medical Center relative to a janitorial closet and biomedical waste, which included at least three meetings with Town staff.

CL noted an August 24, 2007 *Business Week* article about breakdowns and accidents with wind turbines. Said article noted difficulties with gear boxes and longevity of turbines. Said concern is in relation to an incomplete emergency response package if these things happen, and that a plan won't be complete until just before construction, but after the

Commission's decision. ET said these types of concerns for the turbines could be taken up by the Subcommittee in the discussion of the project's benefits and detriments, but emphasized that a emergency response plan and information on hazardous materials and wastes still critical for the landside portion because project is in a Zone II.

AA noted plans in the FEIR are draft, and several plans deal with related aspects of emergency response, worker health and safety and related issues. Said these plans are "boilerplate" and that past projects under Commission review have provided enough information to address the standard before a decision. AA noted that in a limited number of cases, such plans have been provided just prior to commencement of construction. AA said two key issues: 1) are Subcommittee and Towns comfortable with level of detail and plan completeness to date, 2) MPS limits quantity of hazardous materials and wastes in Wellhead Protection Areas. AA said it could be conditioned, but this determination is up to the Subcommittee. ET said she was uncomfortable with a condition and said Final plan was critical, both for areas in a Zone II and outside of a Zone II, because of the aquifer. PD noted that CW has said the final plan or plans won't be done until just prior to construction, but Subcommittee still has concerns. PD suggested that perhaps the subcommittee should request a plan that is a more fully developed draft plan, including Commission staff and town input.

JB expressed concerns about Emergency Response Plans in terms of Homeland Security. Said he noted the state does not have monies to help in emergency response and project is a potential target, hence the need for an Emergency Response Plan. ET again noted this could be part of the project's benefits and detriments as it related to the turbines, rather than the cable.

SM (Yarmouth) reiterated concern that Yarmouth needed help on the issue of emergency response. Said concerned that utilities don't take account of the Town's issues and need enough information to make sure that things will be in place. Cape Cod is fragile and different than other places and need Cape Cod Commission help and scrutiny in these matters. ET said it seemed a more developed plan was needed, particularly given the project's location in Zone II areas.

ET noted the next bullet, related to the location of the transition vault, and coastal resources, and the V-zone. Stated the MPS and noted that the use of the Flexibility Clause was dependent in part on appropriate mitigation.

Craig Olmstead (CW) said that moving the transition vault out of the V-zone would involve excavation and disturbance on New Hampshire Avenue. The real question was whether there was any gain in moving the vault. Detriments are the length of time that New Hampshire Avenue would be disrupted, extra traffic, and slightly more difficult dewatering. Use a cable in an environment that it is not designed for.

JR said the issue goes to storms on Cape Cod. Noted impact of Hurricane Bob and the 1944 and 1938 hurricane and impacts to a place like New Hampshire Avenue. Roads along the coast in the V-zone: pavement removed, materials under the roads is eroded to

quite some depth, infrastructure under the road, such as a vault, is often damaged. Purpose of MPS is to discourage development and structures in the V-zone to protect the coast and the infrastructure. Also an issue as sea level rise happens, which will influence storm surge events, and storm frequency. JR believes transition vault is a "structure" within the meaning of the MPS. Point of the MPS is that once development happens in the V-zone, the development must be protected. Better to keep development out of the V-zone. In terms of moving the transition vault, it appears CW response indicates moving it would entail upland excavation and keeping the trench open longer. Also stay in the footprint of New Hampshire Avenue. JR questioned if there is another way to do this without digging up the street or a different landfall location that would also address this. Keeping it out of the V-zone is key.

SM (Yarmouth) said not enough detail was provided on this change. Said the time crunch is being experienced by the Town as well and getting comments from Yarmouth Department of Public Works. Said storm impacts and long-term safety of the infrastructure is a concern, construction impacts a concern.

CL submitted a video of Hurricane Bob that specifically shows damage to New Hampshire Avenue. Shows vessels and erosion that occurred. Taken between 4 days and 6 days after the storm. Suggested the Subcommittee review it and that it be shared with CW. PD said staff would investigate ways to copy and distribute it.

JR said the South Shore Coastal Hazards Atlas looked at the frequency of storms. Relatively infrequent that South Coast is hit, but at the same time, V-zone in the area of New Hampshire Avenue is such that when a storm hits, it will be destructive. Bourne out by the few storms that have hit, such as Hurricane Bob. John Harris (JH) asked what was on CL's tape, CL said it showed storm damage, boats on land, and cranes lifting them back into the water, erosion on New Hampshire Avenue and in the area.

DR (CW) noted they had also addressed the Flexibility Clause in the RPP. CW materials indicate that transition vault is essential, given that the project is an electrical cable and must bring seawater cable to upland cable. Question is where should transition vault be located. EFSB process determined location selected was appropriate based on lower impact, more reliable and less expensive. Impacts associated with moving the vault upland, a few hundred feet, still in the 100-foot coastal buffer zone, or as much as 500 feet to keep it out of the V-zone and the 100-foot buffer zone are more significant in terms of length of construction, truck traffic, size of trench, amount of dewatering, duration of construction and noise. CW believes location selected has lower impacts. Other impacts from storms are theoretical and requested that the Flexibility Clause be applied.

JW noted that the Flexibility Clause is available only if the applicant comes forward with an alternative approach, including mitigation. Said written CW materials received suggest it is mandatory the Subcommittee find that the Flexibility Clause can be applied. JW said this is not the case and finding of applicability of the Flexibility Clause is discretionary on the part of the Subcommittee. Said it relates to whether the

Subcommittee finds that CW has provided an alternate approach, and whether the interests protected by the MPS have been achieved by doing so with appropriate mitigation.

ET noted the Cape was overdue for a significant storm and moving the vault out of the V-zone is critical. Past storm events demonstrate that infrastructure in the V-zone is damaged by past storm events and noted that the road would have to be opened anyway.

SM (Yarmouth) said the Town needed to discuss this at length on the construction details, but no idea of how long construction might take and the difference that would result in moving the vault. CO (CW) suggested the difference in impact in moving the vault would be four to six weeks' extension.

PB (Alliance) noted he had not read CW's analysis of the Flexibility Standard but having dealt with it before, the Flexibility Standard allows an applicant in cases where an MPS is violated to propose an alternate method to protect the resource as well or better than the standard. Said he did not hear this alternate proposal in CW response, nor did he hear that resources would be protected. Noted for the record that the Alliance had submitted information related to the issue of title particularly between high and low mean water line and said that it is not clear that CW controls that area in the V-zone and control of this area key.

ET did not believe that CW had met the requirements to request use of the Flexibility Clause. FH and AP concurred with ET on this point. ET noted the next bullet related to dredging and the cofferdam.

HH (CW) said additional FEIR information had been provided to JR related to the cofferdam. 90 feet from landfall. 65 feet by 45 feet in size. Dredge to minus 10 feet in elevation and remove approximately 840 cubic yards of materials. During removal and backfilling of materials, will place a turbidity curtain on cofferdam's open end. Will install temporary cofferdam, and then jet plow will back out towards open sea and the wind farm. Not removing any material outside of that area. Place coffer dam approximately five (5) feet above mean high water so those using the area for navigation can see it. Remove cofferdam once jet plow in area completed. Details on cofferdam see Figure 4-21 of the FEIR and plans 4 and 6 of plan set provided to Commission on April 26th.

JR said containment of the material was an issue. All material should be placed on a barge. Dewatering should be very slow with no overflow to allow sediment out. Better to contain it in the barge. JR said that limited information on what material is at this location, given the limited geotechnical information provided. A constituent of the material, and how consolidated the material is, influences its impacts on the resources. Needs to be clean material, and with a low potential to make a sediment plume.

CL expressed concern over impacts to Yarmouth, and availability of funds to address those impacts. Expressed concerns over recreational shellfish beds impacts. HH (CW)

said this would be addressed as part of the DEP 401 water quality permit process. CW would be required to take cores in the cofferdam. DEP has commented on this in its letter on the FEIR. JR noted that four (4) vibracores were taken in Lewis Bay. Three are not in the cofferdam site and concerned that this be used to characterize the cofferdam site and sediment transport study. Said that the transport study seems to be lacking and "Clean" versus whether the material is consolidated or contains fines are two different issues. One relates to whether the material is contaminated with something. The other relates more to whether the materials will create a plume.

HH (CW) said the vibracore data is described in the FEIR. DEP indicated the material was "clean." Ran sedimentation models on vibracore locations along the cable route. Performed vibracore locations in the cofferdam area. Very similar cores in both cases.

ET said the Commission and Yarmouth both have similar concerns, and use of clean material and that dewatering be done on a barge to prevent sediment plumes. ET noted that the E-mail bullet list also asked CW to clarify intent to submit more information on the project's public benefits, and no feasible alternative existed relative to MPS 2.2.3.6 in addition to the EFSB filing.

DR (CW) said CW described jet plowing technology and lowest-impact technology for laying undersea cable. EFSB made this finding based on information submitted, and comparison of other alternatives. Overall project benefits addressed in EFSB documents. Said the transmission line is needed, lowest impact alternative and savings would accrue to customers based on routing. Extensive EFSB record on this and noted size of mitigation package CW is committed to. ET asked for comments.

JR said the issue with dredging and the MPS relates to impacts in the water column and bottom disturbance, to sedimentation, and effects on adjacent areas. Question is if jet plow is similar to dredging, it creates impacts similar to dredging.

PB (Alliance) noted legal analysis of why the Commission is not bound by findings such as this related to the EFSB decision to date. Commission has a Memorandum of Understanding with the Secretary of Environmental Affairs and that does not bind the Commission to follow the Secretary's Certificate. The Commission's jurisdiction and capabilities are separate and independent. DR (CW) said CW response was directed at the MPS, which includes dredging, and mentions a substantial public benefit.

ET asked if the EFSB have a technical staff to review a project like this. CO said yes, the EFSB has a substantial technical staff.

ET said the next issue to discuss related to submerged aquatic vegetation along the whole cable route, and not just in Lewis Bay. DR (CW) identified a commitment to conduct an aerial survey along the entire cable route. More than what was required by the EFSB.

ET noted there was still no diver or remote vehicle verification on the seabed. CO (CW) said there would be a seabed survey conducted by the company laying the cable just

before installation. Instruct them to note aquatic vegetation. Will be done not more than a few weeks prior to installation. Cable installers need to be satisfied with the design and looking for things other than vegetation. JB asked if contingency plans would be in place if vegetation encountered? CO (CW) said such plans would be in place.

JR said part of the issue was if the best information was available to come up with the best cable route. Have permitted corridor for cable, but may require rerouting or change in length of the cable if vegetation encountered. DR (CW) said CW had made a commitment to the EFSB that the cable would not come any closer than 70 feet to eelgrass beds.

ET asked if encountering eelgrass bed would require corridor to be changed. A Cape Wind representative (CW) said there was about a 100-foot leeway area within the corridor in the EFSB permit. If the project deviated from the corridor, further EFSB permitting would be needed.

ET asked staff to summarize where the subcommittee was procedurally. PD said the question before the Subcommittee is simply whether the responses given to the Subcommittee provide enough information to determine consistency with the MPS in the RPP and are the responses adequate and timely. If the Subcommittee is satisfied, and therefore the RPP standards have been met and the project is consistent with the MPS, the Subcommittee could proceed to discuss the other criteria for a project approval, which are local bylaw consistency, consistency with the Local Comprehensive Plans, consistency with any District of Critical Planning Concern and what the project's benefits and detriments are. PD said if the Subcommittee cannot make a finding that the project is consistent with the RPP and MPS, the Subcommittee cannot recommend approval of the project.

ET suggested reviewing those MPS where more information was needed, including in the last staff report. PD noted CW was not prepared to give another extension of the timeframe for the Commission's review and if the Subcommittee has doubts about the adequacy or timeliness of the information, they is little time remaining for the subcommittee to act.

ET noted that CW's final deadline for submitting outstanding information so that the subcommittee could review and decide in the current timeframes is the end of business today. Asked if CW would submit more information. CO (CW) said CW would see what if any more information could be submitted by the end of the day on a couple of issues. Some not possible by the end of the day, such as remote vehicle survey of the cable route.

PD said a Subcommittee meeting had been tentatively set up for 1:30 PM on Wednesday, September 26, 2007 and the subcommittee could see where things stand on Wednesday. AP said issues were far too important to digest in such a short time and said that more time is needed for the staff and Subcommittee to digest the information. CW is not

willing to give a further extension of time and recommend that Subcommittee procedurally deny the project.

ET noted end of business today had been set as an end point for information submission. And asked if CW should be allowed until then for a response. JW said applicant understood that Subcommittee had a list of information needed to address the MPS in the September 4, 2007 staff report. Indicated that some of these items will not be provided by close of business today. JW said that this informed the Subcommittee that they will not have all the requested information. JW noted that the Subcommittee has requested an extension, and CW has indicated they will not entertain an extension. Concluded that it is within the Subcommittee's discretion to consider a procedural denial.

ET asked for comments from Subcommittee. CL said he was not happy with the lack of information.

JH said supplying cores along the cable route was a significant amount of information and had it been requested before, PD said it was a question raised in the September 4, 2007 staff report. PD also noted that he thought it would be beneficial to have the time to discuss these issues in detail with CW, but without an extension there would be insufficient time.

JH said Subcommittee needed to be clear on what information was to be provided, and cognizant of the time needed to provide this information. ET noted a list of issues where more information was needed, or where there was no agreement with CW. Included $30,000 for freshwater pond assessments more complete Emergency Response Plans, provision of open space not agreed to, moving the vault out of the V-zone still an issue. ET said insufficient information was presented on using the Flexibility Clause with respect to leaving the vault in the V-zone. ET noted last three issues on Coastal Resources discussed this morning. Believed issues on substantial public benefit not resolved, and impacts to aquatic vegetation not completely characterized.

JH agreed there might be several unresolved issues. His point related to CW being able to respond in the time left. JW said the issues that JH is concerned about are ones that the Subcommittee must decide on. JW said that the subcommittee can't be expected to make a decision without the information based on the current timeframe that remains, short of an extension of the Commission's timeframe. JW said that the Subcommittee must make a decision this week, in the absence of an extension.

PD noted the information timeliness is also important. Noted that the subcommittee has been given CW response on some issues, but the Subcommittee still needs to digest it, and determine if the response is adequate. ET said a key issue was the lack of time in the remaining process and CW will not agree to an extension. ET said that leaves the Subcommittee with limited choices.

Charles McLaughlin (CM) commented that the Town of Barnstable has started litigation against the Secretary of EOEA for the Certificate and the record before the Superior

Court Judge without findings on benefits and detriments may impact the merits of the case. CM noted testimony provided to Subcommittee about issues concerning propriety and adequacy of materials presented, suggested the Subcommittee could make findings on the project's benefits and detriments. Suggested the best scenario for CW would be to arrive before the EFSB with a procedural denial and suggested a finding of compliance with MPS and findings on benefits/detriments would provide a more robust record to the next agency to look at this. CM suggested alternatively a procedural denial of the CW project with prejudice. He said a decision, regardless of how oriented in terms of the project, should contain specific findings and commented on documents submitted to the Commission, and how and if the Subcommittee and Commission would find them adequate or inadequate.

PB (Alliance) suggested the Commission's counsel was quite competent and his experience before the Commission is that the Commission can decide that it had insufficient information. In such a case, can request an extension of the timeframe. If such extension was not forthcoming, the Subcommittee could deny without prejudice, and could make specific findings on this issue, and what information, if any was not available.

AP said a concern was in part that what had been submitted could not be appropriately and well considered and that was because there was a lack of sufficient time to review the information. FH said the burden was on the applicants and must show that there is enough information to meet the criteria for approval or denial.

JW said the Subcommittee had information in front of it and could use this information to make a decision. JW noted that some information needed for MPS compliance has not been provided. Noted that this was only one of the criteria for a project approval and only piece the Subcommittee has discussed to date. If Subcommittee feels they do not have enough or adequate information to complete the RPP consistency review and ultimately the rest of the analysis, the Subcommittee could consider a procedural denial.

AP moved to recommend to the full Cape Cod Commission that the CW project be denied on a procedural basis without prejudice. FH seconded AP motion.

ET asked how such a decision would be drafted. PD said it would probably articulate missing information and the rationale for the denial and document discussions taken place to date. PD noted the Subcommittee would need to meet again to review the draft decision. CL said he was comfortable that there are valid reasons for the procedural denial. JB asked for clarification whether the motion was for a procedural denial without prejudice. AP repeated his motion.

JH said listing reasons in the draft decision for the conclusion of procedural denial was important. PD noted staff would prepare a draft decision for their review and noted it was clear from the requests of the Subcommittee for information and responses from CW. Suggested there was enough in the record to provide staff with direction to draft a decision.

AP said the decision should note the Subcommittee did not discuss benefits and detriments and other issues. JW said if the Subcommittee was inclined to procedurally deny the project, then the draft decision could articulate that it was on that basis, and that the Subcommittee did not receive information to complete its analysis of the project relative to the Cape Cod Commission's criteria for approving a project.

ET called for a vote on the motion, Subcommittee voted unanimously for the motion.

CM (Barnstable) commented on the process before Superior Court Judges and stated that no discussion of benefits/detriments will deny the reviewing judges of anything over and above consideration of Minimum Performance Standards.

PD said the Subcommittee had spent several days just discussing MPS compliance. Suggested the discussion of benefits and detriments would probably take as long if not longer than that and noted these are only two of the Commission's criteria for a project approval. Said although there has been much information on the benefits and detriments issues, the issue at the moment is one of time for this discussion to happen. To date, the subcommittee has had no discussion of the issues beyond the cable.

CMc (Barnstable) again expressed concern over providing the court with a full record. ET said the Subcommittee had not gotten to this discussion yet.

PB (Alliance) believes the Subcommittee could not reach a determination on benefits/detriments. Believes CW would not provide information for the Subcommittee to come to a conclusion on these criteria. Would need the same information missing for MPS compliance and for reaching a conclusion on benefits and detriments. CW is unwilling to give the Subcommittee an extension.

ET confirmed the vote of the Subcommittee. It was unanimous for AP motion. CL said he was comfortable in recommending a procedural denial given no further extension.

PD and JW discussed drafting the decision and deadlines for review of a draft decision. AP suggested meeting at 1:00 PM on October 4, 2007 if there was no full Cape Cod Commission meeting and earlier if there was a Commission meeting. PD said he would E-mail the Subcommittee members with options for meeting times and locations on October 4, 2007. Goal was to provide a draft decision in advance of the meeting.

FH moved to adjourn the meeting. AP seconded the motion.

The Subcommittee voted unanimously to adjourn.

Respectfully submitted,

Elizabeth A Taylor 10-9-07

Elizabeth Taylor, Subcommittee Chair

SUBCOMMITTEE MEETING MINUTES
Cape Wind Energy Project
Cape Cod Commission Office
October 9, 2007

Subcommittee Members Present: Elizabeth Taylor (Chair), Frank Hogan, John Harris, Alan Platt, and Charles Lockhart

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Ms. Elizabeth Taylor opened the meeting at 10:00 am.

Mr. Phil Dascombe, planner at the Cape Cod Commission, suggested that the subcommittee approve the minutes of the September 6th and September 10th hearings and the subcommittee meetings on September 11th, September 20th and September 24th. Mr. Harris made a motion to approve the draft minutes, Mr. Platt seconded the motion that passed unanimously, with Ms. Taylor abstaining.

Mr. Dennis Duffy, Attorney and Vice-president of Cape Wind, addressed the subcommittee and said they have had one business day to review the draft decision and do not agree with its conclusions. Mr. Duffy said that it is unfortunate that the subcommittee is considering a recommendation of denial of the Cape Wind project particularly in light of the overwhelming positive comments received from the public at the public comment sessions. Mr. Duffy said that the draft decision presents a heavily biased view of the information that Cape Wind has provided to the subcommittee and Cape Wind has presented extensive and timely responses to Commission staff and subcommittee throughout the Cape Cod Commission review process which began in November 2001. Mr. Duffy said that throughout the process Cape Wind has been held to arbitrarily high standard that is inconsistent with Commission precedent. Mr. Duffy said that the Cape Cod Commission has had two prior opportunities to review substantially identical submarine and underground cables that bring electricity to the Island of Nantucket, including one of which occurred during this proceeding. Mr. Duffy said that in both cases, those cables were not deemed by the Cape Cod Commission has having sufficient impacts to warrant Commission review. Mr. Duffy said that the subcommittee has not stated any credible basis for the drastically different approach in this proceeding where the Commission's jurisdictional authority extends only to the submerged cables. Mr. Duffy said that Cape Wind also believes that the subcommittee's view and unreasonably high standard are unlikely to be remedied by providing an extension of time of the review process beyond the extension they have already agreed to. Mr. Duffy said that that Cape Wind believes that the project has received exhaustive review including extensive and conclusive review of the jurisdictional facilities by both the EFSB and the MEPA process that took a full five years and that the statutory timeframes dictated by the legislature for this Commission are adequate such that the process should now move forward. Mr. Duffy said that that legislature carefully limited the review period allowed at the close of the state MEPA process both for the Secretaries review of the Final EIR, and following his certification of the adequacy of the Final EIR, of Cape Cod Commission review. Mr. Duffy said that it is noteworthy that when the Commission staff

commented on the adequacy of the Final EIR filed with the Secretary, virtually none of the matters now cited by the subcommittee were identified as inadequacies and such comments focused almost exclusively upon non-jurisdictional aspects of the project. Mr. Duffy said that Cape Wind further believe that it would be appropriate for the subcommittee to deal with remaining issues that are subject to subsequent regulatory review by providing conditions to your decision. Mr. Duffy pointed out that the staff report recognized that additional items are typically not finalized at this stage of project review and recommended that "the Commission decision could be conditioned to require subsequent submittal and approval" of numerous subsequent items. Mr. Duffy said that staff made such a recommendation of conditional treatment as to many of the same issues that the subcommittee claims preclude its ability to consider the merits of the petition. Mr. Duffy said that on page 14 of the staff report concerning hazardous materials, "plans to address these issues are in draft form, the Commission decision could be conditioned to require submittal and approval of those plans". Mr. Duffy said that on different issues the staff report came to the same conclusion that remaining open items that would be subsequently addressed by other agencies could be addressed by conditions on your order. Mr. Duffy said that was true with respect to the Emergency Response Plan and the Spill Prevention and Control Plan, both of which are identified in the draft report but which the staff report stated could be dealt with by applying a condition on your decision. Mr. Duffy said that Cape Wind believes that they have come to the end of a long process tied to a five year MEPA review with a Final EIR which has been certified as to the adequacy of the information by the Secretary of Environmental Affairs of the Commonwealth and the most prudent course for this subcommittee would be to recommend an affirmative decision on the application in placing conditions to assure meaningful compliance with the items that you feel are still unresolved and that will be dealt with by other agencies subsequently to the process.

Ms. Taylor requested a written submittal of the testimony provided. Mr. Duffy said it would be provided.

The subcommittee went through the draft decision to identify changes. Ms. Eliza Cox representing the Alliance to Protect Nantucket Sound, referenced an October 8, 2007 memo submitted to the Commission that was distributed to the subcommittee. Ms. Cox requested that she be allowed to identify revision suggestions as appropriate. Mr. Dascombe distributed the memo and noted that it had been received via email that morning.

On Page 4 of the draft decision, the subcommittee discussed the procedural history section and directed staff to revise the procedural history to identify the date of the subcommittee's letter to MEPA on the FEIR. On Page 5 of the draft decision, the subcommittee directed staff to revise the procedural history to reference the May 17 and May 31 Commission meetings.

On Page 6 of the draft decision, the subcommittee directed staff to revise the materials submitted for the record reference to Appendix I.

On Page 10 of the draft decision, the subcommittee discussed finding 4 and directed staff to revise the finding to incorporate language that accurately reflected the March 3, 2005 MEPA certificate.

On Page 13 of the draft decision, the subcommittee discussed finding 11 and directed staff to revise the finding to reference the MOU with MEPA.

On Page 14 of the draft decision, the subcommittee discussed finding 24 and directed staff to review the first sentence to see if the letter referenced referred to the application being complete for the sole purpose of scheduling a hearing, and if it did, to revise the finding to reflect that letter.

On Page 27 of the draft decision, Mr. Dascombe noted that finding 49 had been drafted to find that the Barnstable DCPC was not applicable to the project. Mr. Dascombe explained that rationale and suggested that the subcommittee could vote on this point or suggest revisions. He noted that in addition to the finding, there was also a matching concluding statement on page 60. Mr. Frank Hogan made a motion to find that the Barnstable DCPC regulations were not applicable to the proposed Cape Wind project, Mr. Platt seconded the motion, which passed unanimously.

On Page 31 of the draft decision, the subcommittee discussed finding 52 and directed staff to revise the finding to move the sentence referencing Mr. Lockhart's comments on emergency contacts from 52f to 52d and to revise "Fire Chief" to "Fire Department" as reflected in the minutes. Mr. Harris asked whether it was standard practice to reference members in findings. Ms. Jessica Wielgus said it was merely identifying the testimony that took place.

Ms. Taylor asked where work windows for dredging was addressed. Mr. John Ramsey, coastal resources consultant to the Commission, said this was discussed in the shellfish finding. On Page 40 of the draft decision, the subcommittee discussed finding 61 and directed staff to revise finding 61h to clarify that geotechnical information was needed to identify obstacles that would prevent jet-plowing, such as glacial erratics and rocks. Mr. Ramsey said that cobble would also obstruct the jet-plowing.

The subcommittee discussed finding 62 on Page 41 of the draft decision and directed staff to revise the finding to spell out Applied Science Associates in part b. Ms. Taylor asked whether the subcommittee's discussion of mitigation was needed. The subcommittee directed staff to revise finding 62h to highlight that the proposed ratio of eelgrass replanting was insufficient and something more would be appropriate.

The subcommittee discussed finding 63 on Page 43 of the draft decision and directed staff to revise the finding 63f to reference crustacean resources and to include a new subsection that describes the Town of Barnstable's concerns over proposed Total Maximum Daily Loads (TMDLs) for Lewis Bay embayments.

The subcommittee briefly discussed finding 70 on page 45, and asked questions about the calculations made by Cape Wind. Ms. Heather McElroy said that the finding did not get into the specifics of the calculations and it had not been agreed on.

The subcommittee briefly discussed finding 73 on page 49, Ms. Taylor asked questions about estimated job creation. Ms. Leslie Richardson said that nothing had been provided to substantiate the modeling used. Ms. Taylor asked about the location of union halls and that there are none on Cape. Ms. Richardson said that this issue had not been thoroughly researched, Mr. Craig Olmsted representing Cape Wind said that there are a lot of union workers on the Cape and would most likely be hired. Ms. Taylor referenced Town of Barnstable comments on tourist impacts, but said that they are more appropriate in a benefits/detriments discussion.

The subcommittee briefly discussed finding 70 on page 52 and directed staff to include reference to the project's location in Wellhead Protection Areas.

Ms. Cox requested language referencing the appeals process be added to page 61, Mr. Duffy said that it should be worded to reflect the actual language in the Act. Ms. Wielgus said that the addition would be fine but it should accurately reflect the Commission Act language.

Mr. Charles McLoughlin, representing the Town of Barnstable, suggested that language be added to finding 50 on Page 28 of the draft decision to acknowledge testimony received that relates to the impacts from the wind turbines in federal water. He said that historic impacts and oil spill risk were topics that were discussed by many people testifying. Ms. Taylor said that most of the detail is in the Appendices. Mr. Dascombe said that the subcommittee could provide a summary of the testimony received at both the September 6th and September 10th hearings. Ms. Wielgus said it would be appropriate to summarize the topics given in testimony. The subcommittee directed staff to revise finding 50 to provide a balanced listing of the topics raised at the September 6, 2007 and September 10, 2007 hearings to augment the opening paragraph.

Mr. Hogan made a motion to delegate the subcommittee chair the authority to review the changes discussed, Mr. Harris seconded the motion, that passed unanimously.

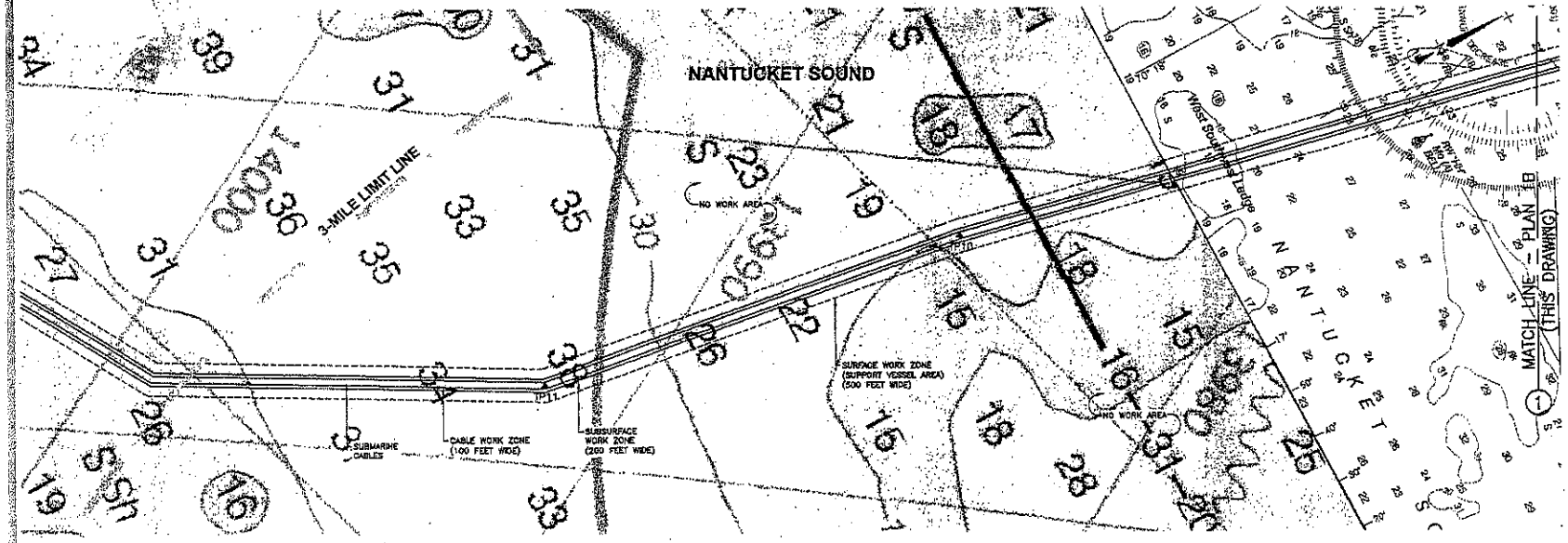
Mr. Harris made a motion to forward the decision to the Cape Cod Commission on October 18, 2007, Mr. Hogan seconded the motion, that passed unanimously.

The Subcommittee voted unanimously to adjourn.

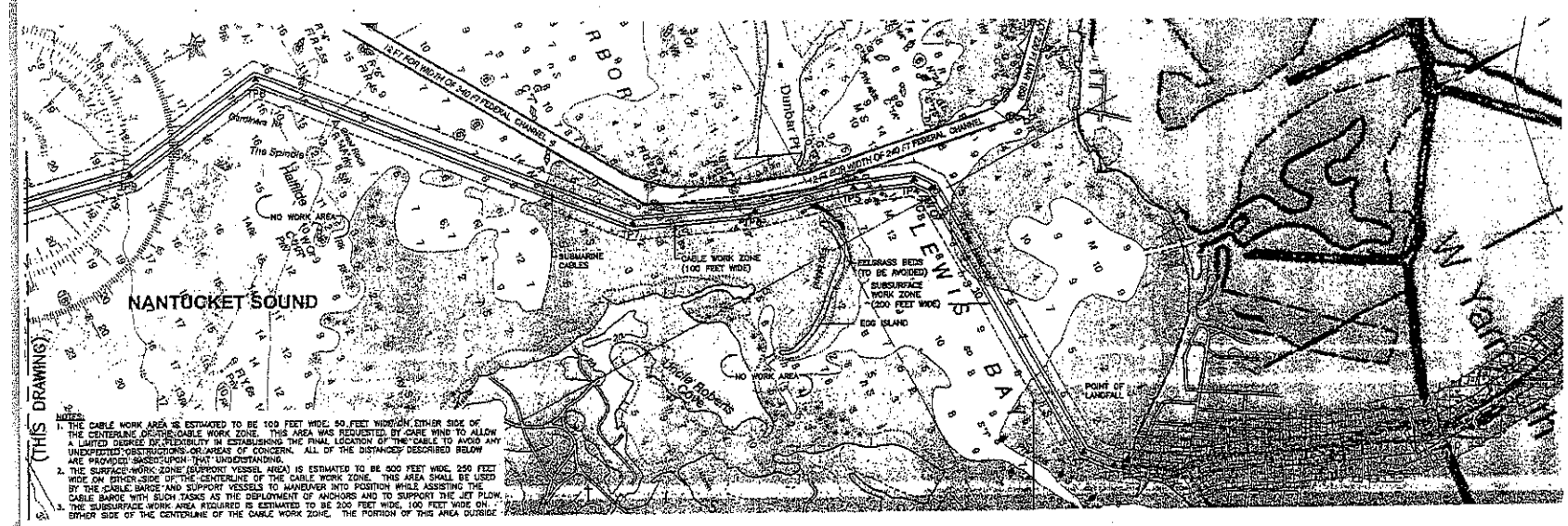
Respectfully submitted,

Elizabeth Taylor 10-18-07

Elizabeth Taylor, Subcommittee Chair



PLAN 1A



NOTES:
1. THE CABLE WORK AREA IS ESTIMATED TO BE 100 FEET WIDE: 50 FEET WIDE ON EITHER SIDE OF THE CENTERLINE OF THE CABLE WORK ZONE. THIS AREA WAS REQUESTED BY CAPE WIND TO ALLOW A LIMITED DEGREE OF FLEXIBILITY IN ESTABLISHING THE FINAL LOCATION OF THE CABLE TO AVOID ANY UNEXPECTED OBSTRUCTIONS OR AREAS OF CONCERN. ALL OF THE DISTANCES DESCRIBED BELOW ARE PROVIDED BASED UPON THAT UNDERSTANDING.
2. THE SURFACE WORK ZONE (SUPPORT VESSEL AREA) IS ESTIMATED TO BE 500 FEET WIDE, 250 FEET WIDE ON EITHER SIDE OF THE CENTERLINE OF THE CABLE WORK ZONE. THIS AREA SHALL BE USED BY THE CABLE BARGE AND SUPPORT VESSELS TO MANEUVER INTO POSITION WHILE ASSISTING THE CABLE BARGE WITH SUCH TASKS AS THE DEPLOYMENT OF ANCHORS AND TO SUPPORT THE JET PLOW.
3. THE SUBSURFACE WORK AREA REQUIRED IS ESTIMATED TO BE 200 FEET WIDE, 100 FEET WIDE ON EITHER SIDE OF THE CENTERLINE OF THE CABLE WORK ZONE. THE PORTION OF THIS AREA OUTSIDE

Cape Wind
Energy for Life

Submarine Cable Route
Geographic Coordinates - NAD 83

TURNING POINT	LATITUDE	LONGITUDE
LANDFALL	41° 38' 22.47" N	70° 14' 54.06" W
T21	41° 38' 20.48" N	70° 14' 55.92" W
T22	41° 38' 17.39" N	70° 15' 00.99" W
T23	41° 38' 15.96" N	70° 15' 01.32" W
T24	41° 38' 14.27" N	70° 15' 04.54" W
T25	41° 38' 05.78" N	70° 16' 08.83" W
T26	41° 37' 51.13" N	70° 16' 14.12" W
T27	41° 37' 34.67" N	70° 16' 23.51" W
T28	41° 36' 55.92" N	70° 17' 33.71" W
T29	41° 36' 33.99" N	70° 17' 18.87" W
T210	41° 34' 50.97" N	70° 17' 48.36" W
T211	41° 33' 46.22" N	70° 18' 01.07" W
3-MILE LIMIT	41° 33' 00.45" N	70° 18' 35.58" W

0 500 1500
SCALE IN FEET

NOT FOR CONSTRUCTION

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No.	REVISION	DATE
3	REVISION REVISIONS	4/13/07
1	REVISED FOR PERMITTING	12/22/03

DRAWN BY: RAY | CHECKED BY: GAN
DESIGNED BY: TMH | APPROVED BY:

CAPE WIND ASSOCIATES, LI

CAPE WIND PROJECT

SUBMARINE AND UPLAND
115kV TRANSMISSION
CABLE ROUTE

YARMOUTH/BARNSTABLE, MA.

