



Nuclear Regulatory Commission

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Docket # - 05200016

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Withdrawn:

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NRC000030  
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US Army Corps of Engineers

New England District

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Cape Wind Energy Project Permit Application

Cape Wind Associates, LLC

Executive Summary

After reviewing the Environmental Impact Statement and Record of Decision on the Cape Wind, LLC wind energy facility proposal to construct 130 wind turbines in Nantucket Sound, Mass., that was compiled by the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), the U.S. Army Corps of Engineers, New England District has made its determination under Section 10/Section 404 jurisdiction to issue a Corps permit for the proposal.

The application for the Cape Wind wind energy facility federal permit was filed with the Corps of Engineers in compliance with Section 10 of the Rivers and Harbors Act, which provides for federal regulation of any work in, or affecting navigable waters of the United States; and with Section 404 of the Clean Water Act, which regulates the discharge or fill of material in United States waters, including wetlands. The Corps completed its Section 10/404 permit review and [Record of Decision](#) on Jan. 5, 2011 and issued a [Corps permit](#) for the proposal.

In November 2001, Cape Wind, LLC submitted an application to the Corps of Engineers for a permit to install wind turbine generators on the Outer Continental Shelf in Nantucket Sound off the coast of Massachusetts. The Corps of Engineers completed a Draft Environmental Impact Statement (DEIS) in November 2004.

The Energy Policy Act of 2005 provided for Minerals Management Service to develop a program for leasing offshore areas for renewable energy projects. This made MMS the lead federal agency responsible for the environmental review of the Cape Wind proposal. The comments to the Corp DEIS were incorporated as scoping comments for the DEIS being undertaken by MMS in accordance with their new program requirements.

The Corps of Engineers has been a cooperating agency in the environmental review of the wind farm proposal and relied upon the Minerals Management Service as the lead federal agency to address the requirements of the National Environmental Policy Act (NEPA). The MMS, now known as the [Bureau of Offshore Energy Management, Regulation and Enforcement](#), has completed its [Final EIS and Record of Decision](#). The Corps has now completed a Section 10 and Section 404 permit review. Section 10 of the Rivers and Harbors Act provides for federal regulation of any work in, or affecting navigable waters of the United States. Section 404 of the Clean Water Act regulates the discharge of dredged or fill material into waters of the United States.

For more information, please contact the [Permit Manager](#), by e-mail or by calling 978-318-8338 or calls from Massachusetts 1-800-362-4367, all other areas 1-800-343-4789.

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