



THE SECRETARY OF THE INTERIOR  
WASHINGTON

FEB 03 2010

Memorandum

To: Deputy Inspector General

From: Secretary *Ken Salazar*

Subject: *Cape Wind Associates, LLC* Investigative Report

Thank you for your investigative report entitled *Cape Wind Associates, LLC*, which examines the handling of the Cape Wind permit application process by the Minerals Management Service in 2008 and early 2009. As explained in the report, the primary concern addressed in your investigation was whether the final Environmental Impact Statement for the Cape Wind project was compromised due to the previous Administration's desire to publish the EIS before leaving office.

As summarized in your memorandum to me: "Our investigation determined that MMS did not violate provisions of NEPA in completing the final EIS for the proposed offshore wind farm." You noted, however, that "several of the Federal agencies that worked with MMS in preparing the final EIS were concerned that its completion was unnecessarily rushed by MMS' desire to publish the report prior to the end of the previous administration." Your conclusion that "none of the agencies believes that MMS' timeline affected their overall conclusions" is particularly important. Concerns raised by agencies that the timelines "prevented them from being as thorough in their reviews as they would have desired" indicates that there was room for improvement in the previous Administration's handling of the process.

In reaching the conclusion that the final EIS was not the subject of improper influence or otherwise deficient, your report set forth a substantial amount of background information regarding the environmental impact analysis that the MMS conducted for the project, as well as reviews conducted by the U.S. Fish and Wildlife Service, United States Coast Guard, Federal Aviation Administration, and U.S. Environmental Protection Agency. In order to ensure that our Department provides due consideration to your report, I am directing Deputy Secretary David Hayes to work with our Solicitor, Ms. Hilary Tompkins, to review the report and provide recommendations to me regarding those issues that are material to the Department's upcoming Cape Wind decision.

Although the Cape Wind permitting process began several years before the establishment of the offshore renewable energy regulations that we finalized in April 2009, I want to ensure that we are considering how your report's recommendations might further strengthen this new framework, which we expect will bring added clarity and certainty to the permitting of future offshore renewable energy permits. To this end, I am directing Deputy Secretary Hayes and Assistant Secretary for Land and Minerals Management Wilma Lewis to develop recommendations for me on optimizing the permitting of offshore wind projects in a manner that comports with all legal

requirements, including the Department's new regulations that apply to all future offshore wind projects. The Cape Wind project application process and your report provide an important opportunity to learn lessons that will be beneficial for future projects of this nature. I ask you to provide your help and insights into these recommendations.

Thank you for your help in this matter.