PLAN 1A & 1B

APPENDIX I

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
1	Bergeron	David	9/18/01	Letter
2	Dayton	Scott	9/18/01	Letter
3	Kurker	Wayne	9/18/01	Letter
4	Maryott	Peter	9/19/01	Letter
5	Kadar	Susan	9/20/01	minutes
6	Theoharides	Donald	9/25/01	Letter
7	Davis	Nathaniel	9/28/01	Letter
8	Davis	Rita	9/30/01	Email
9	LeBlanc	George	10/1/01	Letter
10	Rowland	George	10/1/01	Letter
11	Wilk	Terri & Robert	10/1/01	Email
12	Topham	Alvin	10/2/01	Letter
13	Bodell	Stanley	10/3/01	Letter
14	Gibbs	Randall	10/3/01	Letter
15	Norton	Frank	10/4/01	Letter
16	Martone	Tom	10/5/01	Email
17	Frawley	Dan	10/8/01	Email
18	Lazares	Nicholas	10/9/01	Letter
19	Lipchin	Leonid	10/10/01	Letter
20	Ro	Ruth	10/11/01	Letter
21	Russell	Jeffrey	10/17/01	Letter
22	Rozene	Robert	10/17/01	Letter
23	Schmid	Leo	10/18/01	Letter
24	Dayton	Scott	10/24/01	Letter
25	Horn	Everett	10/26/01	Letter
26	Loughran	Meg	10/29/01	Email
27	Natale	Charles	11/5/01	Letter
28	Ostendorf	Col. Brian	11/9/01	Letter
29	Amsler	Megan	11/14/01	Letter
30	Natale	Charles	11/20/01	Letter
31	Pogsley	Arthur	11/28/01	E-mail
32	Orr	Terry	11/30/01	E-mail
33	Orr	Terry	11/30/01	E-mail
34	Pogsley	Arthur	11/30/01	E-mail
35	Rideout	Carl	12/3/01	Email
36	Kavanaugh	Mark	12/4/01	Letter
37	Kates	Amy	12/4/01	Letter
38	Orr	Terry	12/5/01	E-mail
39	Dascombe	Phil	12/6/01	memo
40	Dunn	Lou	12/7/01	Voice mail
41	Sanchez	Ed	12/9/01	Letter
42	Buckley	John	12/10/01	Voice mail
43	Wall	Norman	12/10/01	Voice mail
44	Kansano	Edward	12/10/01	Voice mail
45	Peckham	Richard	12/10/01	Voice mail
46	Bicke	William	12/10/01	Voice mail
47	Powicki	Chris	12/10/01	Voice mail
48	Walker	Robert	12/10/01	Voice mail
49	Page	Christopher	12/10/01	Letter
50	Orr	Terry	12/10/01	E-mail
51	Orr	Terry	12/10/01	Ltr
52	Baxter	Benjamin	12/12/01	Letter
53	Orr	Terry	12/12/01	E-mail
54	Dascombe	Phil	12/12/01	E-mail
55	Dascombe	Phil	12/12/01	fax
56	Dascombe	Phil	12/12/01	Staff Report
57	Hansel	William	12/13/01	Email
58	Goldwasser	Willie	12/13/01	Letter
59	Clarke	John	12/13/01	Letter
60	Senterman	Jeffrey	12/13/01	Letter
61	Orr	Terry	12/13/01	E-mail
62	Lyons	Jim	12/14/01	Email
63	Bowser	Matt	12/14/01	Email
64	Germani	John	12/14/01	Email
65	Callen	Brock	12/14/01	Email
66	Morris	Marsha	12/14/01	Email
67	Bernardo	Karissa	12/14/01	Email
68	Eshbaugh	Peter	12/14/01	Email
69	Keally	Francis	12/14/01	Email
70	Cassidy	Peter	12/14/01	Email
71	Noble	Paul	12/14/01	Email
72	Comoletti	Steven	12/14/01	Email
73	McNamara	Joy	12/14/01	Email
74	McNamara	Linda	12/14/01	Email
75	McNamara	John	12/14/01	Email
76	Campbell	David	12/14/01	Email
77	Abodeely	John	12/14/01	Email
78	Smith	Lisa	12/14/01	Email
79	McNamara	Gretchen	12/14/01	Email
80	Quidley	Peter	12/14/01	Email
81	Genthner	Susan	12/14/01	Email
82	Hurley	Charles & Dorothea	12/14/01	Email
83	Corey	John	12/14/01	Email
84	Anderson	Thomas	12/14/01	Email
85	Noble	Paul	12/14/01	Email
86	Putnam	Brent	12/14/01	Letter
87	Lucien	Lionel	12/14/01	Letter
88	Stern	Jamie	12/14/01	Email
89	Webster	Milo	12/15/01	Email
90	Brooks	Victoria	12/15/01	Email
91	Brooke	John	12/15/01	Email
92	Brooke	Michael	12/15/01	Email
93	Gillitt	William	12/15/01	Email
94	Strachan	Ronald	12/15/01	Email
95	O'Malley	John	12/15/01	Email
96	Friedman	Gary & Sharon	12/15/01	Email
97	Lyman	Richard	12/15/01	Email
98	Michaud	Leonard	12/15/01	Email
99	Michaud	Maria	12/15/01	Email
100	Cummiskey	Jack & Carol	12/15/01	Email
101	Swift	Arlette	12/15/01	Email
102	Levenbaum	James	12/15/01	Email
103	Smith	Charles	12/15/01	Email
104	Swift, Jr	Kent	12/15/01	Email
105	Corson	Rodney	12/15/01	Email
106	Corson	Janet	12/15/01	Email
107	Kenney	Liam	12/15/01	Email
108	Gillitt	Bill	12/15/01	Email
109	Borowski	Don	12/15/01	Email
110	Johnson	James	12/15/01	Email
111	Shaw	James	12/15/01	Email
112	Regan	Chris	12/15/01	Email
113	Robinson	Steven	12/15/01	Email
114	Ferrara	Joseph	12/15/01	Email
115	Millen	Charles	12/15/01	Email
116	Lallier	Michael	12/15/01	Email
117	Ferland	Donna	12/15/01	Email
118	Quint	Saul	12/15/01	Email
119	Cartensen, Jr	Warren	12/15/01	Email
120	Traugot	Kenneth	12/15/01	Email
121	Richmond	Charles	12/15/01	Email
122	Edwards	Edwin	12/15/01	Email
123	Farber	Dawson	12/15/01	Email
124	Sujdak	Thomas	12/15/01	Email
125	Hulsman	William	12/15/01	Email
126	Gregorie	Joyce	12/15/01	Email
127	Birmingham	Robert	12/15/01	Email
128	Bramhall	Kib	12/15/01	Email
129	Cahill	Henry	12/15/01	Email
130	Veara	Scott	12/15/01	Email
131	Tsiakos	John	12/15/01	Email
132	Popovich	Andrew	12/15/01	Email
133	Crosby	John	12/15/01	Email
134	McCormack	James	12/15/01	Email
135	Tsiakos	David	12/15/01	Email
136	Corey	Chris	12/15/01	Email
137	Starr	Mike	12/15/01	Email
138	Denton	Edward	12/15/01	Email
139	Lallier	Michael	12/15/01	Email
140	Ferland	Donna	12/15/01	Email
141	Gregoire	Robert	12/15/01	Email
142	Sujdak	Doris	12/15/01	Email
143	Smith	Tom	12/15/01	Email
144	Smith	Ann	12/15/01	Email
145	MacIntyre	Donald	12/15/01	Email
146	Graham	Rolla	12/15/01	Email
147	Gregoire	Joyce	12/15/01	Email
148	Birmingham	Robert	12/15/01	Email
149	Kib	Bramhall	12/15/01	Email
150	Driscoll	Jane	12/15/01	Email
151	Duty	Kathleen	12/15/01	Email
152	Miller	Robert	12/15/01	Email
153	Lyman	C	12/15/01	Email
154	Cahill	Henry	12/15/01	Email
155	Benoit	Michael	12/15/01	Email
156	Hill	Jason	12/15/01	Email
157	Assad	Nola	12/15/01	Letter
158	Reich	Dianne	12/16/01	Email
159	Reihl	Joseph	12/16/01	Email
160	Alverson	Harry	12/16/01	Email
161	Souza	John	12/16/01	Email
162	Wessling	Philip	12/16/01	Email
163	Wilson	Alan	12/16/01	Email
164	Quickel	Dr. Kenneth	12/16/01	Email
165	Sandborg	Paul	12/16/01	Email
166	Dorsky	William	12/16/01	Email
167	Megaro	Pamela	12/16/01	Email
168	Levine	Paul	12/16/01	Email
169	Weber	Hans-Peter & Cheryl	12/16/01	Email
170	Dorsky	William	12/16/01	Email
171	Lavey	Dennis	12/16/01	Email
172	Redding	Clara	12/16/01	Email
173	Callen	Drew	12/16/01	Email
174	Cash	David	12/16/01	Email
175	Cash	Judy	12/16/01	Email
176	Cash	Laurence	12/16/01	Email
177	Bornstein	Paul	12/16/01	Email
178	Bornstein	Adam	12/16/01	Email
179	Granby	Alan	12/16/01	Email
180	Hyland	Janice	12/16/01	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
181	Reich	Paul.	12/16/01	Email
182	Schermerhorn	Michael	12/16/01	Email
183	Wolf	Barbara	12/16/01	Email
184	Redding	Chris	12/16/01	Email
185	Kurland	Karen	12/16/01	Email
186	Ketchum	Paul	12/16/01	Email
187	Benoit	Michael	12/16/01	Email
188	Michelson	Franklin	12/16/01	Email
189	Stamaris	Stephen	12/16/01	Email
190	Ayotte	Carol & Robert	12/16/01	Email
191	Hopkins	Samuel	12/16/01	Email
192	Deutschmann	Mark	12/16/01	Email
193	Garfinkle	Myron	12/16/01	Email
194	Clayton	Sherri	12/16/01	Email
195	Parker	Audra & Bryan	12/16/01	Email
196	Corey	Jeanne	12/16/01	Email
197	Heyd	Mark	12/16/01	Email
198	Hill	Jason	12/16/01	Email
199	Vandemoer	J. Nicolas	12/16/01	Email
200	Assad	Nola	12/16/01	Email
201	Birmingham	Suzanna	12/16/01	Email
202	Conway	Gary	12/16/01	Email
203	Birmingham	Hilary	12/16/01	Email
204	Thompson	Kevin	12/16/01	Email
205	Dorsky	William	12/16/01	Email
206	Pierce	Shaun	12/16/01	Email
207	Parks	Frances	12/16/01	Email
208	Zwicker	J. Howard	12/16/01	Email
209	Way	Jonathan	12/16/01	Email
210	collins	Dennis	12/16/01	Email
211	Ehrman	Leonard & Peggy	12/16/01	Email
212	Kountze	EM	12/16/01	Email
213	Bornstein	Maxine	12/16/01	Email
214	Sullivan	Ashley	12/16/01	Email
215	Biringham	Sarah	12/16/01	Email
216	Sarmanian	Peter	12/16/01	Email
217	Larmon	Jay	12/16/01	Email
218	Taylor	Peter & Sandy	12/16/01	Email
219	Grohs	George	12/16/01	Email
220	Donelan	John	12/16/01	Email
221	Bouvier	David	12/16/01	Email
222	Connell	Peter	12/16/01	Email
223	Peterson	Richard	12/16/01	Email
224	Granby	Alan	12/16/01	Letter
225	Mumford	William	12/16/01	Letter
226	Finkel	Michael	12/16/01	Email
227	Hurley	M.B	12/16/01	Letter
228	Convery	Leo	12/16/01	Letter
229	Barker	Robert & Evelyn	12/16/01	Letter
230	Canzano, Jr.	Francis	12/17/01	Email
231	Cathie	Richard	12/17/01	Email
232	Karofsky	Lisa	12/17/01	Email
233	Gomez	Diane	12/17/01	Email
234	Berry	James	12/17/01	Email
235	Slate	Edwin	12/17/01	Email
236	Vanderslice	Lynne	12/17/01	Email
237	Vanderslice	Paul	12/17/01	Email
238	Jurczyk	William	12/17/01	Email
239	Nieroda	Vincent	12/17/01	Email
240	Savage	Robert	12/17/01	Email
241	Griesbauer	David	12/17/01	Email
242	Lopes-Berry	Lisa	12/17/01	Email
243	Goddard	Allen	12/17/01	Email
244	Looney	Daniel	12/17/01	Email
245	Komenda	Jeff	12/17/01	Email
246	Saccone	Lee-anne	12/17/01	Email
247	Bent	Elizabeth	12/17/01	Email
248	Roman	William	12/17/01	Email
249	Reynolds	Steven	12/17/01	Email
250	Malm, MD	James	12/17/01	Email
251	Erbe III	Henry	12/17/01	Email
252	Tedesco	Steve	12/17/01	Email
253	Eckhardt	Gary	12/17/01	Email
254	Turner	Jean	12/17/01	Email
255	Elwell	Todd	12/17/01	Email
256	Blomfield	Valerie	12/17/01	Email
257	Forbes	Marybeth	12/17/01	Email
258	Healey	Caitlin	12/17/01	Email
259	Canzano II	Edward	12/17/01	Email
260	Cutrer, Jr	Roy	12/17/01	Email
261	Bloomfield	David	12/17/01	Email
262	Germani	Mark	12/17/01	Email
263	Markert	Kurt	12/17/01	Email
264	Simonetti	Paul	12/17/01	Email
265	Gazza	Angela	12/17/01	Email
266	Johnson	Judith	12/17/01	Email
267	Johnson	Carl	12/17/01	Email
268	O'Loughlin	Heather	12/17/01	Email
269	Beaton	Thomas	12/17/01	Email
270	Burman	John	12/17/01	Email
271	Budde	Erwin	12/17/01	Email
272	Birmingham	David	12/17/01	Email
273	Moskal	Christopher	12/17/01	Email
274	Simons	Spencer	12/17/01	Email
275	Hope	Roy	12/17/01	Email
276	Floyd	Fred	12/17/01	Email
277	Nieroda	Kristen	12/17/01	Email
278	Holding	Wendy	12/17/01	Email
279	Moynagh	Joseph	12/17/01	Email
280	Griesbauer	Kara	12/17/01	Email
281	Burke	Joan	12/17/01	Email
282	Fulham	Timothy	12/17/01	Email
283	Martling	William	12/17/01	Email
284	Lakey	Robert	12/17/01	Email
285	Plunkett	Davis	12/17/01	Email
286	O'Rourke	Timothy	12/17/01	Email
287	Zartolas	Heather	12/17/01	Email
288	McDaniel	Christopher	12/17/01	Email
289	Karofsky	Paul	12/17/01	Email
290	Stix	Jennifer	12/17/01	Email
291	Cole	George	12/17/01	Email
292	Davies	Catherine	12/17/01	Email
293	Whitcomb	Clark	12/17/01	Email
294	Fabio	Faust	12/17/01	Email
295	Burke	Timothy	12/17/01	Email
296	Cicalis	John & Margaret	12/17/01	Email
297	Abbott	Bill	12/17/01	Email
298	Mason	Fred	12/17/01	Email
299	Holland	Bob	12/17/01	Email
300	Gibson	Christopher	12/17/01	Email
301	Silver	John	12/17/01	Email
302	Avis	Chris	12/17/01	Email
303	Kennedy	Michelle	12/17/01	Email
304	Dottridge	Bennett	12/17/01	Email
305	Haldes	James	12/17/01	Email
306	Bowler	Kathleen	12/17/01	Email
307	Keane	Sean	12/17/01	Email
308	Martin	Sean	12/17/01	Email
309	Holland	Mary	12/17/01	Email
310	Magowan	Kenneth	12/17/01	Email
311	Austin	Jeanne	12/17/01	Email
312	Mahoney	Stephen	12/17/01	Email
313	Canzano, Jr	Bob	12/17/01	Email
314	Tim	Grafton	12/17/01	Email
315	Elder	James & Christine	12/17/01	Email
316	Carr, Jr	Harry	12/17/01	Email
317	Adner	Barbara	12/17/01	Email
318	Kurkel	Stephen	12/17/01	Email
319	Soutter	Maureen	12/17/01	Email
320	Smith	Brian	12/17/01	Email
321	Fleet	Barry	12/17/01	Email
322	Coffey	William	12/17/01	Email
323	Tobolski	Gary	12/17/01	Email
324	Hall	Stephen	12/17/01	Email
325	Green	Christopher	12/17/01	Email
326	Giovannone	Ed	12/17/01	Email
327	Canzano	Edward	12/17/01	Email
328	Canzano	Jennifer	12/17/01	Email
329	Canzano	Matthew	12/17/01	Email
330	Canzano	Emily	12/17/01	Email
331	Smith	David	12/17/01	Email
332	Turner	Mr & Mrs Deane	12/17/01	Email
333	Schroeder	Robert	12/17/01	Email
334	Murphy	Kimberley	12/17/01	Email
335	Cook	William	12/17/01	Email
336	Dickes	Geoffrey	12/17/01	Email
337	Giuggio	K	12/17/01	Email
338	Love	Tim	12/17/01	Email
339	Granville	Olive	12/17/01	Letter
340	Mealy	Stephen	12/17/01	Letter
341	Markiewicz	Paula	12/17/01	Email
342	Lucier	Joseph	12/17/01	Email
343	Kelley	Jack & Jackie	12/17/01	Email
344	LLoyd	Janet & Wingate	12/17/01	Email
345	Gingue	Robert	12/17/01	Letter
346	Brooks	Rick	12/17/01	Email
347	Murphy	Ron	12/17/01	Email
348	Avots	Ivars	12/17/01	Email
349	Downey	William	12/17/01	Letter
350	Braithwaite	Gerard	12/17/01	Letter
351	Sawin	Janet	12/17/01	Letter
352	O'Leary	Sen. Robert	12/17/01	Letter
353	Soule	Peter	12/17/01	Email
354	Cunningham	P.J.	12/17/01	Email
355	Aron	Robert	12/17/01	Letter
356	Akin	David	12/17/01	Letter
357	Devlin	Denise	12/17/01	Email
358	Desauliniers	Charles	12/17/01	Email
359	Teplansky	George	12/17/01	Email
360	Durbas	Dorothy	12/17/01	Letter

