

Congress of the United States
Washington, DC 20515

July 8, 2009

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20050

Dear Mr. President,

We write today to commend you for your bold proposal to develop a “National Policy for the Oceans, Our Coasts, and the Great Lakes,” which is urgently needed as we work to deal with the enormous challenges facing these vital resources that have been taken for granted for so long. Our current piecemeal approach to the stewardship of our marine resources has resulted in fragmented decision-making, inadequate protections, and unnecessary conflicts between economic, fisheries management, environmental, tribal, cultural, navigational, and energy development priorities.

With your leadership and understanding of the complex issues facing these resources, we finally have an opportunity to achieve a rational policy to protect these irreplaceable assets, reach an appropriate balance between competing interests, and ensure the long-term sustainability of our coastal regions, oceans, and the Great Lakes. We pledge our cooperation with the Task Force, led by the Chairman of the Council on Environmental Quality, as it works to develop this policy.

One of the Task Force’s key responsibilities, as your June 12th Memorandum makes clear, is to “develop, with appropriate public input, a recommended framework for effective coastal and marine spatial planning” resulting in a “comprehensive, integrated, ecosystem-based approach that addresses conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources.” Because we share your view that such a framework is imperative, we’re compelled to alert you of a situation with respect to a specific development that threatens to undermine the Task Force’s efforts unless the Administration takes swift action.

The US Minerals Management Service (MMS) is currently reviewing a proposed industrial-scale energy development project in an area of Nantucket Sound that presents significant economic, environmental, cultural, navigational safety (both marine and aviation), resource management, and tribal conflicts. The site was chosen by a private developer solely on the basis of private commercial interests, and the proposal’s review was initiated before current laws and policies calling for comprehensive ocean planning and site protection were in effect.

Unfortunately, the MMS review of the controversial Cape Wind proposal is still being conducted and carried out before the Administration's own offshore renewable energy development program is completed, and without the benefit of the marine spatial planning principles that the Task Force is charged with developing. These "rules of the road" should be established first, before any large-scale industrial energy project is approved in any of our coastal waters – especially an area such as Nantucket Sound, which has been deemed worthy of consideration for possible designation as a National Marine Sanctuary – if we're truly going to have a National Oceans Policy.

We don't believe the Administration intended to devise a comprehensive policy for guiding the development and resource management of our oceans, coastal regions, and the Great Lakes that would not apply to Nantucket Sound, or any other specific area. But we're extremely concerned that the manner in which MMS is proceeding on the Cape Wind proposal is leading to that unfortunate result – without any legal or policy basis for doing so.

Accordingly, we urge the Administration to take the following steps to ensure that no area proposed for development – particularly one that presents as many resource conflicts as Nantucket Sound – be subject to a different set of regulations and policies than those the Task Force will apply to all others.

First and foremost, we ask that your Administration confirm that no further action will be taken on the Cape Wind proposal for Nantucket Sound until the Task Force has completed its work and the proposed project site has been made subject to a marine spatial planning framework consistent with the policy called for in your June 12th Memorandum.

In addition, because this is the first true "top to bottom" review of our nation's oceans policies, we ask that you direct the Task Force to give full consideration to providing protected status for Nantucket Sound. Such possibilities include designation of the Sound as a National Marine Sanctuary or National Monument, designation as a Marine Protected Area under Executive Order 13158, possible inclusion on the National Register of Historic Places as a Tribal Cultural Property, or other appropriate classifications that will preserve its multiple public interest values and avoid the otherwise inevitable conflicts between these values and the proposed energy project.

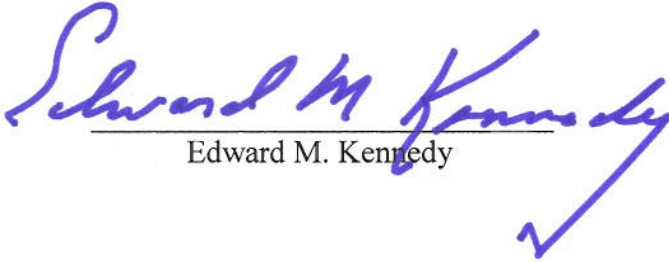
As currently available information indicates, many sites may be suitable for offshore renewable energy development. But there are very few proposed development sites anywhere that present the unique combination of environmental, economic, fisheries management, historical, cultural, navigational safety (aviation and marine), and tribal conflicts that are found in Nantucket Sound.

We're proud of your leadership in establishing a Task Force to design a National Policy for the Oceans, Our Coasts, and the Great Lakes. In our view, it represents the best opportunity to ensure the long-term sustainability of these critical resources.

We're extremely concerned, however, that the Task Force's goals may be compromised unless it examines all of our nation's coastal, oceanic, and Great Lakes assets. We believe it is essential that the resources of Nantucket Sound be included in the Task Force's considerations regardless of a private developer's financial interest in obtaining federal approval before the work of the Task Force is completed.

With great respect and admiration, and many thanks for your consideration of our request.

Sincerely,



Edward M. Kennedy



William D. Delahunt