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
361	O'Connell	Dorothy	12/17/01	Letter
362	Cooney	Robert & Carolynn	12/17/01	Letter
363	Putman	Charlton & Clare	12/17/01	Letter
364	McLaughlin	Charles	12/17/01	Letter
365	Gingue	Robert	12/17/01	Letter
366	Egan	John	12/17/01	Letter
367	Houlihan	Joan	12/17/01	Letter
368	Katzenbach	Kathleen	12/17/01	Letter
369	Aschittino	Garth	12/17/01	Letter
370	Jelleme	Carl	12/18/01	Email
371	Watson	Peter	12/18/01	Email
372	Tracy	Richard	12/18/01	Email
373	Littlejohn	Linda	12/18/01	Email
374	Theller	E. Robert	12/18/01	Email
375	Love	Mary	12/18/01	Email
376	Preston	James	12/18/01	Email
377	McHugh	Madelyn	12/18/01	Email
378	Blonder	Steven	12/18/01	Email
379	Oktem	Ben	12/18/01	Email
380	Cryan	Dennis	12/18/01	Email
381	Lewis	Richard	12/18/01	Email
382	Strada	Michael	12/18/01	Email
383	Campobello	Mr & Mrs Richard	12/18/01	Email
384	Pazzaneze	Mr & Mrs Michael	12/18/01	Email
385	Peterson	Trina	12/18/01	Email
386	Campobello	Maria	12/18/01	Email
387	Harris	Sam	12/18/01	Email
388	Daoust	Michael	12/18/01	Email
389	Bourque	Peter	12/18/01	Email
390	Plummer	Edwin	12/18/01	Email
391	Tagliaferro	Matthew	12/18/01	Email
392	Bonafede	John	12/18/01	Email
393	Kennedy	Edward	12/18/01	Email
394	Douglas	Garrett	12/18/01	Email
395	Dello Russo	Joseph	12/18/01	Email
396	Jablonski	Edward	12/18/01	Email
397	Buck	Harrison	12/18/01	Email
398	Limeburner	Bryan	12/18/01	Email
399	Lanzone	Suzanne	12/18/01	Email
400	Pratt	Derek	12/18/01	Email
401	Bellinger	Robert	12/18/01	Email
402	Allen	Dorwin	12/18/01	Email
403	Murphy	Kimberley	12/18/01	Email
404	Caprio	Charlene	12/18/01	Email
405	Richardson	Thomas	12/18/01	Email
406	Caprio	Robert	12/18/01	Email
407	Senie	Kevin	12/18/01	Email
408	Bernard	Keith and Linda	12/18/01	Email
409	Sergentais	George	12/18/01	Email
410	Fallon	Barbara	12/18/01	Email
411	Briggs	Peter	12/18/01	Email
412	Kelley	Catherine	12/18/01	Email
413	Wylie	Paul	12/18/01	Email
414	Holmes	R.M.	12/18/01	Email
415	Field, IV	Horace	12/18/01	Email
416	Lally	Bob	12/18/01	Email
417	Mosher	Susan	12/18/01	Email
418	Paquette	Alan	12/18/01	Email
419	O'Keefe	William	12/18/01	Email
420	Eshbaugh	Ruth	12/18/01	Email
421	Sirkis	Samuel	12/18/01	Email
422	Epstein	David	12/18/01	Email
423	Balch	Christine	12/18/01	Email
424	Finnerty	John	12/18/01	Email
425	Uranker	Joseph	12/18/01	Email
426	Honig	Art	12/18/01	Email
427	Pellegrini	Linda	12/18/01	Email
428	Toukan	Virginia	12/18/01	Email
429	Stetson IV	John	12/18/01	Email
430	Faulconer	Robert & Deborah	12/18/01	Email
431	Warren III	Robert	12/18/01	Email
432	Burke	Deborah	12/18/01	Email
433	Maresco	Karen	12/18/01	Email
434	Vicente	Armando	12/18/01	Email
435	Canzano	Richard	12/18/01	Email
436	Dickes	Nadine	12/18/01	Email
437	Towns	Joseph	12/18/01	Email
438	Federici	Barbara	12/18/01	Email
439	Purdy	Sharon	12/18/01	Email
440	Vesey	Nicole	12/18/01	Email
441	Frantzen	Bill	12/18/01	Email
442	Uranker	Francesca	12/18/01	Email
443	Norton	Robert	12/18/01	Email
444	Lewis	Eleanor	12/18/01	Email
445	Vose	Warren	12/18/01	Email
446	Varjabedian	Diana	12/18/01	Email
447	Kurker	Robert	12/18/01	Email
448	Bryan	Wilfred	12/18/01	Email
449	Douglas	Jane	12/18/01	Email
450	Bassett	Forrest	12/18/01	Email
451	Filoon	Fred	12/18/01	Email
452	Holland	John	12/18/01	Email
453	French	Alison	12/18/01	Email
454	Banfield	Maciel	12/18/01	Email
455	Peacock	Amy	12/18/01	Email
456	Bernard	Keith	12/18/01	Email
457	La Bash	Heidi	12/18/01	Email
458	Nucci	John	12/18/01	Email
459	Thurber	Lincoln	12/18/01	Email
460	O'Keefe	Timothy	12/18/01	Email
461	Jacobson	Russell	12/18/01	Email
462	Sullivan	William	12/18/01	Email
463	Sina	Amanda	12/18/01	Email
464	Oliver	Vernon	12/18/01	Email
465	Hughes	Jeff	12/18/01	Email
466	Canzano	Lucille	12/18/01	Email
467	Sullivan	Peter	12/18/01	Email
468	Theoharides	Donald	12/18/01	Email
469	Tarter	William	12/18/01	Email
470	McMullen	James	12/18/01	Email
471	Marlin	Jennifer	12/18/01	Email
472	Lauzon	Robert	12/18/01	Email
473	Robertson	Dale	12/18/01	Email
474	Harney	Deborah	12/18/01	Email
475	Hayes	Christopher	12/18/01	Email
476	Pinkofsy	Alyn	12/18/01	Email
477	Roberts	Christopher	12/18/01	Email
478	Roberts	Linda	12/18/01	Email
479	Saperstein	Steve	12/18/01	Email
480	Yoo	William	12/18/01	Email
481	reiffarth	James	12/18/01	Email
482	Olson	Richard	12/18/01	Email
483	knight	Eric	12/18/01	Email
484	Whalen	Sean	12/18/01	Email
485	Balch	Michael	12/18/01	Email
486	Balch	Michael J	12/18/01	Email
487	Gazaille	David & Donna	12/18/01	Email
488	Dempsey	Greg	12/18/01	Email
489	Le Fort	Michael	12/18/01	Email
490	George	Ellen	12/18/01	Email
491	Pietrowicz	Anthony & Marilyn	12/18/01	Email
492	Mosher	Gary	12/18/01	Email
493	Ames	Rodney	12/18/01	Email
494	Senie	Kevin	12/18/01	Email
495	Kirchner	Ted	12/18/01	Email
496	Epstein	David	12/18/01	Email
497	Weggel	Bob	12/18/01	Email
498	Chretien	Larry	12/18/01	Letter
499	Harcourt	Marion	12/18/01	Letter
500	Van Sciver	Harry & Margaret	12/18/01	Letter
501	Molloy	Kenneth	12/18/01	Letter
502	Gregorio	Rose	12/18/01	Letter
503	Daener,Sr	Thomas	12/18/01	Letter
504	Wylie	Kate	12/18/01	Email
505	Lang	Sherrie	12/18/01	Email
506	Adamczyk	Matthew	12/18/01	Email
507	Clark III	James	12/18/01	Email
508	Gierhart	Byron	12/18/01	Email
509	Sholkin	Steven	12/18/01	Email
510	Dean III	Eugene	12/18/01	Email
511	Myers	Katherine	12/18/01	Email
512	Yuskaitus	John	12/18/01	Email
513	Ninivaggi	Tony	12/18/01	Email
514	Kittila	Robert	12/18/01	Email
515	Magowan	Kathleen	12/18/01	Email
516	Birmingham	John	12/18/01	Email
517	Lang	Clayton	12/18/01	Email
518	Zafiropoulos	Michael	12/18/01	Email
519	Driscoll	Herbert	12/18/01	Email
520	Bosley, et al	Daniel	12/18/01	Letter
521	Mastone	Victor	12/18/01	Letter
522	Dascombe	Phil	12/18/01	memo
523	Kurker	Carol	12/19/01	Email
524	Lewis	Robert	12/19/01	Email
525	Leonard	Leo	12/19/01	Email
526	Campbell	George & Loretta	12/19/01	Email
527	Starr	Jay	12/19/01	Email
528	Lane	Rebecca	12/19/01	Email
529	Hamel, SR.	Paul	12/19/01	Email
530	Sidoti	Jon	12/19/01	Email
531	Gelzer	F. Duane	12/19/01	Email
532	Torres	A. Francesca	12/19/01	Email
533	Coombes	Peter	12/19/01	Email
534	Flanagan	Edward	12/19/01	Email
535	O'Niel	Sean	12/19/01	Email
536	O'Niel	Catherine	12/19/01	Email
537	Reed	Victor & Maureen	12/19/01	Email
538	Navedonsky	Charles	12/19/01	Email
539	Stockhaus	John	12/19/01	Email
540	Brea	Cesar	12/19/01	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
541	Landes	William	12/19/01	Email
542	Quinn	John	12/19/01	Email
543	Hirsch	David	12/19/01	Email
544	Sidoti	Jon	12/19/01	Email
545	McLennan	Gerald	12/19/01	Email
546	Kurker	William	12/19/01	Email
547	Davis	Bob	12/19/01	Email
548	Kurker	Christine	12/19/01	Email
549	Faucher	Cornel	12/19/01	Email
550	Stanley, Jr.	Joseph	12/19/01	Email
551	O'Niell	Patrick	12/19/01	Email
552	Clark	Dana	12/19/01	Email
553	O'Niell	Leslie	12/19/01	Email
554	O'Niell	Owen	12/19/01	Email
555	Cipriani	Donna	12/19/01	Email
556	O'Niell	Catherine	12/19/01	Email
557	O'Niel	Conor	12/19/01	Email
558	Sexton	Keith	12/19/01	Email
559	Morrill	Irene	12/19/01	Email
560	Conlon	Ann	12/19/01	Email
561	Conlon	Courtney	12/19/01	Email
562	Anderson	Paul	12/19/01	Email
563	Gazielle	Keith	12/19/01	Email
564	O'Keefe	Peter	12/19/01	Email
565	MacInnis, Jr	Hugh	12/19/01	Email
566	Pignatelli	Stefanie	12/19/01	Email
567	Schoenherr	John	12/19/01	Email
568	Price	David	12/19/01	Email
569	Winer	Eric	12/19/01	Email
570	Crawford	Richard	12/19/01	Email
571	Rooney	Sharon	12/19/01	Email
572	Schmid	Ann	12/19/01	Email
573	Conlon	James	12/19/01	Email
574	Magowan	Kenneth	12/19/01	Email
575	Stockhaus	Jack	12/19/01	Email
576	Mongeau	Beverly	12/19/01	Email
577	Lawson	Steven	12/19/01	Email
578	Kleekamp	Kathryn	12/19/01	Letter
579	Freeman	G	12/19/01	Email
580	Bassett	Jerry	12/19/01	Letter
581	Bovey	Charles	12/19/01	Email
582	Keeley	John	12/19/01	Email
583	Spalding	Curt	12/19/01	Letter
584	Rankin	Katy	12/19/01	Letter
585	Sellars	Richard	12/19/01	Letter
586	Huggins	Maureen & Reginald	12/19/01	Letter
587	Kleekamp	Charles	12/19/01	Letter
588	Spillane	John	12/19/01	Letter
589	Frazee	Robert	12/19/01	Email
590	Schedlbauer	Martin	12/19/01	Email
591	Fraser	Cathy	12/19/01	Email
592	Rielly	Grethchen	12/19/01	Facsimile
593	Carey	William	12/19/01	Email
594	Tierney	Joseph	12/19/01	Email
595	Smith	Donald	12/19/01	Email
596	Dwyer	Joel	12/19/01	Email
597	Cleary	Tom & Joan	12/19/01	Email
598	O'Sullivan	Frances	12/19/01	Email
599	Frawley	Dan	12/19/01	Email
600	Schailler	Edgar	12/19/01	Email
601	Frawley	Georgia	12/19/01	Email
602	Dripps	Craig	12/19/01	Email
603	Lindquist	Paul	12/19/01	Email
604	Kelley	David	12/19/01	Email
605	Meade	John	12/19/01	Email
606	Bevilacqua	Louis	12/19/01	Email
607	Thibeault	Edward & Kathleen	12/19/01	Email
608	Herric k	Edward & Anne	12/19/01	Email
609	Oberhauser	David	12/19/01	Email
610	Quidley	Christopher	12/19/01	Email
611	Michelson	Alan	12/19/01	Email
612	Limeburner	Sue	12/19/01	Email
613	McCarthy	Gary	12/19/01	Email
614	Auretto	Jean	12/19/01	Email
615	Burke	Barbara	12/19/01	Email
616	Schedlbauer	Martin	12/19/01	Email
617	Amaral	Octavia	12/19/01	Email
618	Awad	Dewey	12/19/01	Email
619	Zafiropoulos	Solon	12/19/01	Email
620	Sosis	Bonnie	12/19/01	Email
621	Hearn	Glenn	12/19/01	Email
622	Cournoyer	Michael	12/19/01	Email
623	Schailler	Vivianne	12/19/01	Email
624	Taubert	Martyn	12/19/01	Email
625	Felice	Anthony	12/19/01	Email
626	Baxter	Benjamin	12/19/01	Email
627	Scott	Chris	12/19/01	Email
628	Colley	Marjorie	12/19/01	Email
629	Gill	Robert	12/19/01	Voice mail
630	Ward	Frank	12/19/01	Voice mail
631	Patrick	Rep. Matthew	12/19/01	Letter
632	Blazis	Scott	12/19/01	Letter
633	Huggins	Maureen & Reginald	12/19/01	Letter
634	Aschettino	Paula	12/19/01	Letter
635	Kadar	Susan	12/19/01	minutes
636	Goodwin	Charles	12/20/01	Letter
637	Poyant	Lynne	12/20/01	Facsimile
638	Poyant	Rene	12/20/01	Letter
639	Fluff	Lo	12/20/01	Email
640	Marshall	Eileen	12/20/01	Email
641	Connors, Jr	John	12/20/01	Email
642	Russell	Don	12/20/01	Email
643	Driscoll	George	12/20/01	Email
644	Hurwitz	Larry, George & Cynt	12/20/01	Email
645	Hughes	Michael	12/20/01	Email
646	Taylor	Jonathan	12/20/01	Email
647	Courtois	David	12/20/01	Email
648	Hahn	Angela	12/20/01	Email
649	Portnoy	Malcolm	12/20/01	Email
650	Olsen	David	12/20/01	Email
651	Olsen	Denise	12/20/01	Email
652	Walker	Robert	12/20/01	Email
653	Marshall III	Edward	12/20/01	Email
654	Shay	Joseph	12/20/01	Email
655	Secor	Peter	12/20/01	Email
656	Sulcer	Barbara	12/20/01	Email
657	Sulcer	Randall	12/20/01	Email
658	Sulcer	Randall	12/20/01	Email
659	Kamp	Bernard	12/20/01	Email
660	Marini	John	12/20/01	Email
661	Holmes	Norma	12/20/01	Email
662	Kiley	Barbara	12/20/01	Email
663	Shriver	Timothy	12/20/01	Email
664	Johnson	Sally	12/20/01	Email
665	Collins	Jim	12/20/01	Email
666	Kennedy	Gordon	12/20/01	Email
667	Fleming	Mr & Mrs C.	12/20/01	Email
668	Caprio	Lawrence	12/20/01	Email
669	Hill, Jr	Eugene	12/20/01	Email
670	Marshall, Jr	Edward	12/20/01	Email
671	Tomasky	Gabrielle	12/20/01	Email
672	Baskys	Julius	12/20/01	Email
673	Sulcer	Meredith	12/20/01	Email
674	Sulcer	Gordon	12/20/01	Email
675	DiMattia	Beatrice	12/20/01	Email
676	DiMattia	Ralph	12/20/01	Email
677	DiMattia	Ralph J.	12/20/01	Email
678	DiMattia	Cara	12/20/01	Email
679	White	Donald	12/20/01	Email
680	Staples	Carlton	12/20/01	Email
681	Kiley	Tom	12/20/01	Email
682	Kiley	Thomas	12/20/01	Email
683	Holmes	Norma	12/20/01	Email
684	Courtois	David	12/20/01	Email
685	DeVesto	Thomas	12/20/01	Email
686	Brennan	Thomas	12/20/01	Email
687	Brennan	Wiggin	12/20/01	Email
688	Dow	John F.	12/20/01	Email
689	Earls	Milisant	12/20/01	Voice mail
690	Swift	Eckant	12/20/01	Voice mail
691	Jane	Francis	12/20/01	Voice mail
692	Stanier	Mary & Wade	12/20/01	Voice mail
693	Prowten	Daniel	12/21/01	Email
694	Bakal	Dan	12/21/01	Letter
695	Payne	Richard	12/21/01	Letter
696	Ferland	Donna	12/21/01	Email
697	Woodwell	George	12/21/01	Facsimile
698	Lonsdale	Robert	12/21/01	Letter
699	Barton	Jaci	12/21/01	Letter
700	Descoteaux	Nikki	12/21/01	Letter
701	Egan	Gregory	12/21/01	Letter
702	Davenport	DeWitt	12/21/01	Letter
703	Piersall	James	12/21/01	Letter
704	Mullin	Rich	12/21/01	Email
705	Bullock	C.K	12/21/01	Email
706	Chianese	Tony	12/21/01	Email
707	Cormier	Charles & Joan	12/21/01	Email
708	Cooper	Richard	12/21/01	Email
709	Douglas	Jane	12/21/01	Email
710	Ward	Frank	12/21/01	Email
711	Endyke	Ellen	12/21/01	Email
712	Skerry	Kathleen	12/21/01	Email
713	Ostrow	Ira	12/21/01	Email
714	O'brien	John	12/21/01	Email
715	Kelleher	Edward	12/21/01	Email
716	Anderson	Bradley	12/21/01	Email
717	Campbell	Tracy	12/21/01	Email
718	King	Robert & Virginia	12/21/01	Email
719	Tafuri	William	12/21/01	Email
720	Johnston	Jeffrey	12/21/01	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
721	Luconi	Fred	12/21/01	Email
722	Douglas	Garrett	12/21/01	Email
723	Cameron	Dianne	12/21/01	Email
724	Cameron	Dianne	12/21/01	Email
725	Cameron	Mike	12/21/01	Email
726	Cameron	Dianne	12/21/01	Email
727	Colosi	Peter	12/21/01	Letter
728	La Vallee	Faye	12/22/01	Email
729	Peckham	Richard	12/22/01	Email
730	La Vellee	Faye	12/22/01	Email
731	Schwinn	Donald	12/22/01	Letter
732	Nye	William	12/22/01	Letter
733	Barlow	Robert	12/22/01	Email
734	Hubbard	Mark & Bridget	12/22/01	Email
735	James	Dan	12/22/01	Email
736	Goldsmith	Tim	12/22/01	Email
737	Goodman	Dr & Mrs	12/22/01	Email
738	DiMattia	Christopher	12/22/01	Email
739	Getchell	Joan	12/22/01	Email
740	Tierney	Michael	12/22/01	Email
741	Rushton	Neil	12/22/01	Email
742	Varga	William	12/22/01	Email
743	Brady	Joan	12/22/01	Email
744	Goldsmith	Mary	12/22/01	Email
745	Azzara	Warren	12/22/01	Email
746	Lyon	Jennifer	12/22/01	Email
747	Tierney	Pat	12/22/01	Email
748	Tierney	Tim	12/22/01	Email
749	Wilson	Joseph	12/22/01	Email
750	Dodson	Harry	12/22/01	Email
751	Peckham	Phyllis	12/22/01	Email
752	Benjamin	Kenneth	12/22/01	Email
753	Cadman, Jr	Ralph	12/22/01	Email
754	Williams	Craig	12/22/01	Email
755	Bergeron	Peter	12/22/01	Email
756	Beattie	Douglas & Karen	12/22/01	Email
757	Eastman	Terry	12/22/01	Email
758	Tierney	Mike	12/22/01	Email
759	Jolicoeur	Joe	12/22/01	Email
760	Doliner	Susan	12/23/01	Email
761	Grover	Ruthanne	12/23/01	Email
762	Goggins	Karen	12/23/01	Letter
763	Gollin	Richard & Rita	12/23/01	Email
764	Larmon	Jay	12/23/01	Letter
765	Finnerty	Richard	12/23/01	Email
766	Reynolds	Rob	12/23/01	Email
767	Doliner	Susan	12/23/01	Email
768	Summers	Thomas	12/23/01	Email
769	Kravets	Howard	12/23/01	Email
770	Davidow	Rhoda	12/23/01	Email
771	Espy	Mary	12/23/01	Email
772	Sachs	Robert	12/23/01	Email
773	Mechem	John	12/23/01	Email
774	Carroll	Rosemary	12/23/01	Email
775	Carroll	John	12/23/01	Email
776	Grover	Ruthanne	12/23/01	Email
777	Reynolds	Rob	12/23/01	Email
778	Doliner	Susan	12/23/01	Email
779	Jette	Roger	12/23/01	Email
780	Reynolds	Rob	12/23/01	Email
781	Gariepy	psul	12/23/01	Email
782	Tellier	Susan	12/23/01	Email
783	Schermerhorn	Skid & Jos	12/23/01	Email
784	Good	Niel	12/24/01	Email
785	Palmer	Bryant	12/24/01	Email
786	Zarum	Robert	12/24/01	Email
787	Loutrel	William	12/24/01	Email
788	Loutrel	Dora	12/24/01	Email
789	Stratton	Arthur	12/24/01	Email
790	Story	Rebecca	12/24/01	Email
791	Brand	Richard	12/24/01	Email
792	Brand	Judy	12/24/01	Email
793	Flannery	Kevin	12/24/01	Email
794	Simon	Brona	12/24/01	Letter
795	Doliner	Susan	12/24/01	Letter
796	Walsh	Donald	12/24/01	Email
797	Clement	Richard	12/24/01	Email
798	Egan	Bradford	12/24/01	Email
799	Johnson	Wallis	12/24/01	Email
800	Doliner	Michael & Donna	12/24/01	Email
801	Walsh	Pamela	12/24/01	Email
802	Marshall	Robert	12/24/01	Email
803	Stratton	Arthur	12/24/01	Email
804	Julius	Len	12/24/01	Email
805	Bowyer	Alex	12/24/01	Email
806	McCarthy	Karen	12/24/01	Email
807	Leff	Pamela	12/24/01	Email
808	Loutrel	Dora	12/24/01	Email
809	Loutrel	William	12/24/01	Email
810	Grimes	Timothy	12/24/01	Email
811	Spillane	John	12/24/01	Letter
812	Wood	Jim	12/25/01	Email
813	Buckley	Scott	12/25/01	Email
814	Egan	Richard	12/25/01	Email
815	Egan	Rick	12/25/01	Email
816	High	James	12/25/01	Email
817	Golden	John	12/25/01	Email
818	Wolfset	Maxine & Brian	12/25/01	Email
819	Pachter	John	12/26/01	Letter
820	Brown	Vernon & Barbara	12/26/01	Letter
821	Cardin	Donald	12/26/01	Email
822	Stevens	Barbara	12/26/01	Email
823	Ferry	Jim	12/26/01	Email
824	Salter	Russell	12/26/01	Email
825	Maloney	Terry	12/26/01	Email
826	Miller	Marty	12/26/01	Email
827	DiPietro	Phyllis	12/26/01	Letter
828	Brady	Nonie	12/26/01	Email
829	Singmaster	Larry	12/26/01	Email
830	Hughes	John	12/26/01	Email
831	Boudanza	Anthony	12/26/01	Email
832	Sullivan	Bill & Sarah	12/26/01	Email
833	Sexton	Mark	12/26/01	Email
834	McKindsey	Marifran	12/26/01	Email
835	Minihane	Robert	12/26/01	Email
836	Spillane	John	12/26/01	Letter
837	Lillie	David	12/27/01	Letter
838	Thew	Edward	12/27/01	Facsimile
839	Sterling	Eleanor	12/27/01	Letter
840	Powicki	Chris	12/27/01	Letter
841	Fox	Robert	12/27/01	Email
842	Fox	Graham	12/27/01	Email
843	Regan	Jamie	12/27/01	Email
844	Rosenblad II	Mr & Mrs	12/27/01	Email
845	White	Margaret	12/27/01	Email
846	Floyd	Frederick	12/27/01	Email
847	Corey, Jr	John	12/27/01	Email
848	Corey, Jr	John	12/27/01	Email
849	Beattie	Karen	12/27/01	Email
850	Conroy	Debra	12/27/01	Email
851	Becker	Harold	12/27/01	Email
852	Harding	Bruce	12/27/01	Email
853	Harding, Jr	Bruce	12/27/01	Email
854	Fox	Graham	12/27/01	Email
855	Fox	Robert	12/27/01	Email
856	Feeney	Bob	12/27/01	Email
857	Hike	William	12/27/01	Email
858	Egan	Greg	12/27/01	Email
859	Hike	William	12/27/01	Email
860	Scofield	Edward & Lynda	12/27/01	Email
861	Geist	Margaret	12/28/01	Letter
862	Bodurtha	James	12/28/01	Letter
863	Twitchell	Claire	12/28/01	Letter
864	Cashman	Jay	12/28/01	Letter
865	Stimpson	Chris	12/28/01	Email
866	Murphy	Betty	12/28/01	Email
867	Lawler	Nicholas	12/28/01	Email
868	Hutchison	Susan	12/28/01	Email
869	Donelan	John	12/28/01	Email
870	Hurwitz	Lawrence	12/28/01	Email
871	Cash	Laurence	12/28/01	Email
872	Cash	Judy	12/28/01	Email
873	Cash	David	12/28/01	Email
874	Demetriades	Peter	12/28/01	Email
875	Ceppi	Mark	12/28/01	Email
876	Tomacelli	Ernest	12/28/01	Email
877	Doran	Frederick & Mary	12/28/01	Email
878	Conley	Brian	12/28/01	Email
879	Guerrieri	Lou	12/28/01	Email
880	Ausiello	Dennis	12/28/01	Email
881	Lawler	Nicholas	12/28/01	Email
882	Roache	David	12/28/01	Email
883	Hood	Victor	12/28/01	Email
884	Adams	Karen	12/28/01	Letter
885	Temple	David	12/29/01	Email
886	Scherbak	D.H	12/29/01	Email
887	Stoll	Roger	12/29/01	Email
888	Kilroy	Richard & Judy	12/29/01	Email
889	O'Niell	Robert	12/29/01	Email
890	Agnew	David	12/29/01	Email
891	Adams	Anelia & James	12/30/01	Letter
892	Kaiser	Eric	12/30/01	Email
893	McLaughlin	Peter	12/30/01	Email
894	Schiller	David	12/30/01	Email
895	Morin	Larry	12/30/01	Email
896	Morin	Sheila	12/30/01	Email
897	White	Michelle	12/30/01	Email
898	Corbett	Lillian	12/30/01	Email
899	Arnett	Rex	12/30/01	Email
900	Hirschberg	Milton	12/30/01	Letter

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
901	Manzi	Glenda & Jim	12/31/01	Email
902	Deegan	Greg	12/31/01	Letter
903	Rielly	Marian	12/31/01	Facsimile
904	Walsh	Phyllis & Bill	12/31/01	Facsimile
905	Cramer	Liz	12/31/01	Letter
906	Cramer	John	12/31/01	Letter
907	Schnitzer	Herbert	12/31/01	Letter
908	Braginton-Smit	Brian	12/31/01	Email
909	Paul	Robert	12/31/01	Email
910	Congdon	William	12/31/01	Email
911	Kohlhas	Virginia	12/31/01	Email
912	Wineman	Thomas	12/31/01	Email
913	O'Connell	Julia	12/31/01	Email
914	Donley	Chris	12/31/01	Email
915	Mahoney	R.J	12/31/01	Email
916	Wineman	Margaret & Robert	12/31/01	Email
917	Brings	Hans	12/31/01	Email
918	Masterman	Craig	12/31/01	Email
919	Kessel	Ronald	12/31/01	Email
920	Salter	R	12/31/01	Email
921	Carroll	Roseann	12/31/01	Email
922	Bartlett	Michael	12/31/01	Letter
923	Molloy	Kenneth	12/31/01	Letter
924	Manzi	Jim & Glenda	1/1/02	Email
925	Slowick	Elizabeth	1/1/02	Email
926	Ramci	Wendy	1/1/02	Email
927	Ramaci	Wendy	1/1/02	Email
928	Redfield	Carl	1/1/02	Email
929	Sexton	Gregory	1/1/02	Email
930	McMillan	Ray	1/1/02	Email
931	Ramaci	Jonathan	1/1/02	Email
932	Kano	Jennifer	1/1/02	Email
933	Muller	Joan	1/2/02	Email
934	Baker	Anne	1/2/02	Email
935	Barrett	Christopher	1/2/02	Email
936	Coogan	Gregory	1/2/02	Email
937	Crowley	Kevin	1/2/02	Email
938	Cotell	Elizabeth	1/2/02	Email
939	Basta	Karim	1/2/02	Email
940	Collings	Amy	1/2/02	Email
941	Butera	Joseph	1/2/02	Email
942	Forg	David	1/2/02	Email
943	Fanara	John & Deborah	1/2/02	Email
944	Devereaux	Ed	1/2/02	Email
945	Wareham	Mary Gail	1/2/02	Email
946	Wareham	Dan	1/2/02	Email
947	Fanara	John & Deborah	1/2/02	Email
948	Berlinguet	Paul	1/2/02	Email
949	Magner	Liana	1/2/02	Email
950	Ross	Bob	1/2/02	Email
951	Hemmila	Valeria	1/2/02	Email
952	Curran	Mary Jane	1/2/02	Email
953	Spillane	John	1/2/02	Letter
954	Palmer	Matthew	1/3/02	Letter
955	Holmgren	Viola	1/3/02	Email
956	Nadeau	Donald	1/3/02	Email
957	Peirson	Edward	1/3/02	Email
958	Woodwell	Linda	1/3/02	Email
959	Reid	Bruce	1/3/02	Email
960	Santoro	Kathleen	1/3/02	Email
961	Mehm	Edward	1/3/02	Email
962	Massey	Mark	1/3/02	Email
963	Triplette	Marianne	1/3/02	Email
964	Reid	Gerda	1/3/02	Email
965	Simpson	George	1/3/02	Email
966	Pina, Jr	Kenneth	1/3/02	Email
967	Cole	John	1/3/02	Email
968	Watson	Joanna	1/3/02	Email
969	O'Connor	Lawrence & Helen	1/3/02	Email
970	Fagan	Robert	1/3/02	Letter
971	Clarke	John	1/3/02	Letter
972	Tipton	Timothy	1/3/02	Email
973	Chaves	Tony	1/3/02	Email
974	Kiley	Tom	1/3/02	Email
975	Garcia	Gabriela	1/4/02	Email
976	Holbrook	Peter	1/4/02	Email
977	Nealon	Jeanne	1/4/02	Email
978	Moriarty	John	1/4/02	Email
979	McClaren	Scott	1/4/02	Email
980	Moravec	Augusta	1/4/02	Email
981	Folley	Clyde	1/4/02	Email
982	Schiller	Kyle	1/4/02	Email
983	Kanapicki	Frank	1/4/02	Email
984	Arnold	Eldridge	1/4/02	Email
985	Arnold	Helen & Evans	1/4/02	Email
986	Cunningham	Edward	1/4/02	Email
987	Hickman	Peter	1/4/02	Letter
988	Hartgen	Carol	1/4/02	Letter
989	Bacon, Jr	Carter	1/4/02	Email
990	MacPhee	Brian	1/4/02	Email
991	Moriarty	John	1/4/02	Email
992	Ezequelle	Richard	1/4/02	Email
993	Moran	Fanny	1/4/02	Email
994	Chang	Julian	1/5/02	Email
995	Cunningham	Elisa	1/5/02	Email
996	Lortie	Nicole	1/5/02	Email
997	Shrago	Ellen	1/5/02	Email
998	Cunningham	William	1/5/02	Email
999	Calvillo	Ric	1/5/02	Email
1000	Harrington	Eliza	1/5/02	Email
1001	Hayden	Andrew	1/5/02	Email
1002	Arundale	Dwight & Lynne	1/5/02	Email
1003	Hayden	Andrew	1/5/02	Email
1004	Story	Rebecca	1/5/02	Email
1005	Cincotta	Francis	1/5/02	Email
1006	Quinn	James	1/5/02	Email
1007	Coleman	Nancy	1/5/02	Email
1008	Isenstadt	Tate & Demi	1/5/02	Email
1009	DeLaney	Tangley & Bob	1/5/02	Email
1010	Field	Evan	1/5/02	Email
1011	Hill	Corina	1/6/02	Email
1012	Craig, Jr	William	1/6/02	Email
1013	Arnett, Sr.	Bruce & Dee	1/6/02	Email
1014	Oehme	Wayne	1/6/02	Email
1015	Spillane	Judith	1/6/02	Email
1016	Hearst	Martin	1/6/02	Email
1017	Fenton	Mary	1/7/02	Email
1018	Atsalis	John	1/7/02	Email
1019	Di Gironimo	V.G	1/7/02	Email
1020	Blauvelt	G. Christopher	1/7/02	Email
1021	Fenton	David	1/7/02	Email
1022	Goldthwaite	Kim	1/7/02	Email
1023	Canzano	Edward	1/7/02	Email
1024	Canzano	Edward E.	1/7/02	Email
1025	Crain	Merrilee	1/7/02	Email
1026	Canzano	Jennifer	1/7/02	Email
1027	Canzano	Lucille	1/7/02	Email
1028	Petro	Alec & Leah	1/8/02	Email
1029	Petro	Alec	1/8/02	Email
1030	Spiro	Kathleen	1/8/02	Email
1031	Petro	Alec	1/8/02	Email
1032	Guerriero	Anthony	1/8/02	Email
1033	Fenton	Elizabeth	1/8/02	Email
1034	Fenton	Peter	1/8/02	Email
1035	Riordan	John	1/8/02	Email
1036	Jennings	Kim	1/8/02	Email
1037	Amgley	Edward	1/8/02	Email
1038	Pring	Ken	1/8/02	Email
1039	Diodati	Paul	1/8/02	Letter
1040	Spillane	John	1/8/02	Letter
1041	Dascombe	Phil	1/8/02	fax
1042	Fardy	Alice	1/9/02	Email
1043	Bosch	Yvelise & Jorge	1/9/02	Email
1044	Aten	Lee Bowen	1/9/02	Email
1045	Kuusela	Sarah	1/9/02	Email
1046	McPheeters	Alex	1/9/02	Email
1047	Fenton	Mary	1/9/02	Email
1048	Montagna	Mary	1/9/02	Email
1049	Malfy	Philip	1/9/02	Email
1050	Frank	Steven	1/9/02	Email
1051	Fardy, Jr.	George	1/9/02	Email
1052	Christo	Thomas, Joan, Williat	1/9/02	Email
1053	Blanch	Patricia	1/9/02	Email
1054	Wilcke	Marilyn	1/9/02	Email
1055	Lotuff,III	Joseph	1/9/02	Email
1056	Bradley	Jack & Nancy	1/9/02	Email
1057	McPheeters	Jennifer	1/9/02	Email
1058	McPheeters	Constance	1/9/02	Email
1059	McPheeters	Katherine	1/9/02	Email
1060	McPheeters	John	1/9/02	Email
1061	McPheeters	Elizabeth	1/9/02	Email
1062	Barrette	Thomas	1/9/02	Letter
1063	Crowell	Carolynn	1/9/02	Letter
1064	Coleman	Nancy	1/10/02	Email
1065	Mullin	Dick	1/10/02	Email
1066	Clark	Dan	1/10/02	Email
1067	Rich	George	1/10/02	Letter
1068	Dascombe	Phil	1/10/02	fax
1069	Wiggin	David	1/11/02	Email
1070	Fleming	Amy & Craig	1/11/02	Email
1071	Tompkins	Hugh & Constance	1/12/02	Email
1072	Stanley	Chester	1/12/02	Email
1073	McPheeters	Constance	1/12/02	Email
1074	Holmgen	John & Jeanne	1/14/02	Email
1075	Phillips	Karen	1/14/02	Email
1076	Christensen	Marybeth	1/14/02	Letter
1077	Green	Mia	1/15/02	Email
1078	Spitz	Joanne	1/15/02	Email
1079	Newton	David	1/15/02	Letter
1080	Natale	Charles	1/15/02	Letter

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
1081	Dunning	Michael	1/16/02	Letter
1082	Orr	Terry	1/16/02	Ltr
1083	Wright	Joyce & Walter	1/17/02	Email
1084	Bartlett	Michael	1/17/02	Letter
1085	Orr	Terry	1/17/02	E-mail
1086	Bailey	David	1/18/02	Email
1087	Zammito	Robert	1/18/02	Email
1088	Armstrong	George	1/18/02	Letter
1089	Abely	Brenda	1/19/02	Email
1090	Abely	Karen	1/19/02	Email
1091	Abely	Joseph	1/19/02	Email
1092	Scofield	Edward & Linda	1/20/02	Email
1093	Cahalane et al	John	1/20/02	Letter
1094	Cahill	Colleen	1/21/02	Email
1095	Kurker	Peg	1/21/02	Email
1096	Doyle	Frank	1/21/02	Email
1097	Murphy	Elizabeth	1/22/02	Email
1098	Lubar	Kenneth	1/22/02	Email
1099	Queiroz	Roberto	1/22/02	Email
1100	Kelley	John	1/22/02	Email
1101	Troy	Anthony	1/22/02	Email
1102	Pellegren	George	1/22/02	Email
1103	Concannon	Joseph	1/22/02	Email
1104	Stressenger	Todd	1/22/02	Email
1105	McPherson	Susan	1/22/02	Email
1106	Stressenger	Remy	1/22/02	Email
1107	McPherson	J.B	1/22/02	Email
1108	Welch	Robert	1/22/02	Letter
1109	Wright	Whitney	1/22/02	Letter
1110	Gonsalves	Leonard	1/22/02	Letter
1111	Heath	Richard	1/23/02	Email
1112	Boehr	Rachel	1/23/02	Email
1113	Bergeron	Paul	1/23/02	Email
1114	Bergeron	Patricia	1/23/02	Email
1115	Burdett	Ernest	1/23/02	Email
1116	Valerio	Ernest	1/23/02	Email
1117	Goldberg	Joshua	1/23/02	Email
1118	Howard	Andrea	1/23/02	Letter
1119	Bergeron	David	1/23/02	Letter
1120	LaBonte	Ron	1/24/02	Email
1121	Summersall	Pamela	1/24/02	Email
1122	Rodgers	Mark	1/24/02	E-mail
1123	Hensley	Mark	1/25/02	Email
1124	Cain	Paul	1/25/02	Email
1125	Bain	Sandra	1/25/02	Email
1126	Baxter	Benjamin	1/25/02	Email
1127	Russell	Don	1/25/02	Email
1128	Friedman	Gary & Sharon	1/25/02	Email
1129	Eckhardt	Gary	1/25/02	Email
1130	Pina, Jr	Kenneth	1/25/02	Email
1131	Haarman	Jon	1/25/02	Email
1132	Daley	Suzanne	1/25/02	Email
1133	Hansel	William	1/25/02	Email
1134	Perry	Robert	1/25/02	Letter
1135	Graham	Joseph	1/25/02	Letter
1136	Lang	Clayton	1/25/02	Letter
1137	Sawyer	John	1/25/02	Email
1138	Sawyer	Tom	1/25/02	Email
1139	Sawyer	Mardi	1/25/02	Email
1140	Johnson	James	1/25/02	Email
1141	LeGendre	Vincent & Jane	1/25/02	Email
1142	Sawyer	John	1/25/02	Email
1143	Sawyer	Tom	1/25/02	Email
1144	Sawyer	Mardi	1/25/02	Email
1145	Sawyer	Mardi	1/25/02	Email
1146	Rebello	John	1/25/02	Email
1147	Sawyer	John	1/25/02	Email
1148	Sawyer	Tom	1/25/02	Email
1149	Bystock	Lee	1/26/02	Email
1150	Bystock	Betty	1/26/02	Email
1151	Rego	David	1/26/02	Email
1152	Longbotham	Gwen	1/26/02	Email
1153	Moore	Margaret	1/26/02	Email
1154	O'Shaughnessy	Henry	1/26/02	Email
1155	O'Shaughnessy	Henry	1/26/02	Email
1156	Souza Jr.	John	1/26/02	Email
1157	LeGendre	Tripp	1/26/02	Email
1158	Gollin	Richard	1/26/02	Email
1159	O'Shaughnessy	Henry	1/26/02	Email
1160	Rae	Dr. Harry	1/26/02	Email
1161	Johnson	Judith	1/26/02	Email
1162	Guerrieri	Lou	1/26/02	Email
1163	Christmas	Sharon	1/28/02	Email
1164	Friend	Christopher	1/28/02	Email
1165	Botti	Eileen	1/28/02	Email
1166	Smith	Moira	1/28/02	Email
1167	Bergman	Paul	1/28/02	Email
1168	Hackett	Mary Jo	1/28/02	Email
1169	Gibson	M	1/28/02	Email
1170	Noble	Julianne	1/28/02	Email
1171	Bigony	Thomas	1/28/02	Email
1172	Wareham	Dan	1/28/02	Email
1173	Towns	Joe	1/28/02	Email
1174	Martin	Laura	1/29/02	Email
1175	Braginton-Smit	Dianna	1/29/02	Email
1176	MacIntyre	Donald	1/29/02	Email
1177	Saraceno	Kurt	1/29/02	Email
1178	Grossman	Barbara	1/29/02	Email
1179	Boni	Susan	1/29/02	Email
1180	Isham	F.Lance	1/29/02	Email
1181	Isham	Tracy	1/29/02	Email
1182	Grossman	Ronald	1/29/02	Email
1183	Egan	Bradford	1/29/02	Email
1184	Segel	Robert	1/29/02	Email
1185	Taylor	Scott	1/29/02	Email
1186	Callaghan	Megan	1/29/02	Email
1187	Taylor	J.W.	1/29/02	Email
1188	Reeves	Adam	1/29/02	Email
1189	Bradley	Kim	1/29/02	Email
1190	Lewis	John	1/30/02	Email
1191	Cocorochio	Kathleen	1/30/02	Email
1192	DeMello	Holly	1/30/02	Email
1193	Medeiros	Joseph	1/30/02	Email
1194	Power	Deirdre	1/30/02	Email
1195	Ventress	Zachariah	1/30/02	Email
1196	Booth	Colin	1/30/02	Email
1197	Thornton	Barbara	1/30/02	Email
1198	Soderberg	Jon	1/30/02	Email
1199	Verani	Andre	1/30/02	Email
1200	Brown	Vernon	1/30/02	Email
1201	Bellemore	Kimberly	1/30/02	Email
1202	Wobus	Cameron	1/30/02	Email
1203	DeMello	Jeremy	1/30/02	Email
1204	Mavilla	Susan	1/30/02	Email
1205	Murray	Matthew	1/30/02	Email
1206	Martin	David	1/30/02	Email
1207	Mangini	Michelle	1/30/02	Email
1208	Booth-King	Marilyn	1/30/02	Email
1209	Harrop	Nancy	1/30/02	Email
1210	Harrop	Robert	1/30/02	Email
1211	Donnelly	Kevin	1/30/02	Letter
1212	Schulman	Audrey	1/30/02	Letter
1213	MacDonald	A	1/31/02	Email
1214	Herrera	Gus	1/31/02	Email
1215	Miller	Lesley	1/31/02	Email
1216	Grossman	Leslie	1/31/02	Email
1217	Condon	Ann	1/31/02	Email
1218	Krause	Sharon	1/31/02	Email
1219	Wobus	Nicole	1/31/02	Email
1220	Dube	Timothy	1/31/02	Email
1221	Berkowitz	Charles	1/31/02	Email
1222	Berkowitz	Nathan	1/31/02	Email
1223	Berkowitz	Jenn	1/31/02	Email
1224	Berkowitz	Edith	1/31/02	Email
1225	Woodall	Tim	1/31/02	Facsimile
1226	Kapur	Namrita	1/31/02	Email
1227	Pye	Rosemary	1/31/02	Email
1228	Walker	John	1/31/02	Email
1229	Rooney	Diane	1/31/02	Email
1230	Carvalho	Teresa	1/31/02	Email
1231	Metivier	Jeff	1/31/02	Email
1232	McInerney	Diana	1/31/02	Email
1233	Harrington	Kevin	1/31/02	Letter
1234	Farkas	Pamela	1/31/02	Email
1235	Larmon	Jenna	1/31/02	Email
1236	Paone	Jon	1/31/02	Email
1237	Walsh	John & Janet	1/31/02	Email
1238	Uranker	Joseph	1/31/02	Email
1239	Gaumond Jr.	Harold	1/31/02	Email
1240	Walsh	Chris	1/31/02	Email
1241	Lariviere	Roland	1/31/02	Email
1242	Hofknecht	Leslie	1/31/02	Email
1243	Ducharme	David	1/31/02	Email
1244	Ajoian	Christine	1/31/02	Email
1245	Floyd	Phillip	1/31/02	Email
1246	Sheff	John	1/31/02	Email
1247	Cooperstone	Lester	1/31/02	Email
1248	Soverino	Timothy	1/31/02	Letter
1249	Douglas	Garrett	2/1/02	Email
1250	Komishane	Lauren	2/1/02	Email
1251	Mehr	Patrick	2/1/02	Email
1252	Rose	Carol	2/1/02	Email
1253	O'Grady	Daniel	2/1/02	Email
1254	Walsh	Brian	2/1/02	Email
1255	Lavoie	Susan	2/1/02	Email
1256	Russ	Evelyn	2/1/02	Email
1257	Coppelman	Benjamin	2/1/02	Email
1258	Stern	Hansjoerg	2/1/02	Email
1259	Warren	William	2/1/02	Email
1260	Denbo	Carol	2/1/02	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
1261	Carey	Jeanne	2/1/02	Email
1262	Russ	Raymond	2/1/02	Email
1263	Roberts	Carl	2/1/02	Email
1264	Robbins	Peter	2/1/02	Email
1265	Cohen	Phyllis	2/1/02	Email
1266	Louden	Margaret	2/1/02	Email
1267	Roberts	Barbara	2/1/02	Email
1268	Sullivan	Lawrence	2/1/02	Email
1269	White	Peter	2/1/02	Email
1270	Robbins	Nick	2/1/02	Email
1271	LaPierre	Greg	2/1/02	Email
1272	Coleman	Thomas	2/1/02	Email
1273	Taylor	Peter & Sandra	2/1/02	Email
1274	Iannacci	Gregory	2/1/02	Email
1275	Caudill	Frances	2/2/02	Email
1276	Orel	Toby	2/2/02	Email
1277	Jacobs	Mitchell	2/2/02	Email
1278	Goldberg	Frances	2/2/02	Email
1279	Schulman	Audrey	2/2/02	Email
1280	Benne	Hope	2/2/02	Email
1281	Ducharme	Lisa	2/2/02	Email
1282	Singleton	Paula	2/2/02	Email
1283	Hirai	Kotaro	2/2/02	Email
1284	Cohen	Harold	2/2/02	Email
1285	Orel	Linda	2/2/02	Email
1286	Zullo	Cindi	2/2/02	Email
1287	Treene	William	2/2/02	Email
1288	Lippman	Janis	2/3/02	Email
1289	Howard	Jody	2/3/02	Email
1290	Nadeau	Lynn	2/3/02	Email
1291	Howard	Richard	2/3/02	Email
1292	Sullivan	Fran	2/3/02	Email
1293	Smythe	Robert	2/3/02	Email
1294	Avakian	Stephen	2/3/02	Email
1295	Lawton	Catharine	2/3/02	Email
1296	Garvey	John	2/3/02	Email
1297	Ellis	Elizabeth	2/4/02	Email
1298	Rich, Jr.	Edmund	2/4/02	Email
1299	Ehrich	Joan	2/4/02	Email
1300	Porter	David	2/4/02	Email
1301	Dean	Denise	2/4/02	Email
1302	Kinzel	Seth	2/4/02	Email
1303	Ajolan	Salpi	2/4/02	Email
1304	Welsh	Catherine	2/4/02	Email
1305	Granda	Chris	2/4/02	Email
1306	Kingsbury	Steve	2/4/02	Email
1307	Wexler	Marilyn	2/4/02	Email
1308	Kaplan	Edna	2/4/02	Email
1309	Aubrey	Dennis	2/4/02	Email
1310	Dormody	Sheila	2/4/02	Email
1311	Millerick	Christopher	2/4/02	Email
1312	St.Andre	Marc	2/4/02	Email
1313	Nelson	Richard	2/4/02	Email
1314	Soares	Elizabeth	2/4/02	Email
1315	Soares	George	2/4/02	Email
1316	White	Kristen	2/4/02	Email
1317	McCusker-Conc	Elizabeth	2/4/02	Email
1318	Egan	Donna	2/4/02	Email
1319	Jenny	James	2/4/02	Email
1320	Norberg	Debbie	2/4/02	Email
1321	Mann	James	2/4/02	Email
1322	Fenn	Margo	2/4/02	Letter
1323	Morse	Jonathan	2/5/02	Email
1324	Goldberg	Mel	2/5/02	Email
1325	Haley	Linda	2/5/02	Email
1326	Miller	Jay	2/5/02	Email
1327	Hahn	James	2/5/02	Letter
1328	McCusker	Mary	2/5/02	Email
1329	Holmgren	Viola	2/5/02	Email
1330	Wood	Guile & Judy	2/5/02	Email
1331	Birdsey	Barbara	2/5/02	Email
1332	Rich	Robert	2/5/02	Email
1333	Birdsey	Charles	2/5/02	Email
1334	Rich	Susan	2/5/02	Email
1335	Singer	Steven	2/5/02	Email
1336	Adams	Kurt	2/5/02	Email
1337	Trueblood	Jeff	2/5/02	Email
1338	Ciullo	Daniel	2/5/02	Email
1339	Weeks, Jr.	Randall	2/5/02	Email
1340	Mark	Perechocky	2/5/02	Email
1341	Burke	Virginia	2/5/02	Email
1342	McClurg	Connie	2/5/02	Email
1343	Gamboli	Michael	2/5/02	Email
1344	Darigan	Melissa	2/5/02	Email
1345	Hintze	Michael	2/5/02	Email
1346	Snow	Steven	2/5/02	Email
1347	Litsey	James	2/5/02	Letter
1348	Little	Alfred	2/6/02	Email
1349	Matthews	William	2/6/02	Email
1350	Dalaklis	Mark	2/6/02	Email
1351	Wiggin	Jason	2/6/02	Email
1352	Derderian	Candi	2/6/02	Email
1353	Dougherty	Charles	2/6/02	Email
1354	Papageorge	Themis & Maria	2/7/02	Email
1355	Nolan	Stephen	2/7/02	Email
1356	Baum	Erich	2/7/02	Email
1357	Abbasi	Kalsoum	2/7/02	Email
1358	Robillard	Julie	2/7/02	Email
1359	Stanislas	Paul	2/7/02	Email
1360	Leary	Jennifer	2/7/02	Email
1361	Cabral	Barbara	2/7/02	Email
1362	Sullivan	Virginia	2/7/02	Email
1363	Bauer	Austin	2/7/02	Email
1364	Porcaro	Jem	2/7/02	Email
1365	Meier	Hugh	2/7/02	Email
1366	Jaobs	Diane	2/7/02	Email
1367	Curtin-Miller	Catherine	2/7/02	Email
1368	Cohn	Andrew	2/7/02	Email
1369	Orr	Terry	2/7/02	Email
1370	Hershberger	Jeff	2/7/02	Email
1371	Grossman	Louis	2/7/02	Email
1372	Bernardo	Janet	2/7/02	Email
1373	Hanecak	Karen	2/7/02	Email
1374	Kuhns	Jennifer	2/7/02	Email
1375	Flanagan	Edward	2/7/02	Email
1376	Cancellare	Regina	2/7/02	Email
1377	Whitehead	Susan	2/7/02	Email
1378	Casasanta	Jane	2/7/02	Email
1379	Curtin	Michael	2/7/02	Email
1380	Foley	Michael	2/7/02	Email
1381	Jacobson	Ronda	2/7/02	Email
1382	Roumelis	Joseph	2/7/02	Email
1383	Gillen	Stephanie	2/7/02	Email
1384	Tan	Betsey	2/7/02	Email
1385	Hathaway	Kimberly	2/7/02	Email
1386	Baldwin	Jesse	2/7/02	Email
1387	Noones	Dianne	2/7/02	Email
1388	McCoy	Linda	2/7/02	Email
1389	Fuller	Cynthia	2/7/02	Email
1390	Katuska	Charles	2/7/02	Email
1391	Cowan	Kelly	2/7/02	Email
1392	Hillman	Scott	2/7/02	Email
1393	Fleming	Vivianna	2/7/02	Email
1394	Burrill	William	2/7/02	Email
1395	Hollworth	Richard	2/7/02	Email
1396	Brown	Stuart	2/7/02	Email
1397	Catalini	Tom	2/7/02	Email
1398	Comtois	Charles	2/7/02	Email
1399	Palumbo	James	2/7/02	Email
1400	Kaufman	Reah	2/7/02	Email
1401	Typadis	Archie	2/7/02	Email
1402	Buckley	Thomas	2/7/02	Email
1403	Tarbell	Meredith	2/7/02	Email
1404	McKay	Ann	2/7/02	Email
1405	Chandler	Robert	2/7/02	Email
1406	Bower	Steven	2/7/02	Email
1407	Riley	Sean	2/7/02	Email
1408	Veale	Patrick	2/7/02	Email
1409	Bryant	Brandon	2/7/02	Email
1410	Tennell-McFarla	Sheryl	2/7/02	Email
1411	Conviser	Adam	2/7/02	Email
1412	Kalpin	Mark	2/7/02	Letter
1413	Stanislas	Paul	2/7/02	Letter
1414	Rodgers	Mark	2/7/02	Ltr
1415	Murray	Nicole	2/8/02	Email
1416	Wetmore	Matthew	2/8/02	Email
1417	Cheney	Kenneth	2/8/02	Email
1418	Donegan	Cheryl	2/8/02	Email
1419	Heater	Heather	2/8/02	Email
1420	McGinnis	Mike	2/8/02	Email
1421	Nielsen	Carl	2/8/02	Email
1422	Censullo	Meredith	2/8/02	Email
1423	Craig	Simon	2/8/02	Email
1424	Grafft	Tim	2/8/02	Email
1425	Marcus	Paul and Anne	2/8/02	Email
1426	DiCesare	Leslie	2/8/02	Email
1427	Flanagan	Yvonne	2/9/02	Email
1428	Sheeley	Douglas	2/9/02	Email
1429	Brewer	Shirley & Carl	2/9/02	Email
1430	Gitten	Michael	2/10/02	Email
1431	Wiggin	Beverly	2/10/02	Email
1432	Snyder	Richard	2/10/02	Email
1433	Grynkewicz	Franklin	2/11/02	Email
1434	McCormick	Gail	2/11/02	Email
1435	Fenton	David	2/11/02	Email
1436	Haley	Suzanne	2/11/02	Email
1437	Powell	Tracy	2/11/02	Email
1438	Kennedy	Richard	2/11/02	Email
1439	Westphal	Kirk	2/11/02	Email
1440	Wine	Janet	2/11/02	Email
1441	Barr	Henry	2/11/02	Email
1442	Lloyd, III	Stacy	2/11/02	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
1443	Davis	Jonathan	2/12/02	Email
1444	Sohn	Sungrai	2/12/02	Email
1445	Dickerson	Catherine	2/12/02	Email
1446	Esposito	Dana	2/12/02	Email
1447	Ballard	Lorna	2/12/02	Email
1448	Hooke	David	2/12/02	Email
1449	Roberts	Brad	2/12/02	Email
1450	Stanley	Barbara	2/12/02	Email
1451	Gustenhoven	Carl	2/12/02	Email
1452	Stouter	Mary	2/12/02	Email
1453	Stouter	Tom	2/12/02	Email
1454	McCann	Martha	2/12/02	Email
1455	Roy	Stephan	2/12/02	Email
1456	Esposito	Alison	2/12/02	Email
1457	Hayes	Colleen	2/12/02	Email
1458	Dennis	Horold	2/12/02	Email
1459	Wagle	Richard	2/12/02	Email
1460	Cheever	Paul	2/12/02	Email
1461	Doherty	John	2/12/02	Email
1462	Oleskey	Stephen	2/12/02	Email
1463	Valdez	Marvin	2/12/02	Email
1464	Fiore	David	2/12/02	Email
1465	Pennella	Ann	2/12/02	Email
1466	Mara	Ted	2/12/02	Email
1467	Fenn	Margo	2/12/02	Ltr
1468	Fenn	Margo	2/12/02	Ltr
1469	Fenn	Margo	2/12/02	Ltr
1470	Pistorio/Yankur	Judy & Steve	2/13/02	Email
1471	Corneau	April	2/13/02	Email
1472	Vickery	Kathleen	2/13/02	Email
1473	Esposito	Dave	2/13/02	Email
1474	Schwartz	David	2/13/02	Email
1475	Doyle	Virginia	2/13/02	Email
1476	Kidd	Joseph	2/13/02	Email
1477	Stutzman	Carol	2/14/02	Email
1478	Finck	David	2/14/02	Email
1479	Nearing	Dan	2/14/02	Email
1480	Edlund	Cami	2/14/02	Email
1481	Robinson	Jaffrey	2/14/02	Email
1482	Gildesgame	Myron	2/14/02	Letter
1483	Esposito	Joseph	2/15/02	Email
1484	Mauldin	Martin	2/16/02	Email
1485	Cabral	Beth	2/16/02	Email
1486	Knutsen	Leif	2/17/02	Email
1487	King	Mike	2/17/02	Email
1488	Boggess	Matt	2/17/02	Email
1489	Pincus	Mike	2/17/02	Email
1490	Gluck	Clifford	2/17/02	Email
1491	Gardner	Michael	2/17/02	Email
1492	Robers	Susan	2/19/02	Email
1493	Esposito	Thomas	2/19/02	Email
1494	Crounse	Brian	2/19/02	Email
1495	DDC	James	2/19/02	Email
1496	Chavier	Catalina	2/20/02	Email
1497	Bonsteel	Jeffrey	2/20/02	Email
1498	Pounds	Louie	2/20/02	Email
1499	Purdy	Kevin	2/20/02	Email
1500	Campbell	William	2/20/02	Email
1501	Pickering	Edward	2/20/02	Email
1502	Blake	Elizabeth	2/20/02	Email
1503	Bibbo	Thomas	2/20/02	Email
1504	Bretton	Joe	2/20/02	Email
1505	Cohen	Jessica	2/20/02	Email
1506	Wartella	Owen	2/20/02	Email
1507	Baldwin	Jesse	2/20/02	Email
1508	Ernst	Laura	2/20/02	Email
1509	Lizotte	Craig	2/20/02	Email
1510	Almquist	Meredith	2/20/02	Email
1511	Camp	Kelly	2/20/02	Email
1512	Himmelman	Emmie	2/20/02	Email
1513	Souther	Larry	2/20/02	Email
1514	Bruno	Sandy	2/20/02	Email
1515	Dudziak	Norman	2/20/02	Email
1516	Kim	Ulandt	2/20/02	Email
1517	Durrell	Alicia	2/20/02	Email
1518	Frecker	Dammon	2/20/02	Email
1519	Bibbo	Bob	2/20/02	Email
1520	Filosa	Paul	2/20/02	Email
1521	Rein	Christopher	2/20/02	Email
1522	Neidhardt	Steve	2/20/02	Email
1523	Herz	Susan	2/20/02	Letter
1524	D'Agostino	Sarah	2/21/02	Email
1525	Johnson	Richard	2/21/02	Email
1526	Blackburn	Andrea	2/21/02	Email
1527	Sheppard	Jennifer	2/21/02	Email
1528	Daigle	Shannon	2/21/02	Email
1529	Schlottenmier	David	2/21/02	Email
1530	Floyd	Phillip	2/21/02	Email
1531	Miller	Lesley	2/21/02	Email
1532	Duggan	Mary	2/21/02	Email
1533	Bartlett	Stephen	2/22/02	Email
1534	Felipe	Miguel	2/22/02	Email
1535	Corazzini	Anthony	2/22/02	Email
1536	Ramos	Annette	2/22/02	Email
1537	Krembs	Marcus	2/22/02	Email
1538	Floyd	Margaret	2/22/02	Email
1539	Muglia	Christopher	2/22/02	Email
1540	Cassidy	Sean	2/22/02	Email
1541	Clark	Dan	2/23/02	Email
1542	Nangeroni	Peter	2/24/02	Email
1543	Schwartz	James	2/25/02	Email
1544	Lobsinger	Michael	2/25/02	Email
1545	McKean	Charlie	2/25/02	Email
1546	Dias	Mike	2/25/02	Email
1547	Kremer	Edward	2/25/02	Email
1548	Faldetta	Sarah	2/25/02	Email
1549	Del Porto	David	2/25/02	Email
1550	Greenwood	Janice	2/25/02	Email
1551	Finney	David	2/25/02	Email
1552	Strayhorn	William	2/25/02	Email
1553	Courtemanche	Suzanne	2/25/02	Email
1554	Chapman	William	2/25/02	Email
1555	Dahlstrom	Jason	2/26/02	Email
1556	Karsis	Bryan	2/26/02	Email
1557	Tuthill	William	2/26/02	Email
1558	Tuthill	Kimberly	2/26/02	Email
1559	Giordano	Susan	2/26/02	Email
1560	Murkette	Julie	2/26/02	Email
1561	Landman	George	2/26/02	Email
1562	Cohn	Kenneth	2/26/02	Email
1563	Ehlers	Amy	2/26/02	Email
1564	White	Jeanne	2/26/02	Email
1565	Enos	William	2/26/02	Letter
1566	Obear	William	2/26/02	Email
1567	Grill	John	2/27/02	Email
1568	Lassila	Donald	2/27/02	Email
1569	Garcia	Francisco	2/27/02	Email
1570	Cumming	Jeffrey	2/27/02	Email
1571	Paquette	Paul	2/28/02	Email
1572	Penney	Ruth	2/28/02	Email
1573	Penney	Warren	2/28/02	Email
1574	Colognese	Andrea	2/28/02	Email
1575	Sherry	T	2/28/02	Email
1576	McHeffey	Jim	2/28/02	Email
1577	Haydon	Russell	2/28/02	Email
1578	Sadler	Tyler	2/28/02	Email
1579	Hickman	Peter	2/28/02	Letter
1580	Malachowski	James	2/28/02	Letter
1581	Dascombe	Phil	2/28/02	fax
1582	Mahoney	Naomi	3/1/02	Email
1583	Zakalak	Ulana	3/1/02	Email
1584	Hanscom	Alan	3/1/02	Email
1585	Sweet	Robert	3/1/02	Email
1586	Campbell	Douglas	3/1/02	Email
1587	Peterson	Jeanne	3/1/02	Email
1588	Kutner	Jack	3/1/02	Email
1589	Phinney	Robert	3/2/02	Email
1590	Liversidge	Margaret	3/2/02	Email
1591	McAllister	Susan	3/3/02	Email
1592	Tempesta	Maureen	3/3/02	Email
1593	Partridge	Andrew	3/4/02	Email
1594	Potter	William	3/4/02	Email
1595	McDonald	Christian	3/4/02	Email
1596	Zoino	Paul	3/4/02	Email
1597	Wear	Robert	3/4/02	Email
1598	Arone	Daniel	3/4/02	Email
1599	Potter	William	3/4/02	Email
1600	Eudenbach	Michael	3/5/02	Email
1601	Kestner	Mary Jo	3/5/02	Email
1602	Hart	Donald	3/5/02	Email
1603	Bothwell	Robert	3/5/02	Email
1604	Canzano	Lucille	3/5/02	Email
1605	Canzano, Jr.	Robert	3/5/02	Email
1606	Canzano	Edward	3/5/02	Email
1607	Canzano	Edward E.	3/5/02	Email
1608	Block	Christine	3/5/02	Email
1609	Friedman	Carol	3/5/02	Email
1610	Bright	Jane	3/5/02	Letter
1611	Woods	John	3/6/02	Email
1612	Redfield	Carl	3/6/02	Email
1613	Palma	Thomas	3/6/02	Email
1614	Tuthill	Chris	3/6/02	Email
1615	Ryder	Griffin	3/6/02	Email
1616	Demakis	Rep.Paul	3/6/02	Letter
1617	Molloy	Kenneth	3/6/02	Letter
1618	Melski	Glenn	3/7/02	Email
1619	Bastiani	David	3/7/02	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
1620	Donnelly	Scott	3/7/02	Email
1621	Brunk	Tom & Cindy	3/8/02	Email
1622	Mironchuk	Greg	3/8/02	Email
1623	Benjamin	Kevin	3/8/02	Email
1624	Connor	Robert	3/9/02	Email
1625	O'Neil	Jacklyn	3/9/02	Email
1626	Gilman	James	3/10/02	Email
1627	Marsden	Beth	3/10/02	Email
1628	Loring	Keith	3/10/02	Email
1629	Hutcheson	Marguerite	3/10/02	Email
1630	Connolly	Patrick	3/10/02	Email
1631	Koenig	Karen	3/10/02	Email
1632	Class	Jamie	3/11/02	Email
1633	Gillespie	Kevin	3/11/02	Email
1634	Keller	James	3/11/02	Email
1635	Hiller	Robert	3/11/02	Email
1636	Cowan	Deborah	3/12/02	Email
1637	Hoyt	Kellie	3/12/02	Email
1638	Gregory	Jeremy	3/12/02	Email
1639	Libon	Rob	3/12/02	Email
1640	Smith	Scott	3/12/02	Email
1641	Largay	Richard	3/13/02	Email
1642	McElhaney	Michael	3/13/02	Email
1643	Griffith	Louis	3/13/02	Email
1644	McElhaney	Amanda	3/13/02	Email
1645	Gulliver	Cate	3/13/02	Email
1646	Richman	Jack	3/14/02	Email
1647	Roemer	Christina	3/14/02	Email
1648	Duhaime	Jeffrey	3/17/02	Email
1649	Duhaime	Jeffrey	3/17/02	Email
1650	White	Richard	3/18/02	Email
1651	Rousseau	Emmanuelle	3/18/02	Email
1652	Ciluzzi	Peter	3/18/02	Email
1653	Mithenthal	Cherie	3/18/02	Email
1654	Leighton	Tanya	3/18/02	Email
1655	Shabott	Laura	3/18/02	Email
1656	Levison	Barbara	3/18/02	Email
1657	Bohannon	Pebo	3/18/02	Email
1658	Peters	Mark	3/18/02	Email
1659	Handler	Sheila	3/18/02	Email
1660	Phoofolo	Mojabeng	3/18/02	Email
1661	Smith	Douglas	3/18/02	Email
1662	Kennedy	Scott	3/18/02	Email
1663	Cetto	Teresa	3/19/02	Letter
1664	Brecher	Donald	3/20/02	Email
1665	Kavanagh	Kevin & Lee	3/20/02	Email
1666	Whitcomb	Clark	3/20/02	Email
1667	Kavanagh	Lee	3/20/02	Email
1668	Smizik	Rep. Frank	3/20/02	Letter
1669	Koczera	Rep. Robert	3/20/02	Letter
1670	Parker	Douglas	3/21/02	Email
1671	Walton	Jane	3/21/02	Letter
1672	Ellis	Chris	3/22/02	Email
1673	Maguire	Edward	3/22/02	Email
1674	White	Richard	3/22/02	Email
1675	Natale	Charles	3/22/02	Letter
1676	Baxter	Ben	3/23/02	Email
1677	Mulhearn	Patricia	3/23/02	Email
1678	Baltazar	Scott	3/25/02	Email
1679	Chris	Ellis	3/25/02	Email
1680	Mimken	Nicholas	3/25/02	Letter
1681	Israel	Barbara	3/26/02	Email
1682	Smuts	Peter	3/26/02	Email
1683	Christie	Ross	3/26/02	Email
1684	Langston	Charlie	3/26/02	Email
1685	Linder	Richard	3/26/02	Email
1686	White	David	3/26/02	Email
1687	Molloy	Kenneth	3/26/02	Letter
1688	Bodurtha	James	3/26/02	Letter
1689	Wygant	David	3/26/02	Email
1690	Pitter	Mishka	3/26/02	Email
1691	Chapman	Craig	3/26/02	Email
1692	Booth	Adrian	3/26/02	Email
1693	Bould	Eve	3/26/02	Email
1694	Rivas	Ramon	3/26/02	Email
1695	Lang, Jr.	Clayton	3/27/02	Letter
1696	Doliner	Michael	3/27/02	Letter
1697	White	Richard	3/27/02	Email
1698	White	Richard	3/27/02	Email
1699	White	Richard	3/27/02	Email
1700	Romanowski	Rianna	3/27/02	Email
1701	Keegan	Cindy	3/27/02	Email
1702	Van Berckelaer	Anje	3/27/02	Email
1703	Mahalingaiah	Shruthi	3/27/02	Email
1704	Stillner	Karl	3/27/02	Email
1705	Doliner	Joan	3/27/02	Letter
1706	Egan	Michael	3/27/02	Letter
1707	Chivian	Eric	3/27/02	Email
1708	Spencer	Rebecca	3/28/02	Email
1709	Smith	Kurt	3/28/02	Email
1710	Berman	Rebecca	3/28/02	Email
1711	Natale	Charles	3/28/02	Letter
1712	Fenn	Margo	3/28/02	Letter
1713	Gagne	Michael	3/29/02	Letter
1714	Wood	Paul	3/29/02	Email
1715	Topham	Alvin	3/29/02	Letter
1716	Egan	Michael	3/29/02	Letter
1717	Molloy	Kenneth	3/29/02	Letter
1718	Mead	Jane	3/29/02	Email
1719	Bisanzo	Mark	3/31/02	Email
1720	Ladapo	Joseph	3/31/02	Email
1721	Rosenau	Paul	3/31/02	Email
1722	Moskowitz	Laura	3/31/02	Email
1723	Vitak	Jacob	4/1/02	Email
1724	Epstein	Paul	4/1/02	Email
1725	Deboo	Shanaya	4/1/02	Email
1726	Bartlett	Pamela	4/1/02	Email
1727	Nisbet	Ian	4/1/02	Letter
1728	Bartlett	Michael	4/1/02	Letter
1729	DeMaio	Cynthia & Richard	4/2/02	Email
1730	Neznek	Donald	4/2/02	Email
1731	Morgan	James	4/2/02	Email
1732	Loftus	Patrick	4/2/02	Email
1733	Morgan	James	4/2/02	Email
1734	Loftus	Patrick	4/2/02	Email
1735	Godfrey IV	Edward	4/2/02	Email
1736	Scolles	Susan	4/2/02	Email
1737	Warn	David	4/3/02	Email
1738	Gillit	William	4/3/02	Letter
1739	Assad	Nola	4/3/02	Email
1740	Cuddy	Jack	4/3/02	Email
1741	McCusker	Mary	4/3/02	Email
1742	Kinlin	Robert	4/3/02	Email
1743	Dickinson	Elizabeth	4/3/02	Email
1744	White	Richard	4/3/02	Email
1745	Avis	Chris	4/3/02	Email
1746	Levine	Paul	4/3/02	Email
1747	Crummey	Steve	4/3/02	Email
1748	Traer	John	4/3/02	Email
1749	Walsh	Pamela	4/3/02	Email
1750	Bernard	Keith	4/3/02	Email
1751	Gomez	Diane	4/3/02	Email
1752	Reich	Paul	4/3/02	Email
1753	Murray	Christine	4/3/02	Email
1754	McCusker	Caroline	4/3/02	Email
1755	Donelan	John	4/3/02	Email
1756	Quinn Jr.	John	4/3/02	Email
1757	Cahplan	Raffi	4/3/02	Email
1758	Varney	Robert	4/3/02	Letter
1759	The Sawyers		4/4/02	Email
1760	Chisholm	Ted	4/4/02	Email
1761	Cain	Dr. Paul	4/4/02	Email
1762	Blazis	Scott	4/4/02	Letter
1763	Riordan	John	4/4/02	Email
1764	Egan	Gregory	4/4/02	Letter
1765	Duty	Kathy	4/4/02	Email
1766	Lally	Bob	4/4/02	Email
1767	Boni	Susan	4/4/02	Email
1768	Slate	Edwin	4/4/02	Email
1769	Baker	Anne	4/4/02	Email
1770	Walker	Robert	4/4/02	Email
1771	Bergeron	Peter	4/4/02	Email
1772	Looney	Daniel	4/4/02	Email
1773	Abraham	Nicholas	4/4/02	Email
1774	Stanley	Joseph	4/4/02	Email
1775	Floyd	Frederick	4/4/02	Email
1776	Saraceno	Kurt	4/4/02	Email
1777	Senie	Kevin	4/4/02	Email
1778	Wylie	Paul	4/4/02	Email
1779	Burke	Jean	4/4/02	Email
1780	Burke	William	4/4/02	Email
1781	Young	Deborah	4/4/02	Email
1782	Burke	Timothy	4/4/02	Email
1783	Hamilton	Arthur	4/4/02	Email
1784	Zavell	Michael	4/4/02	Letter
1785	Natale	Charles	4/4/02	Ltr
1786	Varney	Robert	4/5/02	Letter
1787	Chatwin et al	Anthony	4/5/02	Letter
1788	Gazza	Angela	4/5/02	Email
1789	Espy	Mary	4/5/02	Email
1790	Abraham	Nicko	4/5/02	Email
1791	Hasenfus	Kenneth	4/5/02	Email
1792	Mondello	Corey	4/5/02	Email
1793	Dudfield	Anne	4/5/02	Email
1794	Skinner	Tom	4/5/02	Letter
1795	Skinner	Tom	4/5/02	Memorandum
1796	Aubrey	Dennis	4/5/02	Letter
1797	Kadar	Susan	4/5/02	Letter
1798	Grayson	Stan	4/6/02	Email
1799	Smaykiewicz	Omar	4/6/02	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
1800	Rudnick	Jean	4/6/02	Email
1801	Rabinowitz	Margot	4/6/02	Email
1802	Briodo	Claire	4/6/02	Email
1803	Mills	Delsin	4/6/02	Email
1804	Plate	Jeffrey	4/6/02	Email
1805	Yauch	Peter	4/6/02	Email
1806	Mills	Barbara	4/6/02	Email
1807	Gookin	Barbara	4/7/02	Email
1808	White	Richard	4/7/02	Email
1809	Brown	Rebecca	4/7/02	Email
1810	Leon	Warren	4/8/02	Letter
1811	Wilson	Matthew	4/8/02	Letter
1812	Leon	Michael	4/8/02	Letter
1813	Alvarez	Carlos	4/8/02	Letter
1814	Braginton-Smitl	Dianna	4/8/02	Postcard
1815	Braginton-Smitl	Brian	4/8/02	Postcard
1816	Callahan	Tammi	4/8/02	Postcard
1817	Ciolek	Robert	4/8/02	Postcard
1818	Sherman	Christopher	4/8/02	Postcard
1819	Martin	Laura	4/8/02	Postcard
1820	Olliver	Carl	4/8/02	Postcard
1821	Brewer	Bill	4/8/02	Postcard
1822	Eddy	Bill	4/8/02	Postcard
1823	Lewis	Farley	4/8/02	Postcard
1824	Robb	Alison	4/8/02	Postcard
1825	Dimes	Janet	4/8/02	Postcard
1826	Popescu	Carmen	4/8/02	Postcard
1827	Buttrick	Kelly	4/8/02	Postcard
1828	Ryan	Gloria	4/8/02	Postcard
1829	Craig	Simon	4/8/02	Postcard
1830	Nicholson	Peter	4/8/02	Postcard
1831	Tompkins	J	4/8/02	Postcard
1832	Frances	Summer	4/8/02	Postcard
1833	Miner	Simon	4/8/02	Postcard
1834	Pachter	Rachel	4/8/02	Postcard
1835	Dunn	Patricia	4/8/02	Postcard
1836	Nicholson	Carrie	4/8/02	Postcard
1837	Stark	Pamela	4/8/02	Postcard
1838	O'Neal	Margaret	4/8/02	Postcard
1839	O'Neal	Margaret	4/8/02	Postcard
1840	Slattery	Joseph	4/9/02	Letter
1841	Morris	Karyn	4/9/02	Email
1842	Zannoni	Kenneth	4/9/02	Email
1843	Weinstein	Leonard	4/9/02	Email
1844	Loer	Jonathan	4/9/02	Email
1845	Hayes	Bill	4/9/02	Email
1846	Kadar	Susan	4/9/02	fax
1847	Fenn	Margo	4/9/02	Ltr
1848	Lorizio	Anthony	4/10/02	Email
1849	MacGregor	Malcolm	4/10/02	Letter
1850	Spillane	John	4/11/02	Letter
1851	Olmsted	Craig	4/11/02	Ltr
1852	Baker	Peter	4/12/02	Email
1853	Cochran	George	4/13/02	Email
1854	White	Richard	4/13/02	Email
1855	Censullo	Meredith	4/14/02	Email
1856	Chartler	David	4/15/02	Email
1857	Brinkman	Cheryl	4/16/02	Email
1858	Molinoff	Mark	4/16/02	Email
1859	Beenders	Brian	4/16/02	Email
1860	Beenders	James	4/16/02	Email
1861	Bauman	A.C.	4/16/02	Email
1862	Castronovo	Denise	4/16/02	Email
1863	Sutherland	Peter	4/17/02	Email
1864	DiBenedetto	Dan	4/17/02	Email
1865	MacCaferri	Jill	4/17/02	Email
1866	Gatrowski	Seth	4/18/02	Email
1867	Baldwin	Brian	4/18/02	Email
1868	Kristof	Dale	4/18/02	Email
1869	Dunne	Katherine	4/18/02	Email
1870	Paquette	Aimee	4/19/02	Email
1871	Spanton	Chris	4/19/02	Email
1872	Anderson	Eric	4/19/02	Email
1873	Fleming	Stephen	4/19/02	Email
1874	Sebastiao	Thomas	4/19/02	Email
1875	Orr	Terry	4/19/02	Letter
1876	Sheehy	David	4/20/02	Email
1877	Nussdorfer	Dave	4/20/02	Email
1878	Oehrli	Diana	4/20/02	Email
1879	Loomis	Jason	4/20/02	Email
1880	Carey	Sheridan	4/21/02	Email
1881	Anonymous		4/21/02	Email
1882	Mangini	Elizabeth	4/22/02	Email
1883	Doliner	Susan	4/23/02	Email
1884	Marino	Julia	4/23/02	Email
1885	Conroy	Martin	4/23/02	Email
1886	Jessup	David	4/23/02	Email
1887	Dascombe	Phil	4/23/02	fax
1888	Fearing	John	4/24/02	Email
1889	Derr	Frederick	4/24/02	Email
1890	Pakradooni	Jennie	4/24/02	Email
1891	Ysaguirre	Wayne	4/24/02	Email
1892	Cantin	Bethany	4/24/02	Email
1893	Spink	James	4/25/02	Email
1894	Fulham	Gerard	4/25/02	Email
1895	Cajolet	Merlyn	4/25/02	Email
1896	Harutunian	John	4/25/02	Email
1897	Dickerson	Beth	4/25/02	Email
1898	Von Hunnius	Sigmund	4/25/02	Email
1899	Annereau	Marilee	4/25/02	Email
1900	Mason	Laura	4/25/02	Email
1901	Mabee	Neal	4/25/02	Email
1902	Cajolet	David	4/25/02	Email
1903	Lamb	Daniel	4/25/02	Email
1904	Loftus	Patrick	4/25/02	Email
1905	Bates	John	4/25/02	Email
1906	Drubner	David	4/25/02	Email
1907	Ducey	Thomas	4/26/02	Email
1908	Spragg	David	4/26/02	Email
1909	Nugent	Martha	4/26/02	Email
1910	Peachey	Dene	4/26/02	Email
1911	Wholley	Mark	4/26/02	Email
1912	Dunne	Molly	4/27/02	Email
1913	Milz	Stan	4/28/02	Email
1914	Keller	Jonathan	4/28/02	Email
1915	Flanagan	William	4/28/02	Email
1916	Delvin	Clyde	4/28/02	Email
1917	Krum	William	4/28/02	Email
1918	Anderson	George	4/28/02	Email
1919	Delvin	Clyde	4/28/02	Email
1920	Fenn	Margo	4/28/02	Ltr
1921	Bryant	Susan	4/29/02	Email
1922	Patefield	Paul	4/29/02	Email
1923	Werner	Russell	4/29/02	Email
1924	Gehring	Erik	4/30/02	Email
1925	Fenn	Margo	4/30/02	Letter
1926	Dascombe	Phil	4/30/02	fax
1927	Runge	Erika	5/1/02	Email
1928	Martin	Laura	5/2/02	E-mail
1929	Curran	Liam	5/5/02	Email
1930	Winstanley	Nathan	5/6/02	Email
1931	Forrest	Rebecca	5/6/02	Email
1932	Traer	John	5/6/02	Email
1933	Sturgis	Guy	5/7/02	Email
1934	Haven	Sally	5/7/02	Email
1935	Donelan	Anne	5/7/02	Email
1936	Cuddy	Jack	5/7/02	Email
1937	Oleary	John	5/7/02	Email
1938	Leon	Michael	5/7/02	Letter
1939	Topping	Jeff	5/8/02	Email
1940	Lawton, Jr	Robert	5/8/02	Letter
1941	Cuddy	John	5/8/02	Email
1942	Gillitt	William	5/9/02	Email
1943	Cadman	Ralph	5/9/02	Email
1944	Redfield	Carl	5/9/02	Email
1945	Roache	David	5/9/02	Email
1946	Traer	Anne	5/9/02	Email
1947	Tarter	William	5/9/02	Email
1948	Torsvik	Doris	5/10/02	Email
1949	Gearin	Michael	5/10/02	Email
1950	Capistron	Jacob	5/11/02	Email
1951	O'Leary	Jack	5/11/02	Email
1952	Yearly	Doug	5/11/02	Email
1953	Morrison	Susan	5/12/02	Email
1954	Rosen	Isaac	5/13/02	Email
1955	Assad	Nola	5/13/02	Email
1956	Shea	Dennis	5/13/02	Email
1957	Rowland	George	5/13/02	Email
1958	Gill-Austern	Gary	5/13/02	Letter
1959	Austin	Albert	5/14/02	Email
1960	Scolles	Susan	5/14/02	Email
1961	Assad	Nola	5/14/02	Email
1962	Austin	Albert	5/14/02	Email
1963	Caldararo	Daniel	5/14/02	Email
1964	Winoker	David	5/14/02	Email
1965	Reed	Suzanne	5/15/02	Letter
1966	Ethier	Wayne	5/15/02	Email
1967	Rockwood	Patricia	5/15/02	Email
1968	Rockwood	David	5/15/02	Email
1969	Floyd	Fred	5/15/02	Email
1970	Looney	Daniel	5/15/02	Email
1971	Frantzen	Bill	5/15/02	Email
1972	Reinhart	Stacy	5/15/02	Email
1973	Walsh	Pam & Don	5/15/02	Email
1974	Hayes	Christopher	5/15/02	Email
1975	Austin	Elizabeth	5/15/02	Email
1976	Whitney	Curtis	5/15/02	Email
1977	Bodem	Ladd	5/15/02	Email
1978	Boni	Susan	5/15/02	Email
1979	Orr	Terry	5/15/02	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
1980	Orr	Terry	5/15/02	E-mail
1981	Lamson	Myles	5/16/02	Email
1982	Bentley	Allison	5/16/02	Email
1983	Edmands	Hannah	5/16/02	Email
1984	Carr	Deirdre	5/16/02	Email
1985	Liddell	Mike	5/16/02	Email
1986	Morris	Dewitt	5/16/02	Email
1987	Hurwitz	Gloriann	5/16/02	Email
1988	Magner	Liana	5/16/02	Email
1989	Natale	Charles	5/16/02	Letter
1990	Lang	Vernon	5/16/02	Letter
1991	Kleimola	Kate	5/17/02	Email
1992	Cahill	Henry	5/17/02	Email
1993	Fraser	John	5/17/02	Email
1994	Brigham	Anna	5/17/02	E-mail
1995	Wickersham	Jay	5/17/02	Ltr
1996	Mullin	Rich	5/18/02	Email
1997	Morris	Frederic	5/19/02	Email
1998	Sweeney	Janet	5/19/02	Email
1999	Weremey	Gregor	5/19/02	Email
2000	Russo	Michael	5/19/02	Email
2001	Gold	Josie	5/20/02	Email
2002	Austin	Ken	5/20/02	Email
2003	Rodgers	Mark	5/20/02	Email
2004	Curran	John	5/21/02	Email
2005	Semmler	Carrie	5/21/02	Email
2006	Sousa	Andrew	5/21/02	Email
2007	Finkel	Michael	5/21/02	Email
2008	Pistorio	Judy	5/22/02	Email
2009	Fenn	Margo	5/22/02	Letter
2010	Martin	Middleton	5/23/02	Email
2011	Murphy	Tom	5/23/02	Email
2012	White	Richard	5/23/02	Email
2013	Brooks	Walter	5/24/02	Email
2014	Caulway	Alexander	5/24/02	Email
2015	Johnston	Beverly	5/25/02	Email
2016	Mabie	Kevin	5/27/02	Email
2017	Bertrand	Kimberly	5/28/02	Email
2018	Rake	Todd	5/28/02	Email
2019	Gonzalez	William	5/28/02	Email
2020	Sharp	Wendell	5/28/02	Email
2021	Mabie	Joan	5/28/02	Email
2022	Driscoll	Georgia	5/28/02	Email
2023	Williams	Traci	5/29/02	Email
2024	Peterson	Johanne	5/30/02	Email
2025	Hunt	David	5/30/02	Email
2026	Pappasterglon	Andrea	5/30/02	Email
2027	Kamel	Denise	5/30/02	Email
2028	Grealish	Susan	5/30/02	Email
2029	Goodale	Scott	5/30/02	Email
2030	Amirault	Cristal	5/30/02	Email
2031		Cheryl	5/30/02	Email
2032	Crowley	James	5/30/02	Email
2033	Toftey	Craig	5/31/02	Email
2034	McNamara	Alfred	5/31/02	Email
2035	Knudson	Jon	6/2/02	Email
2036	Knudsen	Nancy	6/2/02	Email
2037	Stowell	Jesse	6/3/02	Email
2038	Sullivan	Tom	6/3/02	Email
2039	Costello	Ray	6/3/02	Email
2040	Fitzsimmons	Derry	6/4/02	Email
2041	DuPont	Holley	6/4/02	Email
2042	DuPont	Emilie	6/4/02	Email
2043	Dibble	Karen	6/4/02	Email
2044	Sweeney	Jim	6/5/02	Email
2045	Gaskin	Steve	6/5/02	Email
2046	Block-Schwenk	Kevin	6/6/02	Email
2047	Sieger	Steven	6/6/02	Email
2048	Green	Mr & Mrs Richard	6/6/02	Email
2049	Getz	Norman	6/7/02	Email
2050	Buswell	Karl	6/9/02	Email
2051	Strozzi	David	6/9/02	Email
2052	Hornberger	Jenny	6/10/02	Email
2053	Callen, Jr	Andrew	6/10/02	Email
2054	Redfield	Carl	6/11/02	Email
2055	Raby	JC	6/11/02	Email
2056	Bauer	Michael	6/13/02	Email
2057	Caffyn	Tom	6/13/02	Email
2058	Molly	Kenneth	6/13/02	Letter
2059	Enright	Bernie	6/14/02	Email
2060	Kania	Kathryn	6/15/02	Email
2061	Walsh	Nathan	6/18/02	Email
2062	Wile	Traci	6/18/02	Email
2063	Woods	Dorothy	6/19/02	Email
2064	O'Brien	John	6/19/02	Letter
2065	Lewis	Eleanor	6/20/02	Email
2066	Cox	Edythe	6/20/02	Email
2067	Yearley	Douglas	6/20/02	Letter
2068	Johnson	Samantha	6/21/02	Email
2069	Noll	Chris	6/21/02	Email
2070	Bloch	Robert	6/23/02	Email
2071	Zdobinski	David	6/23/02	Email
2072	Sweeney et al	John	6/24/02	Letter
2073	LaBarge	Paul	6/24/02	Email
2074	Rusinoski	Lisa	6/26/02	Email
2075	Cover	Zachary	6/26/02	Email
2076	DeSanto	Marie	6/26/02	Email
2077	Dewey	Stephen	6/26/02	Email
2078	Muldoon	Jennifer	6/27/02	Email
2079	Yearley	Douglas	6/28/02	Letter
2080	Fallon	Shannon	6/28/02	Email
2081	Ulian	Richard	6/29/02	Email
2082	Knight	Suzanne	6/30/02	Email
2083	Kely	C	6/30/02	Email
2084	Bender	Peter	7/1/02	Email
2085	Donelan	Mary	7/2/02	Email
2086	Raimo	Laura	7/3/02	Email
2087	Lawrence	John	7/3/02	Email
2088	Conery	Rob	7/3/02	Email
2089	Nelko	Matthew	7/4/02	Email
2090	Dyer	Georges	7/7/02	Email
2091	Yearley	Douglas	7/8/02	Letter
2092	Bellingrath	Chuck	7/8/02	Email
2093	McDonough	Alah	7/8/02	Email
2094	Hardy	Ralph	7/8/02	Email
2095	Doherty	Kellie	7/8/02	Email
2096	Yearley	Michael	7/9/02	Letter
2097	Simon	Brona	7/10/02	Letter
2098	Yearley	Douglas	7/12/02	Letter
2099	Ainsworth	Harry	7/14/02	Email
2100	White	Allison	7/16/02	Email
2101	Yearley	Douglas	7/16/02	Letter
2102	McInerney	Robert	7/17/02	Email
2103	Lobsinger	Michael	7/17/02	Email
2104	Noll	Christopher	7/18/02	Email
2105	Richard	Ioan	7/18/02	Email
2106	Yearley	Douglas	7/19/02	Letter
2107	Bartlett	Michael	7/19/02	Letter
2108	Dascombe	Phil	7/19/02	Ltr
2109	Chlotellis	Peter	7/20/02	Email
2110	Gifford	William	7/22/02	Email
2111	Gifford	John	7/22/02	Email
2112	Harris	Caty	7/22/02	Email
2113	Manrique	Ivan	7/23/02	Email
2114	Hamrah	George	7/23/02	Email
2115	Simon	Brona	7/23/02	Letter
2116	White	Edward	7/24/02	Email
2117	Mettlach	Amy	7/24/02	Email
2118	Large	Victoria	7/24/02	Email
2119	Dascombe	Phil	7/24/02	minutes
2120	Iskander	Mark	7/25/02	Email
2121	Carter	Catherine	7/25/02	Email
2122	O'Shaughnessy	Mark	7/25/02	Email
2123	Martin	Guy	7/25/02	Letter
2124	Robb	Mary	7/26/02	Email
2125	MacLaughlin	Denise	7/26/02	Email
2126	Wolf	Barrett	7/26/02	Email
2127	Cahoon III	Ralph	7/27/02	Email
2128	Webster III	Warren	7/27/02	Email
2129	Foley	Chris	7/29/02	Email
2130	Werner	Raleigh	7/30/02	Email
2131	Nanninga	Pete	7/31/02	Email
2132	Nanninga	Peter	7/31/02	Email
2133	Boehr	Rachel	8/1/02	Email
2134	Nicholas	Carter	8/1/02	Email
2135	Freitas	Matthew	8/2/02	Email
2136	Hruneni	Christine	8/2/02	Letter
2137	Cormier	Robert	8/2/02	Email
2138	Ellis	Meg & Jim	8/2/02	Email
2139	Osgood	Mark	8/3/02	Email
2140	Greenwald	Kent	8/4/02	Email
2141	Becker	Ellen	8/5/02	Email
2142	Kirwin	Michael	8/5/02	Email
2143	Stern	Andrew	8/5/02	Email
2144	Kates	Amy	8/5/02	Email
2145	Stagg	Garrett	8/5/02	Email
2146	Simon	Brona	8/5/02	Letter
2147	Ryan	Tim	8/6/02	Email
2148	Bozogan	Matthew	8/6/02	Letter
2149	Buda	Patricia	8/6/02	Letter
2150	Bioty	Becky	8/6/02	Email
2151	L	O.S	8/6/02	Email
2152	Robinson	Lawrence	8/7/02	Email
2153	Fenn	Margo	8/7/02	Letter
2154	Hodgson	Tom	8/7/02	Email
2155	Kamraczewski	Mary	8/8/02	Email
2156	Wilding	Don	8/8/02	Email
2157	McDonald	David	8/8/02	Email
2158	Dascombe	Phil	8/8/02	minutes
2159	Connor	Jacqueline	8/9/02	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
2160	Relia	Joseph & Mary	8/9/02	Email
2161	Yearley	Douglas	8/9/02	Letter
2162	Marshall	Charles	8/10/02	Email
2163	Moriarty	John	8/10/02	Email
2164	Mankiewicz	Dr. Carolyn	8/12/02	Email
2165	Mankiewicz	Victor	8/12/02	Email
2166	Mankiewicz	Margaret	8/12/02	Email
2167	Delaney	Meyers Robert	8/12/02	Email
2168	Leigh	Charles	8/12/02	Email
2169	Delaney	Tangley	8/12/02	Email
2170	Quinn-Isenstad	Damarest	8/12/02	Email
2171	Quinn	James	8/12/02	Email
2172	Coleman	Nancy	8/12/02	Email
2173	Simon	Brona	8/12/02	Letter
2174	Sargent	Kimball	8/13/02	Email
2175	Knight	Kelly	8/13/02	Email
2176	Niehoff	Jeannette	8/13/02	Email
2177	Isenstadt	Kara	8/13/02	Email
2178	Cornell	Jessica	8/13/02	Email
2179	Jenney	Betsy	8/13/02	Email
2180	Gardner	Michael	8/13/02	Email
2181	Powers	Eileen	8/13/02	Email
2182	Hoffman	Pope	8/13/02	Email
2183	Robinson	Donald	8/13/02	Email
2184	Evans	Meghan Powell	8/13/02	Email
2185	Niehoff	Kelly	8/13/02	Email
2186	Garrett	Mark David	8/13/02	Email
2187	Johnson	Wallis	8/13/02	Email
2188	Jacobson	Russell	8/13/02	Email
2189	Coleman	Rande	8/13/02	Email
2190	Higgins	Jean	8/13/02	Email
2191	O'Meara	Susan	8/14/02	Email
2192	Morey	Alison	8/14/02	Email
2193	Davis	Brian	8/14/02	Email
2194	Davis	Brian	8/14/02	Email
2195	Gray	Doug	8/15/02	Email
2196	Copeland	Maurice	8/15/02	Email
2197	Brand	Richard	8/15/02	Email
2198	Brand	Judy	8/15/02	Email
2199	Ashley	Peter	8/15/02	Email
2200	Amorello	Mark	8/15/02	Letter
2201	Malkus	Steven	8/16/02	Email
2202	Yearley	Douglas	8/16/02	Letter
2203	Young	Georgia	8/16/02	Email
2204	Champoux	Nell	8/16/02	Email
2205	Champoux	Tess	8/16/02	Email
2206	Allen	Lezlie	8/17/02	Email
2207	Young	Alan	8/17/02	Email
2208	Peters	Donald	8/18/02	Email
2209	Broder	Robert	8/18/02	Email
2210	Gollenberg	Sandra	8/18/02	Email
2211	Broder	Claire	8/18/02	Email
2212	Herrera	Robert	8/19/02	Email
2213	Doggart	James	8/19/02	Email
2214	Warshaw	Chris	8/19/02	Email
2215	Knight	Suzanne	8/19/02	Email
2216	Knight	Kristopher	8/19/02	Email
2217	Knight	Suzanne	8/19/02	Email
2218	Rich	J	8/19/02	Email
2219	Papageorge	Themis & Maria	8/19/02	Email
2220	Wyatt	Sarah	8/20/02	Email
2221	Kelley-Joyce	Jean	8/20/02	Email
2222	Reardon	Mary	8/20/02	Email
2223	MacKenzie	Hugh	8/20/02	Email
2224	Fisher	John	8/20/02	Email
2225	Giordano	Ed	8/20/02	Email
2226	Nader	Christopher	8/20/02	Email
2227	Raskett	Jerald	8/20/02	Email
2228	Raskett	Mary	8/20/02	Email
2229	Warren	Lydia	8/20/02	Email
2230	Coggins	Paul	8/21/02	Email
2231	Boffa	Janine	8/21/02	Email
2232	Lankow	Douglas	8/21/02	Email
2233	Morin	Richard	8/21/02	Email
2234	Kendrew	Ingrid	8/22/02	Email
2235	Valliere	Michael	8/22/02	Email
2236	Dehn	Jessica	8/22/02	Email
2237	Cuddy	Jack	8/23/02	Email
2238	Ornelas	Antonio	8/23/02	Email
2239	Conlin	Scott	8/23/02	Email
2240	Crowell	Deb	8/23/02	Email
2241	McDonnell	Damian	8/23/02	Email
2242	Fitzgerald	Michael	8/23/02	Email
2243	Luft	James	8/23/02	Email
2244	Werner	Russell	8/23/02	Email
2245	Flanders	Noreen	8/23/02	Email
2246	Keppel	Elizabeth	8/23/02	Email
2247	Lindgren	Cynthia	8/24/02	Email
2248	Gallup	Pitman	8/24/02	Email
2249	Hayden	Mary Ellen	8/24/02	Email
2340	Natalie	Charlie	10/4/02	Letter

	Last Name	First Name	Date	Correspondence Type
2250	Mueller	Ginamarie	8/24/02	Email
2251	Clisham	John	8/24/02	Email
2252	Fleming	George	8/25/02	Email
2253	Thibideau	Ron & Regina	8/25/02	Email
2254	Comeau	E.J	8/25/02	Email
2255	Fearey	M	8/25/02	Email
2256	Grandahl	Jeffrey	8/25/02	Email
2257	Lyons	Chet	8/26/02	Email
2258	Fearey	Christopher	8/26/02	Email
2259	Mandalakis	Suzanne	8/26/02	Email
2260	Williams	Thomas	8/26/02	Email
2261	Toole	Anne	8/27/02	Email
2262	Hansel	Bill	8/27/02	Email
2263	Mullin	Richard	8/27/02	Email
2264	Cliggott	Ed & Jan	8/27/02	Email
2265	Smith II	Ernest	8/27/02	Email
2266	Skinder	Mark	8/28/02	Email
2267	Bedle	Maureen	8/29/02	Email
2268	Borselle	John	8/29/02	Email
2269	Perron	Mary	8/29/02	Email
2270	Shoemaker	Eric	8/29/02	Email
2271	Assad	Nola	8/30/02	Email
2272	French	Harry	8/30/02	Email
2273	Taylor	Peter & Sandra	8/30/02	Email
2274	Walsh	Sam	8/30/02	Email
2275	Bechtold	Ruth	8/30/02	Email
2276	Gardner	Pamela	8/31/02	Email
2277	Skingsley	Pauline	9/1/02	Email
2278	Fetscher	C T	9/1/02	Email
2279	Balsamo	Mary	9/2/02	Email
2280	Balsamo	Anthony	9/2/02	Email
2281	Kennedy	Christopher	9/3/02	Email
2282	Brennan	Seth	9/3/02	Email
2283	Leavitt	Susan	9/3/02	Email
2284	Adams	James	9/3/02	Email
2285	Kadar	Susan	9/3/02	minutes
2286	Kountze	Neely	9/4/02	Email
2287	Kountze	Mary	9/4/02	Email
2288	Gates	Barbara	9/4/02	Email
2289	Hempel	Bonnie	9/4/02	Email
2290	Lally	Bob	9/5/02	Email
2291	Jaimes-Brangei	Raphael	9/5/02	Email
2292	Herz	Susan	9/5/02	Letter
2293	LaVallee	Faye	9/6/02	Email
2294	Jaimes-Brangei	Raphael	9/6/02	Email
2295	McAllister	Craig	9/9/02	Email
2296	Humphreys	Susan	9/9/02	Email
2297	McAllister	Susan	9/9/02	Email
2298	Delaney	Kevin	9/9/02	Email
2299	Wormser	Matt	9/11/02	Email
2300	Gorman	Robert	9/12/02	Email
2301	Macedo	Tony	9/12/02	Email
2302	Simon	Brona	9/12/02	Letter
2303	Helfrich	Mariah	9/13/02	Email
2304	Bergh	Lynn	9/13/02	Email
2305	Welch	Loreen	9/13/02	Email
2306	Harmon	Linda	9/13/02	Email
2307	Ference	Kenneth	9/13/02	Email
2308	Altschuler	Deborah & Richard	9/14/02	Email
2309	Meredith	-	9/15/02	Email
2310	Johnpoll	James	9/16/02	Email
2311	Kelley	Eric	9/16/02	Email
2312	Herz	Susan	9/16/02	Letter
2313	Lloyd	Janet	9/17/02	Email
2314	Bouvier	Noel	9/17/02	Email
2315	Donahoe	Brianne	9/18/02	Email
2316	Long	David	9/19/02	Email
2317	Warmouth	Alice	9/20/02	Email
2318	Lockwood	David & James	9/21/02	Email
2319	Piscitelli	Joseph	9/22/02	Email
2320	Makol	Victoria	9/24/02	Email
2321	Kelley	Peter	9/24/02	Email
2322	Mann	Elizabeth	9/24/02	Email
2323	Amorim	Fatima	9/25/02	Email
2324	Pritchard	Tatum	9/25/02	Email
2325	Green	Brian	9/25/02	Email
2326	Stadolnik	Joseph	9/25/02	Email
2327	Mulligan	Sean	9/26/02	Email
2328	Schinsing	Eric	9/26/02	Email
2329	Worrell	Francis	9/26/02	Email
2330	O'Neill	Dan	9/27/02	Email
2331	Huntley	Ramsay	9/27/02	Email
2332	Bernardo	Kevin	9/27/02	Email
2333	McClurkin	Curtis	9/29/02	Email
2334	Butler	Patrick	9/30/02	Letter
2335	Greene	Nathaniel	10/1/02	Email
2336	Beaton	Anna	10/1/02	Email
2337	Chesarek	Richard	10/1/02	Email
2338	Adams	Karen	10/3/02	Email
2339	Arndell	Eyde	10/4/02	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
2341	Carine	Kristina	10/5/02	Email
2342	Burnett	Gregory	10/5/02	Email
2343	Wood	Paul	10/7/02	Email
2344	Toll	Nathaniel	10/7/02	Email
2345	Esdale	David	10/7/02	Email
2346	Traer	John	10/7/02	Email
2347	Mitchell	Andrea	10/7/02	Email
2348	Dionelan	John	10/7/02	Email
2349	Robinson	Scott	10/7/02	Email
2350	Lynch	Rick	10/7/02	Email
2351	Abrams	Ed	10/7/02	Email
2352	Robinson	David	10/7/02	Email
2353	De Katow	Pierre	10/8/02	Email
2354	Carroll	David	10/8/02	Email
2355	Vehaba	Leon	10/8/02	Email
2356	Gargiulo	John	10/8/02	Email
2357	Vigneault	Scott	10/9/02	Email
2358	Cannady	Judy	10/9/02	Email
2359	Cormay	Charles	10/9/02	Email
2360	Cressotti	Matthew	10/9/02	Email
2361	Maydoney	Andrew	10/10/02	Email
2362	Gingras	Kevin	10/10/02	Email
2363	Fitzgerald	Ian	10/10/02	Email
2364	Thompson	Errol	10/10/02	Email
2365	Dillon	Joan	10/10/02	Email
2366	Clegg	Susan	10/10/02	Email
2367	Daly	Karen	10/10/02	Email
2368	Fitzgerald	Jim	10/11/02	Email
2369	Cole	Mary	10/11/02	Email
2370	Fitzgerald	Bonnie	10/11/02	Email
2371	Giancoli	Adriana	10/11/02	Email
2372	Dash	Gordon	10/11/02	Email
2373	Milton	Sam	10/11/02	Email
2374	Wahid	Terri	10/11/02	Email
2375	Parker	Jeffrey & Susan	10/11/02	Email
2376	McMullen	Drew	10/11/02	Email
2377	Olmstead	Craig	10/11/02	Letter
2378	Ahern	Stephen	10/15/02	Letter
2379	Smith	Aaron	10/15/02	Email
2380	O'Keefe	Stephen	10/15/02	Email
2381	McCurdy	Matthew	10/16/02	Email
2382	Robinson	Kimberley	10/16/02	Email
2383	Walsweer	Jonathan	10/16/02	Email
2384	Reilly	Thomas	10/17/02	Letter
2385	Reilly	Thomas	10/17/02	Letter
2386	May	Naida	10/18/02	Email
2387	May	Stephen	10/18/02	Email
2388	London	Roanna	10/18/02	Email
2389	Adams	Karen	10/18/02	Email
2390	Dewey	Jake	10/19/02	Email
2391	Bramhall	Wedge	10/20/02	Email
2392	Zugel	Brian	10/21/02	Email
2393	Bramhall	Wedge	10/22/02	Email
2394	Fisher	Robin	10/22/02	Email
2395	Butler	Patrick	10/22/02	Letter
2396	Lang	Vernon	10/22/02	Memorandum
2397	Connor	John	10/23/02	Email
2398	Quinn	Sean	10/23/02	Email
2399	Connor	John	10/23/02	Email
2400	Bernard	Keith	10/24/02	Email
2401	Ford	William	10/24/02	Email
2402	Boyle	Lynne	10/25/02	Email
2403	Horwitz	Adam	10/25/02	Email
2404	Bessey	Nathanial	10/26/02	Email
2405	Fardy	Alice	10/26/02	Email
2406	Carter	Tim	10/27/02	Email
2407	Daley	Wayne	10/27/02	Email
2408	Kirkpatrick	Heather	10/28/02	Email
2409	Dwyer	Steve	10/29/02	Email
2410	Adams	Karen	10/29/02	Email
2411	Marshall	John	10/31/02	Email
2412	Greene	Robert	11/1/02	Email
2413	Thompson	Kevin	11/1/02	Email
2414	Poole	Richard & Dorothy	11/1/02	Email
2415	DiMestico	Cynthia	11/1/02	Email
2416	Horgan	Erich	11/1/02	Email
2417	Thompson	Catherine	11/2/02	Email
2418	Nader	Mary	11/2/02	Email
2419	MacEachern	David	11/2/02	Email
2420	Carliss	Glen	11/3/02	Email
2421	Boston	Nancy	11/3/02	Email
2422	Ketterle	Jonas	11/3/02	Email
2423	Flynn	Annda	11/4/02	Email
2424	Anthony	Craig	11/4/02	Email
2425	Roberts	Gilbert	11/4/02	Email
2426	Roberts	Sharon	11/4/02	Email
2427	Keefe	Lucy	11/4/02	Email
2428	Muir-Harmony	Ayr	11/5/02	Email
2429	Santello	Gayle	11/5/02	Email
2430	Hagan	Mark	11/5/02	Email
2431	Tirrell	Kim	11/5/02	Email
2432	Owens-fanning	Julie	11/5/02	Email
2433	Lancaster	Bruce	11/5/02	Email
2434	Dextradeur	Renee	11/5/02	Email
2435	Johnson	Dave	11/6/02	Email
2436	Hawkesworth	Brian	11/6/02	Email
2437	Gannon	Bonnie	11/6/02	Email
2438	McPherson	Susan	11/6/02	Email
2439	Olmstead	David	11/6/02	Email
2440	Whitfield	William	11/7/02	Email
2441	d'Amato	Lisa	11/7/02	Email
2442	LeBlanc	Donald	11/7/02	Email
2443	Dascombe	Phil	11/7/02	Ltr
2444	Adams	Karen	11/8/02	Email
2445	Adams	Karen	11/8/02	Email
2446	Ross	Erwin	11/9/02	Email
2447	Silverston	Jennifer	11/10/02	Email
2448	Hawksbee	Bridget	11/11/02	Email
2449	Hawksbee	Ann	11/11/02	Email
2450	Bryan	Burton	11/11/02	Email
2451	Mott	Nick	11/12/02	Email
2452	Bulawka	Stephen & Kerry	11/12/02	Email
2453	Barrie	Kenneth	11/12/02	Email
2454	Hevner	Keri	11/12/02	Email
2455	Adams	Karen	11/12/02	Email
2456	Gulliver	Catherine	11/13/02	Email
2457	Baltazar	Scott	11/13/02	Email
2458	Santos	David	11/13/02	Email
2459	Dascombe	Philip	11/13/02	Letter
2460	Fenn	Margo	11/13/02	Letter
2461	Adams	Karen	11/13/02	Email
2462	Lang	Vernon	11/13/02	Memorandum
2463	Dascombe	Phil	11/13/02	Ltr
2464	Dascombe	Phil	11/13/02	Ltr
2465	McKeen	Mike	11/14/02	Email
2466	Timmermann	Timothy	11/14/02	Email
2467	Grady	Deborah	11/15/02	Email
2468	Kinlin	Robert	11/15/02	Email
2469	Grady	John	11/15/02	Email
2470	Bley	Chris	11/15/02	Email
2471	Kaufman	Eli	11/15/02	Email
2472	Adams	Karen	11/15/02	Email
2473	Abely	William	11/16/02	Email
2474	Bus	Chelsea	11/18/02	Email
2475	Browning	Julianna	11/18/02	Email
2476	Fletcher	Nikole	11/18/02	Email
2477	Bailey	Cathy	11/18/02	Email
2478	Brooks	Elizabeth	11/18/02	Email
2479	McAllister	Lulu	11/18/02	Email
2480	Andrews	Raymond	11/18/02	Email
2481	McAllister	Jennifer	11/18/02	Email
2482	Skirvan	Christine	11/18/02	Email
2483	Flynn	Stanley	11/19/02	Email
2484	Henderson	Chris	11/19/02	Email
2485	Searle	Benjamin	11/19/02	Email
2486	Fraker	Lynne	11/20/02	Email
2487	MacMinn	Christopher	11/21/02	Email
2488	Cahalane	John	11/21/02	Email
2489	Hall	Charles	11/21/02	Email
2490	Hutchison	Bethany	11/21/02	Email
2491	Gaffney	Maureen	11/22/02	Email
2492	Verdone	Peter	11/22/02	Email
2493	Fraser	John	11/22/02	Email
2494	Whitney	Curtis	11/22/02	Email
2495	Wayland	John	11/25/02	Email
2496	Wesley	John	11/25/02	Email
2497	Park	Sam	11/25/02	Email
2498	Wood	Regina	11/26/02	Email
2499	Seligman	Julia	11/26/02	Email
2500	Vaughn	Roy	12/1/02	Email
2501	Corr	Colin	12/2/02	Email
2502	Collins	Andrew	12/2/02	Email
2503	Robinson	Beth	12/3/02	Email
2504	MacKenzie	Hugh	12/4/02	Email
2505	Breen	Karen	12/4/02	Email
2506	Conway	Jesse	12/4/02	Email
2507	Perks	David	12/4/02	Email
2508	Eaton	Cynthia	12/4/02	Email
2509	Beaugrand	Chris	12/4/02	Letter
2510	Yearley	Douglas	12/6/02	Letter
2511	StOnge	Melissa	12/6/02	Email
2512	Webster	Warren	12/7/02	Email
2513	Stacy	John	12/8/02	Email
2514	Zipeto	John	12/9/02	Email
2515	Fenn	Margo	12/9/02	Letter
2516	Prall	Jim	12/10/02	Email
2517	Filbin	Robert	12/10/02	Email
2518	Rapp	Suzanne	12/11/02	Email
2519	Rapp	Douglas	12/11/02	Email
2520	Barney	Ruth	12/11/02	Email
2521	McGuckin	Lindsay	12/11/02	Email
2522	Pratt	Derek	12/11/02	Email
2523	Hill	Whitney	12/11/02	Email
2524	Sacerdote	Annagret	12/11/02	Email
2525	Szycher	Scott	12/11/02	Email
2526	Lang	Vernon	12/11/02	Memorandum

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
2527	Stroka	Dan	12/12/02	Email
2528	Swalley	Robert	12/12/02	Email
2529	Silverston	Jennfier	12/12/02	Email
2530	Santoro	Steven	12/12/02	Email
2531	Simon	Brona	12/13/02	Letter
2532	Jordan	Jill	12/13/02	Email
2533	Sweet	Taber	12/13/02	Email
2534	Robertson	John	12/14/02	Email
2535	Seaman	David	12/14/02	Email
2536	Grundl	Werner	12/15/02	Email
2537	Brooks	Amanda	12/16/02	Email
2538	Beecher	Gabriela	12/16/02	Email
2539	Beecher	Henry	12/16/02	Email
2540	Holmes	Lucinda	12/16/02	Email
2541	Barney	Elizabeth	12/16/02	Email
2542	Karath	Mike	12/16/02	Email
2543	Segalini	Michael	12/16/02	Email
2544	Ross	Daniel	12/19/02	Email
2545	Smar	Jennifer	12/19/02	Email
2546	Fenn	Margo	12/19/02	Letter
2547	MacKenzie	Hugh	12/20/02	Email
2548	Mackenzie	Karen	12/20/02	Email
2549	Adrien		12/20/02	Email
2550	Chmielewski	Michael	12/20/02	Email
2551	Ross	Karen	12/20/02	Email
2552	Hoey	Matt	12/20/02	Email
2553	Putnam	Brent	12/20/02	Email
2554	Sanasarian	Pauline	12/21/02	Email
2555	Dascombe	Phil	12/21/02	fax
2556	Cooper	Betts	12/22/02	Email
2557	Counsell	Lindsey	12/23/02	Letter
2558	Dascombe	Philip	12/23/02	Email
2559	Simon	Brona	12/26/02	Letter
2560	Snell	Scott	12/29/02	Email
2561	Lanckton	Benjamin	12/30/02	Email
2562	Peterson	Richard	1/2/03	Email
2563	Lowry	Jed	1/4/03	Email
2564	Laskowski	Cheryl	1/6/03	Email
2565	Gomes	Lawrence	1/6/03	Email
2566	Lentell	Ryan	1/6/03	Email
2567	Gookin	Barbara	1/7/03	Email
2568	Collings	Amanda	1/8/03	Email
2569	Aschettino	Paula	1/8/03	Email
2570	Trask	Peter	1/8/03	Email
2571	Okurowksi	Frank	1/8/03	Email
2572	VonGoeler	John	1/8/03	Email
2573	Rodgers	Moira	1/8/03	Email
2574	Traer	Anne	1/9/03	Email
2575	Oberhauser	David	1/10/03	Email
2576	Temper	Christopher	1/10/03	Email
2577	Oakes	Debra	1/10/03	Email
2578	Traer	John	1/10/03	Email
2579	Rosen	Isaac	1/10/03	Email
2580	Perry	Stephen	1/10/03	Email
2581	Tardanico	Jane	1/13/03	Email
2582	Jackson	Blake	1/14/03	Email
2583	Holyoak	James	1/14/03	Email
2584	Holyoak	Denise	1/14/03	Email
2585	Vaishali	-	1/14/03	Email
2586	Buckley	Brian	1/14/03	Email
2587	Espy	Mary	1/14/03	Email
2588	Scott	Tracy	1/14/03	Email
2589	Neevan	Jeanette	1/15/03	Email
2590	Guiliano	Kerry	1/15/03	Email
2591	Fone	Jessica	1/15/03	Email
2592	Mulligan	Georgette	1/15/03	Email
2593	Mulligan	Kelly	1/15/03	Email
2594	Kjoller	Robert & Laurie	1/16/03	Email
2595	Purrier	Suzanne	1/16/03	Email
2596	Cordero	Luis	1/16/03	Email
2597	Murphy	Joseph	1/17/03	Email
2598	Shea	Dennis	1/17/03	Email
2599	Skigen	Wendy	1/17/03	Email
2600	Kniskern	Frank	1/17/03	Email
2601	Pomeroy	Robert	1/17/03	Email
2602	Funston	Rod	1/17/03	Email
2603	Basler	Jill	1/17/03	Email
2604	Lessard	Kenneth	1/17/03	Email
2605	Driscoll	Suzanne	1/17/03	Email
2606	Welfield	Miriam	1/17/03	Email
2607	Welfield	Max	1/17/03	Email
2608	Claudio	Ricardo	1/18/03	Email
2609	Hower	Sarah	1/18/03	Email
2610	Twomey	David	1/18/03	Email
2611	Brings	Sarah	1/18/03	Email
2612	McDonough	Linda	1/18/03	Email
2613	Bernstein	Ruth & Herb	1/19/03	Email
2614	Mitchell	Lisa & Garrett	1/20/03	Email
2615	Van Steensel	Paul	1/20/03	Email
2616	Rouillard	Thomas	1/21/03	Email
2617	Santos	David	1/21/03	Email
2618	Stewart	Arzelie	1/21/03	Email
2619	Carmichael	Nancy	1/21/03	Email
2620	Smith	Meg	1/21/03	Email
2621	Dauria	Michael	1/21/03	Email
2622	Newman	Gail	1/22/03	Email
2623	Ellis	Glen	1/22/03	Email
2624	McEachern	Menzie	1/22/03	Email
2625	Doyle	Michael	1/22/03	Email
2626	Janik	Robert	1/22/03	Email
2627	Nickerson	Stephen	1/22/03	Email
2628	Reed Jr	Mr M W	1/22/03	Email
2629	Janik	Michael	1/22/03	Email
2630	MacDonald	Norman	1/22/03	Email
2631	MacDonald	Becky	1/22/03	Email
2632	Dowling	Rachel	1/22/03	Email
2633	Mack	Aimee	1/23/03	Email
2634	Taylor	Evelyn	1/23/03	Email
2635	Carmichael	Timothy	1/23/03	Email
2636	Yearley	Douglas	1/24/03	Letter
2637	Barberio	Gina	1/24/03	Email
2638	DeGraide	Amy	1/24/03	Email
2639	Egan	Daniel	1/24/03	Email
2640	Yearley	Douglas	1/24/03	Letter
2641	Dabney	Edith	1/25/03	Email
2642	Katz	Deb	1/26/03	Email
2643	Louko Jr	Steven	1/26/03	Email
2644	Matheaus	Jason	1/27/03	Email
2645	Backsmith	Barbara	1/28/03	Letter
2646	Smiley	Grant	1/28/03	Email
2647	Kennedy	Christopher	2/2/03	Email
2648	Abbett	Scott	2/2/03	Email
2649	Sundar	Kripa	2/2/03	Email
2650	Levy	Eric	2/2/03	Email
2651	Huntley	Ramsay	2/3/03	Email
2652	Timmermann	Timothy	2/6/03	Email
2653	Butler	John	2/9/03	Email
2654	Mucic	Andrej	2/10/03	Email
2655	Eldridge	Jen	2/12/03	Email
2656	Yearley	Douglas	2/14/03	Letter
2657	Zafiriou	Christopher	2/16/03	Email
2658	Capolupo	Mark	2/16/03	Email
2659	Bellner	Scott	2/17/03	Email
2660	Stamp	David	2/18/03	Email
2661	Carter	Phil	2/20/03	Email
2662	Yearley	Douglas	2/20/03	Letter
2663	Block	Malu	2/21/03	Email
2664	Bumpus	David	2/24/03	Email
2665	Parker	Brendon	2/24/03	Email
2666	Cook	Anja	2/25/03	Email
2667	McLoughlin	Matt	2/27/03	Email
2668	Ananthacher	Vinay	2/28/03	Email
2669	Guckes	Michael	3/1/03	Email
2670	Laubsch	Ken	3/3/03	Email
2671	Law	Eric	3/5/03	Email
2672	Price	Alan	3/8/03	Email
2673	Kittila	Raymond	3/8/03	Email
2674	Gildesgame	Myron	3/10/03	Letter
2675	Delori	Jacques	3/11/03	Email
2676	Hubbe	Peter	3/12/03	Email
2677	McCampbell	Rich	3/12/03	Email
2678	Gaffney	Charles	3/12/03	Email
2679	Perosino	Dylan	3/12/03	Email
2680	Yearley	Douglas	3/12/03	Letter
2681	Hynd	Alison	3/13/03	Email
2682	Krider	Jennifer	3/14/03	Email
2683	Molloy	Kenneth	3/14/03	Letter
2684	Cranmore	Ana	3/15/03	Email
2685	Frey	Jon	3/15/03	Email
2686	Dyer	Georges	3/17/03	Email
2687	Fenn	Margo	3/18/03	Letter
2688	Heafitz	Andrew	3/21/03	Letter
2689	Caj	Jac	3/21/03	Email
2690	Barnett	Adrienne	3/22/03	Email
2691	Robertson	Kenneth	3/22/03	Email
2692	Hyatt	Jason	3/24/03	Email
2693	Weiner	Miriam	3/24/03	Email
2694	Blodgett	Courtney	3/25/03	Email
2695	Wilder	Charles	3/25/03	Email
2696	Drescher	Lee	3/25/03	Letter
2697	O'Shea	Patrick	3/28/03	Email
2698	Grunwald	Tara	3/30/03	Email
2699	Ough	Randal	3/31/03	Email
2700	Anderson	Peter	3/31/03	Email
2701	Yearley	Douglas	4/1/03	Letter
2702	Yearley	Douglas	4/1/03	Letter
2703	Aubin	Joseph	4/2/03	Email
2704	Light	Jeffrey	4/3/03	Email
2705	Mulhall	John	4/4/03	Email
2706	Goldberg	Tybe	4/4/03	Email
2707	Hudson	Kathleen	4/7/03	Email
2708	Beinstein	Eric	4/7/03	Email
2709	Burke	David	4/7/03	Email
2710	Rodgers	Mark	4/8/03	Newsletter
2711	Henderson	Kate	4/12/03	Email
2712	Rojek	Piotr	4/14/03	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
2713	Richer	Jason	4/18/03	Email
2714	Martin	Laura	4/18/03	E-mail
2715	Heureux	Mary	4/20/03	Email
2716	Keller	Derek	4/22/03	Email
2717	Martin	Laura	4/24/03	E-mail
2718	Hines	Julian	4/27/03	Email
2719	Baron	Cynthia	4/27/03	Email
2720	Green	Brian	4/29/03	Email
2721	Gildesgame	Myron	4/30/03	Letter
2722	Lang	Vernon	5/1/03	Memorandum
2723	Duffy	Bob	5/2/03	Email
2724	Lima	John	5/2/03	Email
2725	Nielson	Carl	5/2/03	Email
2726	Bailey	Owen	5/3/03	Email
2727	Gullage	Kimberly	5/5/03	Email
2728	Malcolm	Steve	5/7/03	Email
2729	Shea	Michael	5/9/03	Email
2730	Blackburn	Henry	5/10/03	Email
2731	O'Brien	John	5/12/03	Letter
2732	Clarke	John	5/12/03	Letter
2733	Eno	Cory	5/14/03	Email
2734	Cormier	James	5/14/03	Email
2735	Hines	Julian	5/14/03	Email
2736	Sherman	Christopher	5/14/03	Email
2737	Ferguson	Kimberly	5/15/03	Email
2738	Simoneau	Maria	5/16/03	Email
2739	Lager	David	5/19/03	Email
2740	Wray	Armand	5/20/03	Email
2741	Perreault	Roland	5/22/03	Email
2742	Penn	Wesley	5/22/03	Email
2743	Fields, Jr	Jesse	5/22/03	Email
2744	Barrington	Linda	5/22/03	Email
2745	Sibert	Judith	5/22/03	email
2746	Rotondi	Bill	5/22/03	email
2747	Smith	John	5/22/03	email
2748	Bertling	Peter	5/23/03	email
2749	Friend	Christopher	5/23/03	email
2750	Crook	Karen	5/23/03	email
2751	Girard	Andrew	5/23/03	email
2752	Bystock	Lee & Betty	5/24/03	email
2753	Dulca	Teddy	5/25/03	email
2754	Copeland	Rachel	5/25/03	email
2755	Ellis	Gary	5/26/03	email
2756	Rice	Theodore	5/26/03	email
2757	Murray	Tyler	5/26/03	email
2758	Demers	Deanna	5/27/03	email
2759	Caolo	Dave	5/27/03	email
2760	Tiedmann	Henry	5/27/03	email
2761	Kirker	Steve	5/28/03	email
2762	Darcy	Hester	5/28/03	email
2763	Bartolini	Nicolette	5/28/03	email
2764	Layman	Charles	5/29/03	email
2765	Giangarra	Philip	5/29/03	email
2766	Heddle	Gemma	5/29/03	email
2767	Smuts	Peter	5/29/03	email
2768	Koczan	Christina	5/30/03	email
2769	Meister	Susan	5/30/03	email
2770	Morawski	Scott	5/30/03	email
2771	Murphy, Sr.	Frank	5/30/03	email
2772	Ingram	Meghan	5/31/03	email
2773	Grandela	Nelma	5/31/03	email
2774	Clements	Guy	6/1/03	email
2775	Harunk	Steve	6/1/03	email
2776	Harrison	Robert	6/2/03	email
2777	Reynolds	Robert	6/2/03	email
2778	Butler	Patrick	6/3/03	Memorandum
2779	Gaus	Sheree	6/3/03	Email
2780	Coleman	Christopher	6/4/03	Email
2781	Fitzgerald	Kellie	6/4/03	Email
2782	Root	Matt	6/4/03	Email
2783	Parent	Michael	6/9/03	Email
2784	Storm	Michael	6/11/03	Email
2785	McCabe	Bob	6/11/03	Email
2786	Capone	Roger	6/12/03	Email
2787	Talbot	Mike	6/13/03	Email
2788	Harger	Sarah	6/13/03	Email
2789	Haycraft	Lewis	6/13/03	Email
2790	Glaser	Lauren	6/16/03	Email
2791	Neckes	Elizabeth	6/16/03	Email
2792	Gillon	Chris	6/17/03	Email
2793	Kolnos	Ben	6/17/03	Email
2794	Slack	Kim	6/18/03	Email
2795	Walsh	Sam	6/18/03	Email
2796	Begin	Carl	6/19/03	Email
2797	Tremblay	Paul	6/23/03	Email
2798	Damroth	David	6/25/03	Email
2799	Benham	Jason	6/28/03	Email
2800	Dages	Juliette	6/28/03	Email
2801	Stanhope	Adam	6/28/03	Email
2802	Cleveland	Larry	7/1/03	Email
2803	Busser	Robert	7/1/03	Email
2804	Irving	Bruce	7/2/03	Email
2805	Redstone	Shelley	7/4/03	Email
2806	Colman	Elena	7/6/03	Email
2807	Bryan	Richard	7/8/03	Email
2808	Caruso	Laura	7/9/03	Email
2809	Donovan	Cornelius & Joyce	7/9/03	Email
2810	Donovan	C	7/9/03	Email
2811	Bolton	Stephen	7/10/03	Email
2812	Mastromatteo	Sean	7/16/03	Email
2813	Knighton	Bill	7/16/03	Email
2814	Cormier	Christine	7/18/03	Email
2815	Witman	Zachary	7/21/03	Email
2816	Sadownick	David	7/22/03	Email
2817	James	Deborah	7/22/03	Email
2818	Catelli	Jay	7/23/03	Email
2819	Boettger	Peter	7/25/03	Email
2820	Brooks	Karen	7/27/03	Email
2821	Perry	Meagan	7/29/03	Email
2822	McCann	Maureen	7/31/03	Email
2823	McMullin	William	8/6/03	Email
2824	Foley	Paul	8/6/03	Email
2825	Gluskin	Becky	8/8/03	Email
2826	Ross	Max	8/12/03	Email
2827	Garrard	Sandy	8/12/03	Email
2828	Booth	Janie	8/12/03	Email
2829	Callison	Gerry	8/13/03	Email
2830	Orr	Cameron	8/15/03	Email
2831	Campbell	Mark	8/18/03	Email
2832	Cabral	Roy	8/20/03	Email
2833	Woods	Thomas	8/20/03	Email
2834	Twichell	Lori	8/20/03	Email
2835	Terry	Virginia	8/21/03	Email
2836	Dankens	Peter	8/21/03	Email
2837	Johnson	Robert	8/22/03	Email
2838	Nicolas	Dafydd	8/23/03	Email
2839	Deschenes	Marc	8/23/03	Email
2840	Roman	Josh	8/27/03	Email
2841	Johnson	Scott	8/28/03	Email
2842	Iannone	Karen	8/29/03	Email
2843	Sator	Spencer	8/30/03	Email
2844	Kunz	George	8/31/03	Email
2845	Attridge	David	9/1/03	Email
2846	Falor	Ken	9/1/03	Email
2847	Nelson	Howard	9/2/03	Email
2848	Silverman	David	9/2/03	Email
2849	Keare	Douglas	9/2/03	letter
2850	Coleman	Matt	9/4/03	Email
2851	Baltazar	Scott	9/4/03	Email
2852	Leavitt	William	9/4/03	Email
2853	Mallett	Marc	9/18/03	Email
2854	Smith	Jason	9/18/03	Email
2855	Butler	John	9/21/03	Email
2856	Assad	Nola	9/22/03	Email
2857	Cottrell	Kevin	9/22/03	Email
2858	Hare	Alva	9/25/03	Email
2859	Alvarez	Robert	10/2/03	Email
2860	Schwartz	Madeleine	10/7/03	Email
2861	Fenn	Margo	10/9/03	Letter
2862	Timmermann	Timothy	10/9/03	Email
2863	Schleede	Glenn	10/19/03	Email
2864	Nickerson	Susan	10/21/03	Letter
2865	Sullivan	Brian	10/22/03	Email
2866	Duffy	Dennis	10/27/03	Letter
2867	Nickerson	Susan	10/31/03	Letter
2868	Molloy	Kenneth	11/3/03	Letter
2869	White	William	11/3/03	Email
2870	Simonds	Tom	11/9/03	Email
2871	Hull	Christopher	11/10/03	Email
2872	Lovett	Mark	11/21/03	Email
2873	Nickerson	Susan	11/28/03	Letter
2874	Spenillo	Justin	12/1/03	Email
2875	Livorsi	Carl	12/11/03	Email
2876	Lavigne	John	1/13/04	Email
2877	Lampiasi	Lisa	1/15/04	Email
2878	Lampiasi	Matthew	1/15/04	Email
2879	Nickerson	Susan	1/20/04	Letter
2880	Carothers	Warren	1/26/04	Email
2881	Todd	Michelle	1/26/04	Email
2882	Miller	Jessica	1/30/04	Email
2883	Nickerson	Susan	2/2/04	Letter
2884	Taylor	Eliz	2/2/04	Minutes
2885	Miller	Ian	2/4/04	Email
2886	Fedirko	John	2/4/04	Email
2887	Resident of North Royal Street, VA		2/4/04	Email
2888	Resident of North Royal Street, VA		2/4/04	Email
2889	Jimenez	Daniel	2/5/04	Email
2890	Friday	Brian	2/5/04	Email
2891	Center	Cliff	2/10/04	Email
2892	Field	Jack	2/10/04	Email
2893	Adams	Kevin	2/10/04	Email
2894	Howland	Nathanael	2/11/04	Email
2895	Comings	Alison	2/11/04	Email
2896	Morley	Jonathan	2/13/04	Email
2897	Nordeng	Shiela	2/13/04	Email
2898	Polansky	Jay	2/16/04	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
2899	Seymour	William	2/17/04	Email
2900	Heymann	Philip	2/22/04	Email
2901	McCormack	Michael	2/22/04	Email
2902	Grewal	Eleanor	2/23/04	Email
2903	Rogers	Carol	2/25/04	Email
2904	Palma	Edward	2/25/04	Email
2905	Dockery	Paul	2/26/04	Email
2906	Roper	Allison	2/26/04	Email
2907	Damroth	David	3/1/04	Email
2908	Braun	Stephan	3/3/04	Email
2909	Norkin	Cynthia	3/6/04	Email
2910	Solomon	Moise	3/8/04	Email
2911	Conlon	Kevin	3/10/04	Email
2912	Doherty	Shawn	3/10/04	Email
2913	Hurwitz	Laurie	3/10/04	Email
2914	Kelley	Eric	3/10/04	Email
2915	Cook	Nathaniel	3/10/04	Email
2916	Mullin	Richard	3/11/04	Email
2917	Doss	Gary	3/11/04	Email
2918	Cook	Sarah	3/12/04	Email
2919	Zalduondo	Carlos	3/15/04	Email
2920	Dascombe	Philip	3/15/04	Email
2921	Yates	Devon	3/17/04	Email
2922	Dalterio	Michael	3/23/04	Email
2923	Burgee	Bethany	3/23/04	Email
2924	Martin	Michelle	3/24/04	Email
2925	Cavanaugh	Brendon	3/30/04	Email
2926	Smithson	Gillian	3/30/04	Email
2927	Macintosh	Laurie	3/31/04	Email
2928	Mott	Alex	3/31/04	Email
2929	Finkel	Michael	4/3/04	Email
2930	Finkel	Michael	4/3/04	Email
2931	Garesy	William	4/3/04	Email
2932	Spillane	James	4/4/04	Email
2933	Schlesinger	Peter	4/7/04	Email
2934	Prehn	Sharon	4/10/04	Email
2935	Acevado	N.K	4/14/04	Email
2936	MacDonald	Charlotte	4/23/04	Email
2937	Dewhurst	Chris	4/25/04	Email
2938	Nickerson	Susan	4/26/04	Letter
2939	Lipman	John	4/27/04	Letter
2940	Ruggeri	Paul	4/27/04	Email
2941	Montlucon	Daniel	4/29/04	Email
2942	Bryan	Burton	4/30/04	Email
2943	Bewley	Stewart	5/3/04	Email
2944	Duffy	Dennis	5/7/04	Letter
2945	Nickerson	Susan	5/7/04	Letter
2946	Ritter	Emil	5/9/04	Email
2947	Weinberger	Nanci	5/13/04	Email
2948	Nickerson	Susan	5/17/04	Letter
2949	Costa	Jocelyn	5/18/04	Email
2950	Powers	John	5/19/04	Email
2951	Kulper	Sloan	5/20/04	Email
2952	Fay	Peter	5/25/04	Email
2953	Stevens	Richard	5/25/04	Email
2954	Nickerson	Susan	5/25/04	Letter
2955	Patton	Carl	5/27/04	Email
2956	Kurker	Wayne	5/27/04	Letter
2957	Mehjringer	Greg	5/28/04	Email
2958	Blanchard	Ward	6/1/04	Email
2959	Matthews	William	6/7/04	Email
2960	Arsenault	John	6/8/04	Email
2961	Kessler	Joshua	6/9/04	Email
2962	Mullin	Richard	6/10/04	Email
2963	Flagg	Diane	6/10/04	Email
2964	Warburg	Philip	6/10/04	Letter
2965	Macy	Noah	6/13/04	Email
2966	McVinney	Stephen	6/13/04	Email
2967	Blowers	Philip	6/15/04	email
2968	Sullivan	Robert	6/21/04	email
2969	Nickerson	Susan	6/21/04	letter
2970	Lipman	John	6/23/04	Letter
2971	Nickerson	Susan	6/24/04	letter
2972	National Collegiate Clean Energy Initi		6/28/04	email
2973	Nickerson	Susan	6/29/04	letter
2974	Richards	Alexander	6/30/04	email
2975	Smithson	Gillian	7/7/04	email
2976	Timmons	Mary	7/8/04	email
2977	Trites	Paul	7/8/04	email
2978	Duffy	Dennis	7/13/04	Letter
2979	Grossman	Lois	7/14/04	email
2980	Nicholas	Dafydd	7/15/04	email
2981	Ludvigson	Gregg	7/15/04	email
2982	Cunningham	Phil	7/16/04	email
2983	Graham	Paul	7/18/04	email
2984	Wheeler	George	7/19/04	facsimile
2985	Dascombe	Phil	7/19/04	E-mail
2986	McDevitt	Mark	7/21/04	email
2987	Anderson	Greg	7/21/04	email
2988	Donovan	Jim	7/21/04	email
2989	Riggs	Thomas	7/22/04	email
2990	Whitten	Alan	7/22/04	email
2991	Dascombe	Phil	7/23/04	Ltr
2992	Babner	Paulette & William	7/24/04	email
2993	Gallup	Pitman	7/24/04	email
2994	Raymond	Eugene	7/25/04	email
2995	Schlieff	Karle	7/26/04	email
2996	Lannigan	Brian	7/26/04	email
2997	Wildermuth	Peter	7/28/04	email
2998	Townsend	Caterine	7/28/04	email
2999	Townsend	Nancy	7/28/04	email
3000	O'Connor	Peter	7/29/04	email
3001	Mosey	Billy	7/29/04	email
3002	Nickerson	Susan	7/29/04	Letter
3003	Budinger	Matt	7/30/04	email
3004	Lally	Jocelyn	8/1/04	email
3005	Tivnan	Michael	8/2/04	email
3006	O'Malley	Joshua	8/2/04	email
3007	Haviland	Peter	8/4/04	Email
3008	Ward	Wendt	8/4/04	Email
3009	Nickerson	Susan	8/6/04	Letter
3010	Sabina	Ed	8/7/04	Email
3011	Madden	James	8/7/04	Email
3012	Willard	Andrew	8/9/04	Email
3013	McBride	Matthew	8/10/04	Email
3014	Bramoweth	Adam	8/10/04	Email
3015	Riepi	Joe	8/10/04	Email
3016	Woelker	Eric	8/10/04	Email
3017	Quasney	Evan	8/11/04	Email
3018	Kositz	Jessica	8/11/04	Email
3019	Simon	Brona	8/11/04	Letter
3020	Grove	Michael	8/12/04	Email
3021	Herrin	Peter	8/13/04	Email
3022	Doonan	Richard	8/16/04	Email
3023	Fontes	Joseph	8/16/04	Email
3024	Winter	Nathan	8/17/04	Email
3025	Pelletier	Marc & Mary	8/18/04	Email
3026	Conney	Richard	8/20/04	Email
3027	Rose	Ann	8/21/04	Email
3028	Rose	Dean	8/21/04	Email
3029	Needleman	Leigh	8/23/04	Email
3030	Frishman	Andrew	8/23/04	Email
3031	Clark	John	8/23/04	Email
3032	DePietro	Debra	8/25/04	Email
3033	DDC		8/26/04	Email
3034	DDC		8/26/04	Email
3035	DDC		8/26/04	Email
3036	Nickerson	Susan	8/27/04	Letter
3037	Bowen	Anthony	8/27/04	Email
3038	Page	Rob	8/31/04	Email
3039	Call	Timothy	8/31/04	Email
3040	Emmons	Eric	9/4/04	Email
3041	Caezza & Richard Families		9/8/04	Email
3042	Fiore	Robert	9/8/04	Email
3043	Ross	Erwin	9/9/04	Email
3044	Sampson	Mark	9/9/04	Email
3045	Duffy	Dennis	9/9/04	Letter
3046	Peterson	Cody	9/12/04	Email
3047	Beard	Joseph	9/15/04	Email
3048	Lannigan	Brian	9/15/04	Email
3049	Alexander	Samuel	9/20/04	Email
3050	Acevedo	Kristine	9/21/04	Email
3051	Duane	Ed	9/22/04	Email
3052	Silva	Michael	9/23/04	Email
3053	Ross	Erwin	9/24/04	Email
3054	Tagtmeyer	Kurt	9/28/04	Email
3055	McDonough Fo	Eileen	9/30/04	Email
3056	Spector	Richard	10/1/04	Email
3057	Minsk	John	10/1/04	Email
3058	Driscoll	David	10/3/04	Email
3059	Nickerson	Susan	10/5/04	Letter
3060	DiMuro	Johnathan	10/7/04	Email
3061	Kirby	Margaret	10/7/04	Email
3062	Gyovai	Christine	10/7/04	Email
3063	Ryan	Jessica	10/7/04	Email
3064	Gilkeson	c	10/7/04	Email
3065	Perakis	James	10/7/04	Email
3066	Dahl	David	10/7/04	Email
3067	Shoemaker	Heidi	10/7/04	Email
3068	Chieco	Dana	10/7/04	Email
3069	Avallone	Kenneth	10/8/04	Email
3070	Lynch	Kevin	10/8/04	Email
3071	Findley	Megan	10/8/04	Email
3072	Barlow	Kelly	10/8/04	Email
3073	Martinson	Alex	10/8/04	Email
3074	Hollyn Taub	Trevor	10/9/04	Email
3075	Ellis	Michael	10/10/04	Email
3076	Whitaker	Ray	10/11/04	Email
3077	Emery	Karen	10/12/04	Letter
3078	Nickerson	Susan	10/13/04	Letter
3079	O'Connell	Kevin	10/14/04	Email
3080	Savidge	Douglas	10/16/04	Email
3081	Savidge	Douglas	10/16/04	Email
3082	Hyland	Karen	10/18/04	Email
3083	Carey	Sheridan	10/18/04	Email
3084	Nickerson	Susan	10/25/04	Letter

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
3085	Amorello	Mark	10/25/04	Letter
3086	Chieco	Eileen	10/26/04	Email
3087	Green	Jonathan	10/27/04	Email
3088	Nickerson	Susan	10/29/04	Letter
3089	Vital	David	10/31/04	Email
3090	Koning	Thomas	11/2/04	Letter
3091	Collins	Michael	11/3/04	Email
3092	Riker	Seth	11/5/04	Email
3093	Clements	Guy	11/5/04	Email
3094	Packer	John	11/5/04	Email
3095	Becker	Anthony	11/8/04	Email
3096	Campbell	Graham	11/8/04	Email
3097	Jones	Bill	11/8/04	Email
3098	Wenzel	Peter	11/8/04	Email
3099	Iannone	Karen	11/8/04	Email
3100	DeCicco	Mark	11/8/04	Email
3101	Kulper	Sloan	11/8/04	Email
3102	Nickerson	Susan	11/8/04	Letter
3103	Bingham	Heather	11/9/04	Email
3104	Mortimer	Sarah	11/9/04	Email
3105	Bourne	Sam	11/9/04	Email
3106	Rotondo	Amanda	11/9/04	Email
3107	Shanabrook	Nevin	11/9/04	Email
3108	Osbaldeston	James	11/9/04	Email
3109	James	Eric	11/9/04	Email
3110	Kozacheck	Thomas	11/9/04	Email
3111	MacDonald	Peter	11/9/04	Email
3112	Nickerson	Susan	11/9/04	Letter
3113	Watson	Greg	11/9/04	Letter
3114	Gordon	James	11/9/04	Letter
3115	Davis	Virginia	11/10/04	Email
3116	Fenstemaker	Anoure	11/10/04	Email
3117	James	Dan	11/10/04	Email
3118	Kreps	Don	11/10/04	Email
3119	Cook	Robert	11/11/04	Email
3120	Becker	Eric	11/11/04	Email
3121	Halin	Neil	11/11/04	Email
3122	MacDonald	Amy	11/11/04	Email
3123	Wall	Stephen	11/11/04	Email
3124	Hare	Alva	11/12/04	Email
3125	Hare	Alva	11/12/04	Email
3126	Bramhall	Wedge	11/13/04	Email
3127	Ubersax	Jack	11/14/04	Email
3128	Fields	Miichael	11/14/04	Email
3129	Turner	Mary	11/14/04	Email
3130	Fardy	Alice	11/14/04	Email
3131	Hinterman	Andrew	11/15/04	Email
3132	Nugent	James	11/15/04	Email
3133	Greenberg	Noah	11/15/04	Email
3134	Ashton	Natalie	11/16/04	Email
3135	Heafitz	Andrew	11/16/04	Email
3136	Raiche	Rich	11/16/04	Email
3137	White	Sam	11/16/04	Email
3138	Hart	Jamws	11/16/04	Email
3139	Kramer	David	11/16/04	Email
3140	Marks	Michael	11/16/04	Email
3141	Bramhall	Wedge	11/16/04	Email
3142	Laporte	Nadine	11/16/04	Email
3143	Clements	Guy	11/16/04	Email
3144	Neill	Georgia	11/16/04	Email
3145	Goetz	Scott	11/16/04	Email
3146	Roussell	Jodie	11/16/04	Email
3147	Hren	Jonathan	11/16/04	Email
3148	Loring	Keith	11/16/04	Email
3149	Kulper	Sloan	11/16/04	Email
3150	Evans	Dinda	11/16/04	Email
3151	Muggeridge	John	11/16/04	Letter
3152	Manning	Peter	11/17/04	Email
3153	Summers	Brian	11/17/04	Email
3154	Cole	Mary	11/17/04	Email
3155	Taylor	Brendan	11/17/04	Email
3156	Deason	Kristin	11/17/04	Email
3157	Joyal	Robert	11/17/04	Email
3158	Richer	Jason	11/17/04	Email
3159	Faller	Frederick	11/17/04	Email
3160	Carey	Jeanne	11/17/04	Email
3161	Greene	Susanne	11/17/04	Email
3162	Lamplasi	Matt & Lisa	11/17/04	Email
3163	Bumpus	Richard	11/17/04	Email
3164	Dolge	Tucker	11/17/04	Email
3165	Malkus	Steven	11/17/04	Email
3166	Ristaino	Carl	11/17/04	Email
3167	Fetcher	CT	11/17/04	Email
3168	Walker	Mitch	11/17/04	Email
3169	Yurdin	Seth	11/17/04	Email
3170	Fields Jr	Jesse	11/17/04	Email
3171	Sabina	Edward	11/18/04	Email
3172	Hudson	Drew	11/18/04	Email
3173	Sibert	Judith	11/18/04	Email
3174	Reid	Kathleen	11/18/04	Email
3175	Horster	Nikolaus	11/18/04	Email
3176	Tivnan	Michael	11/18/04	Email
3177	Linnett	Tobias	11/18/04	Email
3178	Andelman	Michael	11/18/04	Email
3179	Roberson	Russell	11/18/04	Email
3180	Mott	Garrett	11/18/04	Email
3181	Bridges	Richard	11/18/04	Email
3182	Bua	Dominic	11/18/04	Email
3183	Taylor	Eliz	11/18/04	Minutes
3184	Davis	Robert	11/19/04	Email
3185	Apfelbaum	Jack	11/19/04	Email
3186	Segal	Naomi	11/19/04	Email
3187	Bahlkow	Sohpia	11/19/04	Email
3188	Bloomfield	Anne	11/19/04	Email
3189	Leslie	frank	11/19/04	Email
3190	John	Vinod	11/19/04	Email
3191	Brady	Richard	11/19/04	Email
3192	Boyd	Krystal	11/20/04	Email
3193	Marler	Linda	11/20/04	Email
3194	Bonanno	Andrew	11/21/04	Email
3195	Nelson-Frick	Alix	11/21/04	Email
3196	Katz	Arnold	11/21/04	Email
3197	Ancker	Jennifer	11/22/04	Email
3198	Monahan	Michael	11/22/04	Email
3199	Wilder	Charles	11/22/04	Email
3200	Thompson	Paul	11/22/04	Email
3201	Schley	Harriet	11/22/04	Email
3202	Beck	David	11/23/04	Email
3203	McKee	Lance	11/23/04	Email
3204	Ashford	Michael	11/23/04	Email
3205	Liversidge	Margaret	11/23/04	Email
3206	Wallace	Paul	11/24/04	Email
3207	Hamrah	George	11/24/04	Letter
3208	Gyovai	Christine	11/24/04	Letter
3209	Perper	Edward	11/24/04	Email
3210	Muehlman	Reed	11/24/04	Email
3211	Buck	Mary	11/24/04	Email
3212	Liskey	John	11/24/04	Email
3213	Burns	Alexis	11/24/04	Letter
3214	Fisher	Kathy	11/25/04	Email
3215	Stempien	John	11/25/04	Email
3216	Schwebel	Todd	11/26/04	Email
3217	Giambrone	Rachel	11/27/04	Email
3218	Schuessler	Conrad	11/28/04	Email
3219	Lawrence	Mary	11/29/04	Email
3220	Bongiorni	Anthony	11/29/04	Email
3221	Schnee	Matthew	11/29/04	Email
3222	Cutler	Sherrie	11/29/04	Letter
3223	Cadieux	Gregory	11/30/04	Email
3224	Hood	Sammy	11/30/04	Email
3225	Kates	Amy	11/30/04	Letter
3226	Steinberg	Daniel	12/1/04	Email
3227	Mullins	Brian	12/1/04	Email
3228	Burns	Bryan	12/1/04	Email
3229	Rowell	John	12/1/04	Email
3230	Peterson	Roland	12/1/04	Email
3231	Brown	Robert	12/1/04	Email
3232	Conta	Sean	12/1/04	Email
3233	Orr	Terry	12/1/04	E-mail
3234	L'Heureux	Richard	12/2/04	Email
3235	Goober	Joel	12/2/04	Email
3236	O'Donnell	Stephen	12/2/04	Email
3237	Coggins	Paul	12/2/04	Email
3238	Haviland	Peter	12/2/04	Email
3239	Jennings	Michael	12/2/04	Email
3240	Guttmann	Klaus	12/2/04	Email
3241	Bramhall	Wedge	12/3/04	Email
3242	Lampke	R.G.	12/3/04	Email
3243	Steinberg	Robert	12/3/04	Email
3244	Shaw	Andrew	12/3/04	Email
3245	Slack	Kim	12/3/04	Email
3246	Lawrence	John	12/3/04	Email
3247	Neuhauser	Kenneth	12/3/04	Email
3248	Aron	Robert	12/3/04	Email
3249	Matheny	Brian	12/3/04	Email
3250	Lindgren	Cynthia	12/3/04	Email
3251	Slotnick	Lauryn	12/3/04	Email
3252	Chenoweth	Russ & Nancy	12/4/04	Email
3253	Murphy	Anthony	12/4/04	Email
3254	Hevert	Carl	12/4/04	Email
3255	Wildermuth, Jr.	Peter	12/5/04	Email
3256	Bryan	Burton	12/5/04	Email
3257	Sanchez	Ed	12/6/04	Letter
3258	Buckley	John	12/6/04	Email
3259	Leonard	William	12/6/04	Email
3260	LeVie	Paul	12/6/04	Email
3261	Bengel	Elsa & John	12/6/04	Email
3262	Bambery	William	12/6/04	Email
3263	Bullock	Richard	12/6/04	Email
3264	Anderson	Philip	12/6/04	Email
3265	Wolfson	Thomas	12/6/04	Email
3266	Wolfson	Michele	12/6/04	Email
3267	Caretti	Anthony	12/7/04	Email
3268	Gardner	Timothy	12/7/04	Facsimile
3269	Stewart	Carly	12/7/04	Email
3270	Gillespie	Kevin	12/7/04	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
3271	Vega	Pablo	12/7/04	Email
3272	Apicella	Joseph	12/7/04	Email
3273	Chivian	Eric	12/7/04	Email
3274	Powdermaker	Frank	12/7/04	Email
3275	DeYoung	John	12/7/04	Email
3276	Rooker	Charlette	12/7/04	Email
3277	Gallagher	Francis	12/7/04	Email
3278	Brossi	Michael	12/7/04	Email
3279	Chapman	Marcia	12/7/04	Email
3280	Costello	Ray	12/7/04	Email
3281	O'Niell	Mark	12/8/04	Email
3282	Foss	Asa	12/8/04	Email
3283	Levy	Elizabeth	12/8/04	Email
3284	Dickie	Amy	12/8/04	Email
3285	Krause	Earl	12/8/04	Email
3286	Mollet	Martin	12/8/04	Email
3287	Wilkin	Robert	12/8/04	Email
3288	Todreas	Ian	12/8/04	Email
3289	Gallagher	Joaquina	12/8/04	Email
3290	Remington	Charles	12/8/04	Email
3291	Wood	Abby	12/9/04	Email
3292	Simoes	Roy	12/9/04	Email
3293	O'Connell	Kevin	12/9/04	Email
3294	Lagace	Stephen	12/9/04	Email
3295	Greenberg	Benjamin	12/9/04	Email
3296	Hiller	Scott	12/10/04	Email
3297	Meinecke	James	12/10/04	Email
3298	Wood	Joshua	12/10/04	Email
3299	Greer	Edward	12/10/04	Email
3300	Such	Aaron	12/10/04	Email
3301	Carvisiglia	Paul	12/10/04	Email
3302	Wiberg	Eric	12/10/04	Email
3303	Tuzzolo	Matt	12/10/04	Email
3304	Williams	Susan	12/10/04	Email
3305	Stendahl	Brita	12/10/04	Email
3306	Ketchel	Robert	12/10/04	Email
3307	Sullivan	Thomas	12/10/04	Email
3308	Montalbano	Andrea	12/10/04	Email
3309	Goldsmith	Aviv	12/10/04	Email
3310	Bochman	Andrew	12/10/04	Email
3311	Fisher	Kathy	12/10/04	Email
3312	Salzman	Aram	12/10/04	Letter
3313	Nickerson	Susan	12/10/04	Letter
3314	Van Vleck	Howard	12/11/04	Email
3315	Kremer	Edward	12/11/04	Email
3316	Baltazar	Scott	12/11/04	Email
3317	Spillane	James	12/11/04	Email
3318	Donovan	Colleen	12/11/04	Email
3319	Sard	Abhishek	12/12/04	Email
3320	Olmsted	Lauren	12/12/04	Email
3321	O'Connor	Matthew	12/12/04	Email
3322	Dankens	Peter	12/12/04	Email
3323	Rich	George	12/13/04	Letter
3324	Peterson	Dave	12/13/04	Email
3325	Drake	Elisabeth	12/13/04	Email
3326	Bowman	Erica	12/13/04	Email
3327	Jahoda	John	12/13/04	Email
3328	Friend	Christopher	12/13/04	Email
3329	Orr	Terry	12/13/04	E-mail
3330	Snow	Jonathan	12/14/04	Email
3331	Goldberg	Tybe	12/14/04	Email
3332	Brown	Gary	12/14/04	letter
3333	Palko	Sarah	12/15/04	Email
3334	Sawyer	Annettef	12/15/04	Email
3335	Sawyer	Fannette	12/15/04	Email
3336	Hausman-Belin	Jade	12/15/04	Email
3337	Allen	Chris	12/15/04	Email
3338	Donovan	Cara	12/15/04	Email
3339	Lee	Gregory	12/15/04	Email
3340	Smith-Vaniz	William	12/16/04	Letter
3341	Walch	Jeff	12/16/04	Email
3342	Verzino	James	12/16/04	Email
3343	Valtsakis	Ann	12/16/04	Email
3344	Orr	Terry	12/16/04	Letter
3345	Rodgers	James	12/17/04	Email
3346	Heiser	Angie	12/17/04	Email
3347	Hare	Alva	12/17/04	Email
3348	Miller	Elinor	12/17/04	Email
3349	Rich	George	12/17/04	Letter
3350	Hellstrom	Robert	12/18/04	Email
3351	Tofte-dorr	Leah	12/19/04	Email
3352	Wallis	Peter	12/20/04	Email
3353	Walsh	Mary Jane	12/20/04	Email
3354	Rose	Rachel	12/20/04	Email
3355	Leavitt	William	12/21/04	Email
3356	Skorski	Dorothea	12/22/04	Email
3357	Hare	Alva	12/22/04	Email
3358	Swan, Jr.	Thomas	12/22/04	Letter
3359	Laughton	Chris	12/25/04	Email
3360	Urie	Matilda	12/25/04	Email
3361	Werner	Robert	12/26/04	Email
3362	Chase Jr.	David	12/28/04	Email
3363	Lagace	Stephen	12/28/04	Email
3364	Rose	Ann	12/28/04	Email
3365	Bicho	Michael	12/29/04	Email
3366	Martin	Frederick	12/30/04	Email
3367	Reardon	Mary	12/31/04	Letter
3368	Trask	Jeff	1/1/05	Letter
3369	Sweeney	Joseph	1/3/05	Email
3370	Short	Bernard	1/3/05	Email
3371	LeBeau	Aaron	1/5/05	Email
3372	Johnson	Scott	1/5/05	Email
3373	Hyatt	Jason	1/5/05	Email
3374	Bonanno	Jonathan	1/5/05	Email
3375	Greenberg	Noah	1/5/05	Email
3376	Segal	Naomi	1/5/05	Email
3377	Funston	Rod	1/5/05	Email
3378	Wobus	Cameron	1/5/05	Email
3379	Emmons	Eric	1/5/05	Email
3380	Wobus	Nicole	1/5/05	Email
3381	Hart	James	1/5/05	Email
3382	Macy	Noah	1/5/05	Email
3383	Strohmenger	Kevin	1/6/05	Email
3384	Finocchio	Donald	1/6/05	Email
3385	Loring	Keith	1/6/05	Email
3386	Dugre	Sean	1/6/05	Email
3387	Costa	John	1/6/05	Email
3388	Dummer	Nathaniel	1/6/05	Email
3389	Kriege	William	1/7/05	Email
3390	Pavlides	Eleftherios	1/8/05	Email
3391	Norkin	Cynthia	1/8/05	Email
3392	Davis	James	1/8/05	email
3393	Slotnick	Lauryn	1/9/05	Email
3394	Erdmann	Veronica	1/10/05	Email
3395	Cion	Maurice	1/10/05	Email
3396	Callan	Ginny	1/10/05	Email
3397	Riegle	Christopher	1/11/05	Email
3398	Blass	Peggy	1/11/05	Email
3399	Marien	Ken	1/11/05	Email
3400	Pitman	George	1/12/05	Email
3401	Litoff	Jacob	1/12/05	Email
3402	Free	Nancy	1/14/05	Email
3403	Geswell	Robert	1/16/05	Email
3404	Ellis	Elizabeth	1/16/05	Email
3405	Griffin	John	1/16/05	Email
3406	Rackowski	Patricia	1/16/05	Email
3407	Hickey	Ann	1/17/05	Email
3408	Townsend	Catherine	1/17/05	Email
3409	Gage Jr.	Edward	1/17/05	Email
3410	Humphrey	Mike	1/17/05	Email
3411	Derr	Frederick	1/17/05	Email
3412	Cavanaugh	Brendan	1/17/05	Email
3413	Cohen	Joseph	1/17/05	Email
3414	Teller	Seth	1/17/05	Email
3415	Grant	Edward	1/17/05	Email
3416	Lawrie	James	1/17/05	Email
3417	Hewes	Michael	1/17/05	Email
3418	Livorsi	Carl	1/17/05	Email
3419	Hagopian	Tim	1/17/05	Email
3420	Semmler	Carrie	1/17/05	Email
3421	Macedo	Antonio	1/17/05	Email
3422	Bakker	Margaret	1/17/05	Email
3423	Martin	Emily	1/17/05	Email
3424	Rowell	John	1/17/05	Email
3425	Nugent	James	1/17/05	Email
3426	Ernst	Roger	1/17/05	Email
3427	Dalterio	Michael	1/17/05	Email
3428	Sutton	Patrick	1/17/05	Email
3429	Mulligan	Sean	1/17/05	Email
3430	Indresano	William	1/17/05	Email
3431	Graham	Paul	1/17/05	Email
3432	Seebald	Christopher	1/17/05	Email
3433	Vitalini	William	1/17/05	Email
3434	Wolfson	Thomas	1/17/05	Email
3435	Manire-Gatti	Eleanor	1/17/05	Email
3436	Grossman	Lois	1/17/05	Email
3437	Straw	William	1/17/05	Email
3438	Nielson	Carl	1/18/05	Email
3439	Nicholas	Dafydd	1/18/05	Email
3440	Kennedy	Christopher	1/18/05	Email
3441	Becker	Patricia	1/18/05	Email
3442	DiMascio	John	1/18/05	Letter
3443	Acevedo	NK	1/18/05	Email
3444	Keller	Jonathan	1/18/05	Email
3445	Vale	Ron	1/18/05	Email
3446	Vale	Rudy	1/18/05	Email
3447	Willis, Jr.	Robert	1/18/05	Email
3448	L'Heureax	Michelle	1/18/05	Email
3449	Acevedo	NK	1/18/05	Email
3450	Shea	Michael	1/18/05	Email
3451	Mancini	Peter	1/18/05	Email
3452	Rael	Teresa	1/18/05	Email
3453	Leue	Thomas	1/18/05	Email
3454	Bromer	Peter	1/18/05	Email
3455	Dalterio	Michael	1/19/05	Email
3456	Devlin	Margaret	1/19/05	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
3457	Donovan	Cornelius & Joyce	1/19/05	Email
3458	Hare	Alva	1/20/05	Email
3459	Flanagan	Richard	1/20/05	Email
3460	Metcalfe III	Tristam	1/20/05	Email
3461	Chieco	Eileen	1/21/05	Email
3462	Gols	I	1/21/05	Email
3463	Holt	Robert	1/21/05	Email
3464	Brock	Gary	1/21/05	Email
3465	Blazis	Scott	1/21/05	letter
3466	Smith-Clarke	Deven	1/22/05	Email
3467	Kessler	Helen	1/22/05	Email
3468	Lagace	Stephen	1/23/05	Email
3469	Johnson Jr.	Harold	1/23/05	Email
3470	Iannone	Karen	1/23/05	Email
3471	Wohlberg	Shira	1/23/05	Email
3472	Wohlberg	Shira	1/23/05	Email
3473	Harris Jr.	John	1/24/05	Email
3474	Chew	Ainsley	1/24/05	Email
3475	Hare	Alva	1/24/05	Email
3476	Donahoe	Bob	1/24/05	Letter
3477	Robinson	Jesse	1/25/05	Email
3478	Lee	Gregory	1/25/05	Email
3479	Hare	Alva	1/25/05	Email
3480	Pollock	Amy	1/25/05	Email
3481	Sassoon	David	1/26/05	Email
3482	Hare	Alva	1/26/05	Email
3483	Borchert	Carl	1/26/05	Email
3484	Gozemba	Patricia	1/27/05	Email
3485	Hare	Alva	1/27/05	Email
3486	Hare	Alva	1/28/05	Email
3487	Hare	Alva	1/28/05	Email
3488	Zapol	Nikki	1/29/05	Email
3489	Nisbet	Ian	1/29/05	Email
3490	Courtier	Matthew	1/31/05	Email
3491	Cochran	Martha	1/31/05	Email
3492	Norkin	Cynthia	1/31/05	Email
3493	Mullin	Richard	1/31/05	Email
3494	Noll	Brenda	2/1/05	Email
3495	Reid	Bruce	2/1/05	Email
3496	Bowman	Dan & Cherie	2/1/05	Email
3497	Collins	W	2/1/05	Email
3498	Patton	Richard	2/1/05	Email
3499	Birmingham	Elizabeth	2/1/05	Email
3500	Susskind	Richard & Mila	2/1/05	Email
3501	Duffy	Catherine	2/1/05	Email
3502	Livorski	Carl	2/1/05	Email
3503	Bamberry	William	2/1/05	Email
3504	Marcus	David	2/1/05	Email
3505	Whelan	Leslie	2/1/05	Email
3506	Manire-Gatti	Eleanor	2/1/05	Email
3507	Eric	Emmons	2/1/05	Email
3508	Slotnick	Lauryn	2/1/05	Email
3509	Fablan	Robert	2/1/05	Email
3510	Rourke	Timothy	2/1/05	Email
3511	Hoskins	Hartley	2/1/05	Letter
3512	Davis	Shareen	2/2/05	Letter
3513	White	Peter	2/2/05	Letter
3514	Ward	Emma	2/2/05	Email
3515	O'Keefe	Stephen	2/2/05	Email
3516	Dukes	Jeffrey	2/2/05	Email
3517	Frienkel	Andrew	2/2/05	Email
3518	Eldredge	Ernest	2/2/05	Letter
3519	Gaskin	Steve	2/2/05	Email
3520	Peterson	Roland	2/2/05	Email
3521	Conchinha	Nelson	2/2/05	Email
3522	Rodgers	Karie	2/2/05	Email
3523	Gerrier	Laurene	2/2/05	Email
3524	Herzberg	Mark	2/2/05	Email
3525	Gaechter	Alfred	2/3/05	Letter
3526	Triant	James & Diane	2/3/05	Email
3527	Howland	Bonnie	2/3/05	Email
3528	Smyers	Richard	2/3/05	Email
3529	Olmsted	Christopher	2/3/05	Email
3530	Raushenbush	Walter & Marylu	2/3/05	Email
3531	DeLorenzo	James	2/3/05	Email
3532	John	Frank	2/3/05	Email
3533	David	Smith	2/3/05	Email
3534	O'Connell	Mimi	2/3/05	Email
3535	Lucas	Theodore	2/4/05	Letter
3536	Hendrix	Elizabeth	2/4/05	email
3537	Labbe	Paul	2/4/05	email
3538	Clark	Dan	2/4/05	email
3539	Jeffers	Valerie	2/4/05	email
3540	Gallagher	Terry	2/4/05	email
3541	Hewes	Michael	2/4/05	email
3542	Gallagher	Terry	2/4/05	email
3543	Ludvigson	Gregg	2/4/05	email
3544	Peterson	Roland	2/4/05	email
3545	Stern	Hansjoerg	2/4/05	email
3546	Jensen	RJ	2/4/05	email
3547	Block-Schwenk	Deborah	2/4/05	email
3548	Counsell	Lyndsey	2/4/05	email
3549	Durkin	Barbara	2/5/05	email
3550	Peirson	Edward	2/5/05	email
3551	Chew	Robert	2/5/05	email
3552	Cannaday	Judy	2/5/05	email
3553	Schwartz	Jeffrey	2/5/05	email
3554	Burgess	Thomas	2/5/05	email
3555	Fox	Karen	2/6/05	email
3556	Colantonio	Victor	2/6/05	email
3557	Colantonio	Victor	2/6/05	email
3558	Alice		2/6/05	email
3559	Long	Melissa	2/7/05	Letter
3560	Scott	Robert	2/7/05	email
3561	Wrighter	Babs & Mike	2/7/05	email
3562	Kennelly	Todd	2/7/05	Letter
3563	O'Brien	Abigail	2/7/05	Letter
3564	Wineman	Robert & Margaret	2/7/05	Letter
3565	Fenner	Vanessa	2/7/05	Letter
3566	Ellis	Christopher	2/7/05	email
3567	Brandt	Norma	2/7/05	email
3568	Tuthill	William	2/7/05	email
3569	Schwartz	Seymour	2/7/05	email
3570	Race	Roger	2/7/05	email
3571	Ernst	Roger	2/7/05	email
3572	Saltonstall	William	2/7/05	email
3573	Carey	Sheridan	2/7/05	email
3574	Cohen	Joseph	2/7/05	email
3575	Vanderwarker	Peter	2/7/05	email
3576	Ubersax	Jack	2/7/05	email
3577	D'Alessio	Glenn	2/7/05	email
3578	Mahoney	Stephen	2/7/05	email
3579	Hartman	Berl	2/7/05	email
3580	O'Leary	Sen. Robert	2/8/05	Letter
3581	Liedell	James	2/8/05	letter
3582	Kittila	Raymond	2/8/05	email
3583	Nickerson	Warren	2/8/05	email
3584	Stelling	Valerie & John	2/8/05	email
3585	Moore	Randall	2/8/05	email
3586	Kennely	Todd	2/8/05	email
3587	Bartlett	Richard	2/8/05	letter
3588	Gehring	Erik	2/8/05	email
3589	Kleekamp	Charles	2/8/05	letter
3590	Miller	Lesley	2/8/05	letter
3591	Sommers	Richard	2/8/05	letter
3592	Rich	George	2/8/05	letter
3593	Mitrokostas	Spyro	2/8/05	letter
3594	Wirtanen	Mark	2/8/05	letter
3595	Weissman	Mark	2/8/05	letter
3596	Geist	Maggie	2/8/05	letter
3597			2/8/05	letter
3598	Kuhs	Dan	2/8/05	letter
3599	Young et al	Sharon	2/8/05	letter
3600	Leigh	Chuck	2/8/05	email
3601	Parker	Audra	2/8/05	letter
3602	Lowell	Francis	2/8/05	letter
3603	Beckerle	John	2/8/05	letter
3604	Jensen	Soren	2/8/05	letter
3605	Nickerson	Susan	2/8/05	letter
3606	Mangiafico	Jean	2/8/05	letter
3607	Molloy	Kenneth	2/8/05	letter
3608	Douglass	Jillian	2/8/05	email
3609	Nickerson	Warren	2/8/05	email
3610	Wattley	Glenn	2/8/05	letter
3611	McAuliffe	Suzanne	2/8/05	letter
3612	Bernardo	Thomas	2/8/05	letter
3613	Durkin	Barbara	2/8/05	letter
3614	Murray	Mike	2/8/05	email
3615	Urie	Elizabeth	2/8/05	email
3616	Sampson	Robert	2/8/05	email
3617	Taylor	Eliz	2/8/05	Minutes
3618	Bothwell	Robert	2/9/05	Email
3619	Sherwood	Lynn	2/9/05	letter
3620	Mahoney	Larry	2/9/05	letter
3621	Matthews	Dierdre	2/9/05	letter
3622	Marcus	Julius	2/9/05	letter
3623	Kurker	Wayne	2/9/05	letter
3624	Patrick	Sen. Matthew	2/9/05	letter
3625	Sullivan	Kerry	2/9/05	email
3626	Kingwill	Jay	2/9/05	email
3627	Eastman	Jim	2/9/05	email
3628	Good	Niel	2/9/05	email
3629	Bender	Eric	2/9/05	email
3630	Adams	Karen	2/9/05	Letter
3631	Nickerson	Susan	2/10/05	Letter
3632	McLaughlin, Jr	Charles	2/10/05	Letter
3633	Peckham	Stephen	2/10/05	Letter
3634	Palma	Edward	2/10/05	Email
3635	Kerrigan	Geraldine	2/10/05	Email
3636	Lynch	Thomas	2/10/05	Email
3637	Lord	Anita	2/10/05	email
3638	LaValle	Faye	2/10/05	email
3639	Melvin	Brenna	2/10/05	email
3640	Corcion	Kevin	2/10/05	email
3641	Boucher	Richard	2/10/05	email
3642	Valtsakis	Ann	2/10/05	email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
3643	Melling	Carmel	2/10/05	email
3644	Carroll	Cliff	2/10/05	facsimile
3645	Nickerson	Susan	2/10/05	facsimile
3646	Kerrigan	Geraldine	2/10/05	email
3647	Lynch	Thomas	2/10/05	email
3648	Palma	Edward	2/10/05	email
3649	Taylor	Eliz	2/10/05	Minutes
3650	Farrar	Kendall	2/11/05	letter
3651	Neill	Georgia	2/11/05	email
3652	Cawley	Pete	2/11/05	email
3653	Kates	Amy	2/11/05	letter
3654	Northrop	Christopher	2/11/05	email
3655	Pachico, et al	Thomas	2/11/05	letter
3656	Jahoda	John	2/12/05	email
3657	Litoff	Jacob	2/13/05	letter
3658	Chew	Ainsley	2/13/05	email
3659	Broughton	Linda	2/13/05	email
3660	Serpa et al	Margaret	2/14/05	letter
3661	Bates	Kenneth	2/14/05	letter
3662	Sampou	Peter	2/14/05	Letter
3663	Phillip	Connie	2/14/05	email
3664	Blickstein	Dena	2/14/05	email
3665	Holley	Chris	2/14/05	email
3666	LePage	Eric	2/14/05	email
3667	Lang	Vernon	2/15/05	memorandum
3668	Campbell	Mark	2/15/05	email
3669	Stockwell	Heather	2/15/05	email
3670	Pavia, Jr	Robert	2/15/05	email
3671	Stockwell	Elizabeth	2/15/05	email
3672	Russell	Louise	2/15/05	letter
3673	Giaccai	Sarah	2/16/05	letter
3674	Durkin	Barbara	2/16/05	letter
3675	Molloy	Kenneth	2/16/05	letter
3676	Nickerson	Susan	2/16/05	letter
3677	Rivera	David	2/16/05	email
3678	Serdy	Karen	2/16/05	email
3679	Viera	Maarc	2/16/05	email
3680	Greenberg	Noah	2/16/05	email
3681	Fisher	Kathy	2/16/05	email
3682	Fratic	Paul	2/16/05	email
3683	Dyer	John	2/16/05	email
3684	Thomas	Noah	2/16/05	email
3685	Jones	Kathryn	2/16/05	email
3686	Nickerson	Susan	2/16/05	letter
3687	Magruder	Mary	2/16/05	email
3688	Brown	Gary	2/17/05	letter
3689	Boles	Cathy	2/17/05	email
3690	Walker	John	2/17/05	email
3691	Weisman-Ross	Merith	2/17/05	email
3692	Yauch	Peter	2/17/05	email
3693	Milton	Sam	2/17/05	email
3694	Werman	Betty	2/17/05	email
3695	Pachter	Rachel	2/17/05	email
3696	Sylvester	Tracy	2/17/05	email
3697	Ranicki	Mary Lou	2/17/05	email
3698	Durkin	Barbara	2/17/05	email
3699	Eaton	Clifton	2/17/05	email
3700	Dewhirst	Mary	2/17/05	email
3701	Faucher	Janis	2/17/05	email
3702	Wawrzyniak	Chad	2/17/05	email
3703	Gismondi	Rosemary	2/17/05	email
3704	Betts	James	2/17/05	email
3705	Godfrey	John	2/17/05	email
3706	Coantonio	Victor	2/17/05	email
3707	Hill	D	2/17/05	email
3708	Taylor	Eliz	2/17/05	Minutes
3709	Lawton, Jr.	Robert	2/18/05	letter
3710	Rundall	John	2/18/05	letter
3711	Peck, Jr.	Leighton	2/18/05	email
3712	Gross	Kathy	2/18/05	email
3713	McCloughlin	Matt	2/18/05	email
3714	Schwartz	William	2/18/05	email
3715	Fiore	Robert	2/18/05	email
3716	L'Heureux	Richard	2/18/05	email
3717	Boles	Daryll	2/18/05	email
3718	Porter	Rosalie	2/18/05	email
3719	Bois	Teresa	2/18/05	email
3720	Donnelly	Deborah	2/18/05	email
3721	Force	Joshua	2/18/05	email
3722	franza	Paul	2/18/05	email
3723	Greer	Ed	2/18/05	email
3724	Smith	Phil	2/19/05	email
3725	Fiore	Robert	2/19/05	email
3726	Jonas	Carol	2/19/05	email
3727	Duffy	Catherine	2/19/05	email
3728	Mascioli	Rosalie	2/19/05	email
3729	Turcotte	Matt	2/19/05	email
3730	Faller	Frederick	2/19/05	email
3731	Epstein	Alisa	2/19/05	email
3732	Liles	Delphina	2/19/05	email
3733	Sheatsley	Jacob	2/19/05	email
3734	Howe	Caroline	2/19/05	email
3735	Hamm	John	2/19/05	email
3736	Gelbspan, et al	Ross	2/20/05	letter
3737	Inglis	Robert	2/20/05	email
3738	Woodring	Chuck	2/20/05	email
3739	Magruer	Andrew	2/20/05	email
3740	Palmer	Matt	2/21/05	letter
3741	Agen	Matthew	2/21/05	email
3742	Amburgh	Robert	2/21/05	email
3743	Elsasser	Scott	2/21/05	email
3744	Joyce	Terrence	2/21/05	email
3745	Wiesner	Nancy	2/21/05	email
3746	Gahagan	William	2/21/05	letter
3747	Simon	Brona	2/22/05	Letter
3748	Keleher	Richard	2/22/05	email
3749	Murphy	Lauri	2/22/05	email
3750	McAllister	Susan	2/22/05	email
3751	Sherry	Thomas	2/22/05	email
3752	Dube	Rachel	2/22/05	email
3753	Hooker	Todd	2/22/05	email
3754	Kershaw	Megan	2/22/05	email
3755	Adams	Kate	2/22/05	email
3756	Henry	William	2/22/05	email
3757	Garrison	Robert	2/22/05	email
3758	Root	Matt	2/22/05	email
3759	West	Nancy	2/22/05	email
3760	Nicholson	Katy	2/22/05	email
3761	Haskew	Derek	2/22/05	email
3762	McCarron	David	2/22/05	email
3763	McLaughlin	Charles	2/22/05	letter
3764	Sharpe	Casey	2/22/05	letter
3765	Langmuir	Bruce	2/22/05	letter
3766	Taylor	Elizabeth Elizabeth	2/22/05	Letter
3767	Bellingrath	Charles	2/23/05	letter
3768	Blount	Frank	2/23/05	letter
3769	Carpenter	John and Susan	2/23/05	email
3770	Chapman	George	2/23/05	email
3771	Marquis	Paul	2/23/05	email
3772	Harris	Rebecca	2/23/05	email
3773	Paulson	Rep. Anne	2/23/05	letter
3774	Bobman, et al	Douglas	2/23/05	letter
3775	Barber	Christine	2/23/05	email
3776	Scleslnger	Peter	2/23/05	email
3777	Warburg	Philip	2/23/05	letter
3778	Norton	Peter	2/23/05	letter
3779	Diodati	Paul	2/23/05	letter
3780	Osborne	Mark	2/23/05	email
3781	Emmons	Eric	2/23/05	email
3782	Dummer	Nathaniel	2/23/05	email
3783	Lennox	John	2/23/05	email
3784	Budlinger	Matthew	2/23/05	email
3785	Matthews	William	2/23/05	email
3786	D'Alessio	Glenn	2/23/05	email
3787	Crounse	Brian	2/23/05	email
3788	Saksena	Vinaya	2/23/05	email
3789	Abbott	Susan	2/23/05	email
3790	Moreau	Matthew	2/23/05	email
3791	Neill	Tyler	2/23/05	email
3792	Schley	Harriet	2/23/05	email
3793	Reccigno	Alison	2/23/05	email
3794	Grady	Anne	2/23/05	email
3795	Strachan	Tara	2/23/05	email
3796	Boyle	Betsy	2/23/05	email
3797	Wilson	David	2/23/05	email
3798	Coffin	Richard	2/23/05	email
3799	Watson	Gray	2/23/05	email
3800	Stempien	John	2/23/05	email
3801	Clowes	Alec	2/23/05	email
3802	Greene	Alma	2/23/05	email
3803	Carle	Pamela	2/23/05	email
3804	Babineau	Anne	2/23/05	email
3805	Berry	Ben	2/23/05	email
3806	Acevedo	NK	2/23/05	email
3807	Fisher	Kathy	2/23/05	email
3808	Garrity	Rob	2/23/05	email
3809	Pryor	Edward	2/23/05	email
3810	Kelleher	Julie	2/23/05	email
3811	Cronan	Nancy	2/23/05	email
3812	Miller	Lesley	2/23/05	email
3813	Longeteig	Karen	2/23/05	email
3814	Macleay	Steven	2/23/05	email
3815	Munger	Craig	2/23/05	email
3816	Monahan	Michael	2/23/05	email
3817	Stern	Andrew	2/23/05	email
3818	Vello	Donna	2/23/05	email
3819	Shedrick	Kathryn	2/23/05	email
3820	DesRoches	Kelley	2/23/05	email
3821	Langseth	James	2/23/05	email
3822	Crabtree	Bruce	2/23/05	email
3823	Dearman	Jeff	2/23/05	email
3824	Kerr	Deborah	2/23/05	email
3825	LaVigne	John	2/23/05	email
3826	Gilman	Edward	2/23/05	email
3827	Milardo	Richard	2/23/05	email
3828	Flomenhoft	Gary	2/23/05	email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
3829	Wright	Bill	2/23/05	email
3830	Goldin	Harriet	2/23/05	email
3831	Lovejoy	Nancy	2/23/05	email
3832	Jacobson	David	2/23/05	email
3833	Hambro	Bruce	2/23/05	email
3834	Wallace	Andrew	2/23/05	email
3835	Kelley	Peter	2/23/05	email
3836	Harrison	Donald	2/23/05	email
3837	Knapton	Carol and David	2/23/05	email
3838			2/23/05	email
3839	Angel	Dror	2/23/05	email
3840	Critchley	Jay	2/23/05	email
3841	Locke	Kris	2/23/05	email
3842	Brown, et al	Malcolm	2/23/05	email
3843	Hansen	Megan	2/23/05	email
3844	Rodgers	Moira	2/23/05	email
3845	Maloney	Shari	2/23/05	email
3846	White	Ed	2/23/05	email
3847	Rodgers	Mark	2/23/05	email
3848	Johnson	Laura	2/23/05	letter
3849	Polillo	Pat	2/23/05	email
3850	Amaral	Kimberly	2/24/05	letter
3851	Kennedy	Kit	2/24/05	letter
3852	Gorke	Frank	2/24/05	letter
3853	Chapoman	Keith	2/24/05	letter
3854	Schley	Sara	2/24/05	letter
3855	Young	Sharon	2/24/05	letter
3856	Kaplan	Seth	2/24/05	email
3857	Wattley	Glenn	2/24/05	email
3858	Foster	Eilleen	2/24/05	email
3859	Critchley	Jay	2/24/05	email
3860	Juliano	Bob	2/24/05	email
3861	Clark	Deborah	2/24/05	email
3862	Chapman	Marcia	2/24/05	email
3863	Wilcox	Meg	2/24/05	letter
3864	Bartlett	Michael	2/24/05	letter
3865	Lennox	John	2/24/05	letter
3866	Berkowitz	Glen	2/24/05	letter
3867	Donovan	Deborah	2/24/05	letter
3868	Wickersham	Jay	2/24/05	letter
3869	Johnson	Dan	2/24/05	email
3870	Mickley	Loretta	2/24/05	email
3871	Hennig	Ruth	2/24/05	letter
3872	Booth	Janie	2/24/05	email
3873	Hoch	Chris	2/24/05	email
3874	Ingersoll	Rachel	2/24/05	email
3875	Marien	Ken	2/24/05	email
3876	Hutchison	Allan	2/24/05	email
3877	Cullinane	Kim	2/24/05	email
3878	Hevert	Carl and Nora	2/24/05	email
3879	Putnam	Brent	2/24/05	email
3880	Bourgeois	Thomas	2/24/05	email
3881	Anderson	Gregory	2/24/05	email
3882	Remson	Jeff	2/24/05	email
3883	Albro	Michael	2/24/05	email
3884	Lawrence	Richard	2/24/05	email
3885	Harnish	Chris	2/24/05	email
3886	Nogee	Alan	2/24/05	email
3887	Ysaguirre	Wayne	2/24/05	email
3888	Waisman	Andi	2/24/05	email
3889	Graeff	Marcell	2/24/05	email
3890	Brooks	Peter	2/24/05	email
3891	Bowersox	Andrew	2/24/05	email
3892	Lannigan	Brian	2/24/05	email
3893	Krich	Abigail	2/24/05	email
3894	Williams	Susan	2/24/05	email
3895	Sommer	Anna	2/24/05	email
3896	Klun	Gale	2/24/05	email
3897	Hagopian	Tim	2/24/05	email
3898	Bell	Lauren	2/24/05	email
3899	Perry	Robert	2/24/05	email
3900	Russell	Robert	2/24/05	email
3901	Kluever	Rolf	2/24/05	email
3902	Damroth	David	2/24/05	email
3903	Clements	Guy	2/24/05	email
3904	Boehr	Rachel	2/24/05	email
3905	Sullivan	Robert	2/24/05	email
3906	Perez	Jessica	2/24/05	email
3907	Beinashowitz	Jack	2/24/05	email
3908	Krich	Laura	2/24/05	email
3909	May	Joshua	2/24/05	email
3910	Purnell	Morris	2/24/05	email
3911	Manatis	Anna	2/24/05	email
3912	Reyelt	Bill	2/24/05	email
3913	Marsh	Jonathan	2/24/05	email
3914	Reynolds	Robert	2/24/05	email
3915	Goldman	Daniel	2/24/05	email
3916	Clark	Dan	2/24/05	email
3917	Varney	Robert	2/24/05	letter
3918	Snow-Cotter	Susan	2/24/05	letter
3919	Gray	Michael	2/24/05	letter
3920	Packer	Eric	2/24/05	email
3921	Murray	Mary & Michael	2/24/05	email
3922	Kataisto	Jon	2/24/05	email
3923	Meenan	Mark	2/24/05	email
3924	Bonin	Donna	2/24/05	email
3925	Hale	Susanne	2/24/05	email
3926	Adey	Matt	2/24/05	email
3927	McNeany	Peter	2/24/05	email
3928	Gregg	Richard	2/24/05	email
3929	Thorp	Jed	2/24/05	email
3930	Abbott	Susan	2/24/05	email
3931	Shenholm	Nils	2/24/05	email
3932	Hutchins	Scott	2/24/05	email
3933	Brancazio	David	2/24/05	email
3934	McAlpine	Allan	2/24/05	email
3935	Snively	Helen	2/24/05	email
3936	Mavor	James	2/24/05	email
3937	Minotti	Tod	2/24/05	email
3938	Schaktman	Harvey	2/24/05	email
3939	Freytag	Katy	2/24/05	email
3940	Buck	Peter	2/24/05	email
3941	Huston	Christopher	2/24/05	email
3942	Levy	Eric	2/24/05	email
3943	Coequyt	John	2/24/05	email
3944	Lawrence	John	2/24/05	email
3945	Gundersen	Wesley	2/24/05	email
3946	Buck	Bernadette	2/24/05	email
3947	Young	Edward	2/24/05	email
3948	Tuthill	Gary	2/24/05	email
3949	Bellemore	Kimberly	2/24/05	email
3950	Hoyt	Kellie	2/24/05	email
3951	Lynch	Peter	2/24/05	email
3952	Lynch	Valerie	2/24/05	email
3953	Dettelbach	Michael	2/24/05	email
3954	Bromer	Peter	2/24/05	email
3955	Carney	Angela	2/24/05	email
3956	Manning	Peter	2/24/05	email
3957	Foster	RG	2/24/05	email
3958	Pachter	Rachel	2/24/05	email
3959	Kinney	James	2/24/05	email
3960	Hren	Jonathan	2/24/05	email
3961	Altman	Susan	2/24/05	email
3962	Gardner	Darien	2/24/05	email
3963	Berkoski	Lara	2/24/05	email
3964	Jackson	Dennis	2/24/05	email
3965	Berstein	Howard	2/24/05	email
3966	Butts	Christopher	2/24/05	email
3967	Abbott	Emily	2/25/05	email
3968	Betsch	Jonathan	2/25/05	email
3969	Kelly-Detwiler	Peter	2/25/05	email
3970	Keller	Jonathan	2/25/05	email
3971	Kalwa	Eugene	2/25/05	email
3972	Blittersdorf	John	2/26/05	email
3973	Fisher	Cathy	2/26/05	email
3974	Cree	Kim	2/26/05	email
3975	Bernal	Robert	2/27/05	email
3976	Vinces	Marcelo	2/27/05	email
3977	Wormser	Matt	2/28/05	email
3978	Delahunt	Sen. William	2/28/05	letter
3979	Burger	John	3/1/05	email
3980	Kaplan	Seth	3/1/05	letter
3981	Czerminski	Ryszard	3/2/05	email
3982	Cramp	Millard	3/3/05	email
3983	DiMario	Angelo	3/4/05	email
3984	Ricker	Jeff	3/5/05	email
3985	Hebert	Lee	3/7/05	email
3986	Jacobs	Christopher	3/8/05	email
3987	Anderson	Paul	3/8/05	email
3988	Hebert	Lee	3/8/05	email
3989	Wynroth	Barbara	3/10/05	email
3990	Costs	Demelza	3/11/05	email
3991	Colosi	Peter	3/11/05	letter
3992	Dewhirst	Chris	3/12/05	email
3993	Baker	Deborah	3/12/05	email
3994	Maguire	Kevin	3/16/05	email
3995	Chansombath	Tony	3/16/05	email
3996	Butler	Patrick	3/16/05	memorandum
3997	Nickerson	Susan	3/18/05	email
3998	Nelson	Diane	3/19/05	email
3999	Genet	Nico	3/23/05	email
4000	Sibley	Linda	3/24/05	letter
4001	Pitas	Mariana	3/25/05	email
4002	Campbell	Mark	3/25/05	email
4003	Sieger	Daniel	3/27/05	email
4004	Chelsa	Scott	3/28/05	email
4005	Perry	Clarence	3/28/05	email
4006	Lynch	Therese	3/31/05	Email
4007	Chance	Jonathan	3/31/05	Email
4008	Shaw	Norman	3/31/05	Email
4009	Robertson-Lora	Laurie	3/31/05	Email
4010	Iyman	Perry	4/1/05	Email
4011	Adams	Karen	4/4/05	Letter
4012	Nickerson	Susan	4/8/05	Letter
4013	Williams	Thomas	4/10/05	Email
4014	Nickerson	Susan	4/11/05	Letter

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
4015	Dennis	Lauren	4/12/05	Email
4016	Wilson	Pete	4/13/05	Email
4017	Breda	Bo	4/13/05	Email
4018	Slotnick	Laurynn	4/13/05	Email
4019	Viens	Chris	4/14/05	Email
4020	Chance	Jonathan	4/15/05	Email
4021	Tiffany	Peter	4/16/05	Email
4022	Lauzzana	Ray	4/20/05	Email
4023	Anable	Jason	4/20/05	Email
4024	Bruscoe	Ashley	4/20/05	Email
4025	Doyon	Kathryn	4/21/05	Email
4026	Thompson	Colleen	4/21/05	Email
4027	Locke	Heather	4/22/05	Email
4028	Larson	Philip	4/25/05	Email
4029	Magratten	Darcy	4/25/05	Email
4030	Glier	Michael	4/25/05	Email
4031	Schnack	Michael	4/25/05	Email
4032	Riordan	Dan	4/26/05	Email
4033	Thatcher	David	4/26/05	Email
4034	O'Rielly	Paul	4/26/05	Email
4035	Hutchison	William	4/26/05	Email
4036	Hutchison	William	4/26/05	Email
4037	Reine	Kathleen	4/29/05	Email
4038	Mathiasen	Helle	5/2/05	Letter
4039	Duffy	Dennis	5/5/05	Letter
4040	Papas	Jimmy	5/7/05	Email
4041	Jennings	Frank	5/7/05	Email
4042	Scannell	Richard	5/10/05	Email
4043	Carbonneau	Kim	5/11/05	Email
4044	Durkin	Barbara	5/12/05	Email
4045	Hewes	Michael	5/13/05	Email
4046	Cusick	Amy	5/19/05	Email
4047	Murphy	James	5/20/05	Email
4048	Belisle	Joseph	5/23/05	Email
4049	Knight	Dean	5/24/05	Letter
4050	Gau	John	5/24/05	Email
4051	Fowler	Dwight	5/24/05	Email
4052	Parker	Audra	5/25/05	Email
4053	Mulchahy	Andrew	6/1/05	Email
4054	Nelson	Gerard	6/1/05	Email
4055	Beinstein	Eric	6/4/05	Email
4056	Holmes	Brian	6/4/05	Email
4057	Forcellese, Jr.	Peter	6/8/05	Email
4058	Nickerson	Susan	6/8/05	Letter
4059	Celebre	Alice	7/4/05	Letter
4060	Nickerson	Susan	7/6/05	Letter
4061	Adams	Karen	7/19/05	Letter
4062	Simon	Brona	7/21/05	Letter
4063	Orr	Terry	7/21/05	Letter
4064	Durkin	Barbara	7/22/05	Email
4065	Taylor	Jo-ann	7/28/05	Letter
4066	Diodati	Paul	7/28/05	Letter
4067	Amorello	Mark	7/28/05	Letter
4068	Snow-Cotter	Susan	7/28/05	Letter
4069			7/29/05	Comments
4070	Nickerson	Susan	8/4/05	Letter
4071	Adams	Andrea	9/14/05	Phone Notes
4072	Vinick	Charles	10/20/05	Letter
4073	Vinick	Charles	11/29/05	Letter
4074	Durk	BJ	12/12/05	Email
4075	Dexter	Gregory	2/26/06	Letter
4076	Herlebaus	Thomas	2/26/06	Letter
4077	Simon	Simon	3/8/06	Letter
4078	Kerrigan	Mary	3/14/06	Letter
4079	Pace	Michael	3/14/06	Letter
4080	Cruickshank	Walter	3/16/06	Letter
4081	Meagher	Thomas	4/3/06	Letter
4082	Ullman	Sarah	4/3/06	Letter
4083	Lewis	David	4/5/06	Letter
4084	Altman	Susan	4/7/06	Letter
4085	Holland	Lee M	5/10/06	Letter
4086	Holland	Barbara	6/15/06	Email
4087	Bartlett	Michael	7/11/06	Letter
4088	Bartlett	Michael	7/11/06	Letter
4089	Taylor	Elizabeth	7/13/06	Letter
4090	Diodati	Paul	7/14/06	Letter
4091	Taylor	Elizabeth	7/14/06	Letter
4092	Diodati	Paul	7/14/06	Letter
4093	Elizabeth	Elizabeth	7/14/06	Letter
4094	Rector	Barry	7/26/06	Letter
4095	Vinick	Charles	9/22/06	Letter
4096	Bartlett	Michael	9/29/06	Letter
4097	Bartlett	Michael	1/5/07	Letter
4098	Rector	Barry	1/26/07	Letter
4099	Bowles	Ian	2/15/07	FEIR
4100	Bowles	Ian	2/15/07	FEIR
4101	Butler	Patrick	2/26/07	Letter
4102	Contos	Harris	2/26/07	Letter
4103	Vaughan	E. Foley	2/26/07	Letter
4104	Butler	Patrick	3/6/07	Letter
4105	Saben	James	3/12/07	Letter
4106	Contos	Harris	3/13/07	Letter
4107	Contos	Harris	3/13/07	Letter
4108	Taylor	Eliz	3/13/07	Minutes
4109	Butler	Patrick	3/16/07	Letter
4110	Butler	Patrick	3/16/07	Letter
4111	Morasco	William	3/18/07	Letter
4112	Bates	Ken	3/18/07	Letter
4113	Tracy	Dona	3/18/07	Letter
4114	Borjeson Ron	Rom Borjeson	3/18/07	Letter
4115	Lowell	Francis	3/18/07	Letter
4116	Rockwell	Heather Rockwell	3/18/07	Letter
4117	Gulliver	Cate	3/18/07	Letter
4118	Tacker	Lisa	3/18/07	Letter
4119	Young	Sandra	3/18/07	Letter
4120	Parker	Audra	3/18/07	Letter
4121	Peros	Jonathon	3/18/07	Letter
4122	Clark	Jules	3/18/07	Letter
4123	Vinick	Charles	3/18/07	Letter
4124	Steinhilber	Eric	3/18/07	Letter
4125	Taylor	Sandy	3/18/07	Letter
4126	Anton	Sara	3/18/07	Letter
4127	Dineen	Katie	3/18/07	Letter
4128	Butler	Pat	3/18/07	Letter
4129	Atsalis	Demetrius	3/19/07	Letter
4130	Weissman	Mark	3/19/07	Letter
4131	Grifffen	John	3/19/07	Letter
4132	Fanning	James	3/19/07	Letter
4133	Molloy	Kenneth	3/19/07	Letter
4134			3/19/07	Questions
4135	Liedell	James	3/19/07	Letter
4136	Stimpson	Christopher	3/19/07	Letter
4137	White	Peter	3/19/07	Letter
4138	Fuller	Marcia	3/19/07	Letter
4139	Kleekamp	Charles	3/19/07	Letter
4140			3/19/07	Newsletter
4141	Bauer	Parris	3/19/07	Letter
4142	Nickerson	Susan	3/19/07	Letter
4143	Carroll	Clifford	3/19/07	Letter
4144	Taylor	Eliz	3/19/07	Minutes
4145	Reilly	Martin	3/20/07	Letter
4146	Kiley	John	3/20/07	Letter
4147	Taylor	Eliz	3/21/07	Ltr
4148	Taylor	Eliz	3/21/07	Letter
4149	Taylor	Eliz	3/21/07	Minutes
4150	Dascombe	Phil	3/21/07	Mtg Notes
4151	Brigham	Anna	3/22/07	Email
4152	Wilkins	Douglas	3/22/07	Letter
4153	Weil	Ruth	3/22/07	Letter
4154	Peterson	Korrin	3/22/07	Letter
4155	Peterson	John	3/22/07	Letter
4156	French	Thomas	3/22/07	Letter
4157	Simon	Brona	3/22/07	Letter
4158	Carlisle	Bruce	3/22/07	Letter
4159	Diodati	Paul	3/22/07	Letter
4160	Durkin	Barbara	3/22/07	Email
4161			3/22/07	Comment FEIR
4162	Gordon	James	3/26/07	Letter
4163	Bowles	Ian	3/29/07	FEIR
4164	Nickerson	Sue	4/2/07	Letter
4165	Pear	Jeff	4/2/07	Email
4166	Dascombe	Phil	4/3/07	Mtg Notes
4167	Giles	Karen	4/4/07	Letter
4168	Bates	Ken	4/5/07	Email
4169	Pachter	Rachael	4/5/07	E-mail
4170	Dscombe	Phil	4/5/07	E-mail
4171	Dascombe	Phil	4/5/07	E-mail
4172	Dascombe	Phil	4/5/07	E-mail
4173	Dascombe	Phil	4/5/07	E-mail
4174	Butler	Patrick	4/6/07	Letter
4175	Ali	Lisa	4/8/07	Letter
4176	Butler	Pat	4/11/07	Letter
4177			4/13/07	Eng. Plans
4178	Dascombe	Phil	4/18/07	Mtg Notes
4179	Roskelley	Timonthy	4/20/07	Letter
4180	Dascombe	Phil	4/23/07	E-mail
4181	Olmsteed	Craig	4/26/07	Letter
4182	Dascombe	Phil	4/26/07	Mtg Notes
4183	Dascombe	Phil	4/27/07	E-mail
4184	Dascombe	Phil	4/30/07	E-mail
4185	Pachter	Rachael	5/3/07	E-mail
4186	Pachter	Rachael	5/3/07	E-mail
4187	Orr	Terry	5/4/07	E-mail
4188	Dascombe	Phil	5/4/07	E-mail
4189	Butler	Pat	5/7/07	Letter
4190	McGrath	Cynthia	5/7/07	Email
4191	Griswold	William	5/7/07	Letter
4192	Dascombe	Phil	5/7/07	E-mail
4193	Rosenzweig	David	5/8/07	E-mail
4194	Ekstrom	Ken	5/10/07	Letter
4195	Dascombe	Phil	5/10/07	Mtg Notes
4196	Birdsey	Barbara&Charles	5/11/07	Letter
4197	Taylor	Eliz	5/11/07	Minutes
4198	Olmsted	Craig	5/11/07	E-mail
4199	Taylor	Eliz	5/11/07	Ltr
4200	Hornig	Dana	5/14/07	Letter

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
4201	Egan	Gregory	5/15/07	Letter
4202	Oliva	Marie	5/15/07	Letter
4203	Rypka	William	5/15/07	Letter
4204	Harrington	Kevin	5/15/07	Letter
4205	Egan	Gregory	5/15/07	Letter
4206	Oleksak	Michael	5/16/07	Letter
4207	Molloy	Kenneth	5/16/07	Letter
4208	Turner	Cleon	5/16/07	Letter
4209	Shorsleeve	Brian	5/17/07	Letter
4210	Murray	Therese	5/17/07	Letter
4211	O'Leary	Robert	5/17/07	Letter
4212	Liedell	James	5/17/07	Letter
4213	Griswold	William	5/17/07	Letter
4214	Lowell	Francis	5/17/07	Letter
4215	Lynch	Thomas	5/17/07	Letter
4216	Hill	Barbara	5/17/07	Letter
4217	Parker	Monica	5/17/07	Letter
4218	Carroll	Clifford	5/17/07	Report
4219	Dascombe	Phil	5/18/07	Mtg Notes
4220	Cutler	Sherrie	5/20/07	Email
4221	Vinick	Charles Charles	5/21/07	Letter
4222	Counsell	Lindsey	5/21/07	Letter
4223	Cutler	Sherrie	5/21/07	Letter
4224	Cutler	Sherrie	5/21/07	Letter
4225	Butler	Pat	5/22/07	Letter
4226	Smith	Robert	5/23/07	Letter
4227	O'Leary	Robert	5/23/07	Letter
4228	Lamson	Wayne	5/23/07	Letter
4229	Scudder	David	5/23/07	Letter
4230	Griffin	John	5/23/07	Email
4231	Orr	Terry	5/24/07	E-mail
4232	Durkin	Barbara	5/28/07	Email
4233	Griswold	William	5/29/07	Ltr
4234	Dascombe	Phil	6/6/07	Mtg Notes
4235	Pachter	Rachael	6/8/07	Letter
4236	Dascombe	Phil	6/8/07	Ltr
4237	Ali	Sharuf	6/20/07	Letter
4238	Keller	John	6/20/07	E-mail
4239	Beckerie	John	6/20/07	E-mail
4240	Pachter	Rachael	6/25/07	Letter
4241	Pachter	Rachael	6/25/07	Fax
4242	Taylor	Eliz	7/13/07	Minutes
4243	French	Thomas	7/17/07	E-mail
4244	French	Thomas	7/17/07	Letter
4245	Dascombe	Phil	7/18/07	Mtg Notes
4246	Dascombe	Phil	7/18/07	Mtg Notes
4247	Dascombe	Phil	7/19/07	Ltr
4248	Dascombe	Phil	7/20/07	Fax
4249	Taylor	Eliz	7/21/07	Minutes
4250	Dascombe	Phil	7/24/07	E-mail
4251	Pachter	Rachael	7/31/07	Email
4252	Rosenzweig	David	8/3/07	Ltr
4253	Grover	Mary	8/3/07	Ltr
4254	Dascombe	Phil	8/3/07	E-mail
4255	Simon	Brona	8/6/07	Letter
4256	McElroy	Heather	8/13/07	E-mail
4257	Miller	Jean	8/24/07	Letter
4258	Griswold	William	8/24/07	Letter
4259	Butler	Patrick	8/29/07	Letter
4260	Butler	Patrick	8/29/07	Letter
4261	McLaughlin	Charlie	8/30/07	Email
4262	Pachter	Rachel	8/30/07	Email
4263	Dascombe	Phil	8/30/07	Email
4264	Dascombe	Phil	8/30/07	Email
4265	Dascombe	Phil	8/30/07	Email
4266	Dascombe	Phil	8/30/07	Email
4267	Dascombe	Phil	8/30/07	Email
4268	Dascombe	Phil	8/30/07	Email
4269	Sylvia	Terry	8/30/07	Letter
4270	Butler	Parick	8/31/07	Letter
4271	Dascombe	Phil	8/31/07	Email
4272	Silvia	Terry	8/31/07	Email
4273	Cutler	Sherrie	9/4/07	Email
4274	Carroll	Cliff	9/4/07	Email
4275	McGrath	Cynthia	9/4/07	Email
4276	Dascombe	Phil	9/4/07	Email
4277	Dascombe	Phil	9/4/07	Email
4278	Dascombe	Phil	9/4/07	Email
4279	Dascombe	Phil	9/4/07	Email
4280	Dascombe	Phil	9/4/07	Email
4281	Dascombe	Phil	9/4/07	Email
4282	Dascombe	Phil	9/4/07	Email
4283	Dascombe	Phil	9/4/07	Email
4284	Dascombe	Phil	9/4/07	Mtg Notes
4285	Dascombe	Phil	9/4/07	Mtg Notes
4286	Dascombe	Phil	9/4/07	Staff Report
4287	Rosenzweig	David	9/4/07	Letter
4288	McLaughlin	Charles	9/4/07	Email
4289	Elrick	Richard	9/5/07	Letter
4290	Harrington	Frank	9/5/07	Letter
4291	Bartlett	Richard	9/5/07	Email
4292	Ulian	Deke	9/5/07	Email
4293	Krause	Earl	9/5/07	Email
4294	Mullin	R.F.	9/5/07	Email
4295	Kleekamp	Charles	9/5/07	Email
4296	Elrick	Richard	9/5/07	Email
4297	White	Allison	9/5/07	Email
4298	Cabana	Peter	9/5/07	Email
4299	Good	Neil	9/5/07	Email
4300	Poyant	Jayne	9/5/07	Email
4301	Scudder	David	9/5/07	Letter
4302	Elrick	Richard	9/5/07	Letter
4303	Harrington	Frank	9/5/07	Letter
4304	Cutler	Sherrie	9/5/07	Letter
4305	Driscoll	Jane	9/5/07	Letter
4306	Orth	Donna	9/5/07	Letter
4307	Woodwell	Geroge	9/5/07	Letter
4308	Dascombe	Phil	9/5/07	Email
4309	Dascombe	Phil	9/5/07	Email
4310	Dascombe	Phil	9/5/07	Email
4311	Dascombe	Phil	9/5/07	Mtg Notes
4312	Giles	Karen	9/5/07	Letter
4313	Ali	Sharif	9/5/07	Letter
4314	Hill	Barbara	9/6/07	Letter
4315	Hill	Barbara	9/6/07	Letter
4316	Atsalis	Demetrius	9/6/07	Letter
4317	Patrick	Matthew	9/6/07	Letter
4318	Schultz	Konrad	9/6/07	Letter
4319	Liedell	James	9/6/07	Letter
4320	Cottingham	David	9/6/07	Letter
4321	Durkin	Barbara	9/6/07	Letter
4322	Curran	Mary Jane	9/6/07	Letter
4323	Kleekamp	Charles	9/6/07	Letter
4324			9/6/07	Letter
4325	Asmutis-Silva	Regina	9/6/07	Letter
4326	French	Thomas	9/6/07	Letter
4327	Argo	Liz	9/6/07	Letter
4328	Dhooge	Gerard	9/6/07	Letter
4329	Rogers	John	9/6/07	Letter
4330	Mosby	Doc	9/6/07	Email
4331	Counsell	Lindsey	9/6/07	Email
4332	Kurker	Wayne	9/6/07	Email
4333	Butler	Patrick	9/6/07	Email
4334	Elrick	Richard	9/6/07	Email
4335	Lamson	Wayne	9/6/07	Letter
4336			9/6/07	Letter
4337	Dascombe	Phil	9/6/07	Email
4338	Dascombe	Phil	9/6/07	Email
4339	Dascombe	Phil	9/6/07	Email
4340	Dascombe	Phil	9/6/07	Email
4341	Butler	Pat	9/6/07	Letter
4342	Butler	Pat	9/6/07	Letter
4343	Aylmer	Irene	9/6/07	Letter
4344	Scudder	David	9/7/07	E-mail
4345	Buckley	Stephen	9/7/07	E-mail
4346	Gifford	Peggy	9/7/07	Letter
4347	Kennedy	Kathleen	9/7/07	Letter
4348	Butler	Patrick	9/7/07	Letter
4349	Mosley	Doc	9/7/07	Letter
4350	Scannell	Steven	9/7/07	Letter
4351	Spillane	John	9/7/07	Email
4352	Kleekamp	Charles	9/7/07	Email
4353	Regan	Jamie	9/7/07	Email
4354	Kennedy	Suzanne	9/7/07	Email
4355	Cramp	Millard	9/7/07	Email
4356	Tracy	Dona	9/7/07	Email
4357	Neil	Good	9/7/07	Email
4358	Buckley	Stephen	9/7/07	Email
4359	Lawton	Robert	9/7/07	Email
4360	Mosby	Quincy	9/7/07	Email
4361	Lamson	Wayne	9/7/07	Email
4362	Kurker	Wayne	9/7/07	Email
4363	Dascombe	Phil	9/7/07	Email
4364	Tracy	Dona	9/7/07	Email
4365	Dineen	Patricia	9/7/07	Email
4366	Dineen	Patricia	9/7/07	Letter
4367	Ryypka	William	9/7/07	Letter
4368	Keith	Jocelyn	9/7/07	Letter
4369	Dascombe	Phil	9/8/07	Mtg Notes
4370	Molloy	Ken	9/8/07	Email
4371	Duffley	Diana	9/8/07	Letter
4372	Cloutier	Nola	9/9/07	Email
4373	Durk	BJ	9/9/07	Email
4374	Barrett	Edward	9/9/07	Email
4375	Durk	BJ	9/10/07	Email
4376	Kleekamp	Charles	9/10/07	Report
4377	Cliff	Carol	9/10/07	Testimony
4378	Butler	Pat	9/10/07	Testimony
4379	Shortsleeve	Brian	9/10/07	Letter
4380	Pace	J. Ellen	9/10/07	Letter
4381	Wilson	John	9/10/07	Letter
4382	Kurker	Wayne	9/10/07	Letter
4383	Bates	Ken	9/11/07	Email
4384	Durk	BJ	9/11/07	Email
4385	Rypka	Bill	9/11/07	Email
4386	Cox	Liz	9/11/07	Email

APPENDIX J

CAPE WIND CORRESPONDENCE

	Last Name	First Name	Date	Correspondence Type
4387	Butler	Pat	9/11/07	Email
4388	McLaughlin	Charles	9/11/07	Email
4389	McLaughlin	Charles	9/11/07	Email
4390	Keith	Jocelyn	9/11/07	Letter
4391	Rodney	Cluck	9/11/07	Email
4391	Rosenzweig	David	9/12/07	EFSB Pet.
4392	Mroczka	Ed	9/12/07	Email
4393	Ingraham	Nan	9/12/07	Email
4394	Keith	Jocelyn	9/12/07	Email
4395	Rosenzweig	David	9/12/07	Email
4396	Rosenzweig	David	9/12/07	Letter
4397	Dascombe	Phil	9/12/07	Fax
4398	Douglas	Jane	9/12/07	Letter
4399	Slence	Larry	9/12/07	Letter
4400	Barclay	David	9/12/07	Letter
4401	Dascombe	Phil	9/12/07	Email
4402	McAuliffe	Suzanne	9/12/07	Fax
4403	Daley	Patty	9/12/07	Email
4404	Hill	Barbara	9/12/07	Email
4405	Dascombe	Phil	9/12/07	Email
4406	Dascombe	Phil	9/12/07	Email
4407	Cooper	Margaret	9/13/07	Email
4408	Durk	BJ	9/13/07	Email
4409	McLaughlin	Charles	9/13/07	Email
4410	Dascombe	Phil	9/13/07	Mtg notes
4411	Lawton	Robert	9/13/07	Ltr
4412	Cambareri	Tom	9/13/07	Email
4413	Lawton	Robert	9/13/07	Ltr
4414	McLaughlin	Charles	9/14/07	Email
4415	McLaughlin	Charles	9/14/07	Email
4416	Durkin	BJ	9/14/07	Email
4417	Dascombe	Phil	9/14/07	Email
4418	Lawton	Robert	9/14/07	Ltr
4419	Miele	Stephanie	9/15/07	Email
4420	Richardson	Wes	9/16/07	Letter
4421	Richardson	Wesley	9/16/07	Email
4422	Dineen	Patricia	9/16/07	Ltr
4423	Adams	Andrea	9/17/07	Phone Notes
4424	Dascombe	Phil	9/17/07	Email
4425	Hill	Barbara	9/17/07	Email
4426	Ostroff	Ann-Beth	9/17/07	Email
4427	Lawton	Rpbert	9/17/07	Ltr
4428	Dascombe	Phil	9/18/07	Mtg Notes
4429	Dascombe	Phil	9/18/07	Email
4430	Olmsted	Craig	9/18/07	Ltr
4431	Olmsted	Craig	9/18/07	Fax(extension)
4432	Pachter	Rachel	9/18/07	Email
4433	Foy	George	9/18/07	Email
4434	Cahoon	Barbara	9/18/07	Email
4435	Berner	Cliff	9/18/07	Ltr
4436	Fizell	Weldon	9/18/07	Ltr
4437	Egan	Gregory	9/18/07	Ltr
4438	Dascombe	Phil	9/18/07	Phone Notes
4439	Martin	Dick	9/19/07	Ltr
4440	Lawler	Nicholas	9/19/07	Ltr
4441	Dascombe	Phil	9/19/07	Email
4442	Dascombe	Phil	9/19/07	Email
4443	Dascombe	Phil	9/19/07	Email
4444	Murphy	Roberta	9/19/07	Email
4445	Cambareri	Tom	9/19/07	Email
4446	Dascombe	Phil	9/19/07	Email
4447	Lawton	Robert	9/19/07	Ltr
4448	Weil	Ruth	9/20/07	Ltr
4449	Oleksak	Mike	9/20/07	Ltr
4450	Ramsey	John	9/20/07	Email
4451	McGrath	Cynthia	9/21/07	Email
4452	Butler	Pat	9/21/07	Ltr
4453	Cox	Liza	9/21/07	Email
4454	Olmsted	Craig	9/22/07	Ltr
4455	O'Neill	Brendan	9/23/07	Ltr
4456	O'Neill	Brendan	9/24/07	Email
4457	Dascombe	Phil	9/25/07	Email
4458	Perry	Richard	9/26/07	Email
4459	Dascombe	Phil	9/27/07	E-mail
4460	Dascombe	Phil	9/27/07	Ltr
4461	Johnson	Patricia	9/27/07	Letter
4462	Payne	Richard	9/27/07	E-mail
4463	Kaczynski	Stanley	9/28/07	Letter
4464	Pachter	Rachael	10/1/07	Ltr
4465	Dascombe	Phil	10/1/07	Ltr
4466	Brigham	Anna	10/3/07	Ltr
4467	Cox	Liza	10/3/07	Email
4468	Moritz	Kirstin	10/3/07	Email
4469	Dascombe	Phil	10/4/07	Phone Notes
4470	Dascombe	Phil	10/5/07	Email
4471	Dascombe	Phil	10/5/07	Email
4472	Dascombe	Phil	10/5/07	Email
4473	Dascombe	Phil	10/5/07	Email
4474	Dascombe	Phil	10/5/07	Email
4475	Dascombe	Phil	10/5/07	Email
4476	Dascombe	Phil	10/5/07	Email
4477	Dascombe	Phil	10/5/07	Email
4478	Dascombe	Phil	10/5/07	Email
4479	Dascombe	Phil	10/5/07	Email
4480	Dascombe	Phil	10/5/07	Email
4481	Dascombe	Phil	10/5/07	Email
4482	Dascombe	Phil	10/5/07	Ltr
4483	Butler	Pat	10/8/07	Letter
4484	Dascombe	Phil	10/9/07	E-mail
4485	Dascombe	Phil	10/9/07	Email
4486	Dascombe	Phil	10/10/07	E-mail
4487	Dascombe	Phil	10/10/07	E-Mail
4488	Dascombe	Phil	10/16/07	Phone Notes
4489	Lord	William	10/15/07	E-mail
4490	Wadsworth	E.N.	10/15/07	E-mail
4491	Butler	Pat	10/15/07	Letter
4492	Munson	Cal	10/16/07	E-mail
4493	Lohe	Werner	10/16/07	E-mail
4494	Dascombe	Phil	10/16/07	Email
4495	Hafner	Erika	10/16/07	E-mail
4496	Rosenzweig	David	10/16/07	Letter
4497	Vale	Shanna	10/17/07	Letter
4498	Vale	Shanna	10/17/07	E-mail
4499	Wattley	Glen	10/17/07	Letter
4500	Taylor	Sandy	10/17/07	E-mail
4501	Jones	Robert	10/18/07	Decision
4502	deMartin	Jessica	10/18/07	E-mail
4503	Giles	Karen	10/18/07	Letter