**Transcript: Windfall, Part 2: Please Let Me Finish, Mr. Kennedy**

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Annie Ropeik: When Barack Obama was elected President, his administration had a big decision to make: whether or not to approve America’s first ever offshore wind farm. A project in federal waters called Cape Wind.

Sam Evans-Brown: The Obama administration said it had three priorities: renewable energy, preserving history, and tribal rights. When it came to Cape Wind, there was just one problem.

**CHERYL ANDREWS-MALTAIS: So when I received the environmental impact study, which was the final, I was shocked because we had not been engaged or informed. And then, you know, seeing what that impact was just really, really rather floored me.**

Annie Ropeik: That’s [Cheryl Andrews-Maltais, the chairwoman](https://wampanoagtribe-nsn.gov/bios) of the Wampanoag Tribe of Gayhead - Aquinnah. Cheryl told us that — at every step of the way — the government had skirted around her tribe.

**CHERYL ANDREWS-MALTAIS: It was almost like, “Oh! We didn't know you guys were around.” And it’s like, “Amazing! You didn't look!”**

Annie Ropeik: Cheryl leads one of two tribes that decided to oppose the project — the other is the Mashpee. Their history goes back to the last Ice Age. When the seas were lower than they are today. They lived in places that are now covered by the ocean.

**CHERYL ANDREWS-MALTAIS: The archeological evidence of our presence, you know, robust culture and civilization, a lot of it is buried underwater.**

Sam Evans-Brown: Now, Cheryl says it’s obvious to her that there must be archeological remains of her people underwater. Especially in places where the tribe’s oral history says they lived. Places like the exact location where America’s first offshore wind farm was gonna be built.

**CHERYL ANDREWS-MALTAIS: So knowing where those wind turbines were going to be and that it was going to be an industrial park, it would basically obliterate for all time the evidence that we know that, you know, the science of archeology has not caught up to our oral tradition and our oral history.**

Annie Ropeik: A few months before the Obama administration prepared to make its final decision on the wind farm, they sent the Secretary of Interior on a sort of charm offensive. This was the person who would make the final decision, and a man who often wore bolo ties and cowboy hats for public appearances.

**SalazAnnie Ropeik: It’s important that we respect our relationship with the nation’s first americans…**

Sam Evans-Brown: Maybe they were trying to right the wrong of having not consulted the tribes… maybe they were just concerned about how it all looked. But either way, years later, here’s how Cheryl said that meeting went down.

**CHERYL ANDREWS-MALTAIS: The questions that were being posed is basically leaning towards, so what is it going to take to make you agree? What can we offer so that the tribe will stop fighting us on getting this project done? And I looked and said, pointed to those beautiful, expensive, multi-million dollar homes owned by all of these non-Indian, non-native people and sat there and said, This is our homelands. Look at what we deal with. Not one of these homes are ours, or could be afforded by us. All we have is our history and our culture. And you're asking me what it's going to take for us to erase that history? And I said there is no price.**

 **O/I THEME**

Annie Ropeik: From New Hampshire Public Radio, this is Windfall. A special series from Outside/In. I’m Annie Ropeik.

Sam Evans-Brown: And I’m Sam Evans-Brown.

Last time on *Windfall* -- we spoke to the Danish engineer who invented the modern wind turbine -- Henrik Stiesdal, who people call “the father of wind energy.”

Stiesdal has watched the offshore wind industry transform from a few turbines in the North Sea 30 years ago -- to an industry that is growing exponentially. And what Henrik told us is that the year the growth curve exploded -- was 2010.

Annie Ropeik: And that’s interesting. Because in 2010, when offshore wind was exploding in Europe -- here in the U.S. it was IMploding.

In this episode, we’re gonna learn why the U.S. is so far behind in this leg of the race against climate change. We’ll go back to the moment when America took a BIG step across the starting line, and then slowly, excruciatingly, it pointed the starting gun straight down, and shot itself in the foot.

**JIM GORDON: This wind farm is gonna be embraced by the Cape Cod community.**

**TED KENNEDY: This is a boondoggle! It’s a great deal for this developer.**

**JIM GORDON: It’s gonna be embraced by the nation.**

**PROTESTORS: Fight with people-power for wind power!**

**PROTESTOR: I’m asking you to be heroes here. Make a few sacrifices.**

**SEAN CORCORAN: We live in a post-truth world now? It certainly felt like a post-truth world then too. You did not know who to believe.**

Sam Evans-Brown: For this episode, we’re gonna hand things over to Senior Producer Jack Rodolico. We sent him deep into the archives to figure out where the Cape Wind story started - how things fell apart - and what it all means for this moment we’re in right now. Here’s Jack.

*[Music fades]*

Jack Rodolico:: [The first time *The Boston Globe* printed the words “Cape Wind”](https://www.newspapers.com/image/442181821/), President George W. Bush was in his first year in office. And by the time the wind farm was [declared dead](https://www.newspapers.com/image/444813184/?terms=%22cape%20wind%22%20%22gordon%22&match=1)? Donald Trump was in his first year in the White House. Sixteen years. It was a nasty fight. Polarizing, even by today’s standards. And honestly — kind of zany.

Cape Wind was first proposed as 170 turbines, and it was later scaled back to 130. That’s a big wind farm - 420 MW, or about 85 Vindebys. And the guy who dreamed it up was Jim Gordon.

**JIM GORDON: Here we were thinking that we could develop a project that could produce over 75 percent of the Cape and Islands electricity with zero fuel consumption, zero pollutant emissions. What's not to like about that?**

 **MUSIC IN**

Jim Gordon is an energy entrepreneur. And he says he always wanted to be a part of an energy transition.

In the 80s and 90s, he built power plants that run on natural gas -- which burns a bit cleaner than oil and coal.

In 2000, he sold his power plants, five of them, for [an estimated $250 million dollars](https://www.newspapers.com/image/442181894/).

And then, he made a leap into the renewable energy market.

He took a trip to Denmark. And he had his “lightbulb” moment: offshore wind.

**JIM GORDON: And looking at New England, it’s very similar to Northern Europe in that it’s densely populated, not a lot of land, but it does have a long coastline ….**

When he came back, he found what he thought was the perfect spot for a wind farm. It was even in his home state, Massachusetts.

**JIM GORDON:But it had an enormous amount of wind. And it had really a perfect site to develop an offshore wind farm.**

 **MUSIC OUT**

[**SEAN CORCORAN**](https://my.sonix.ai/recordings/1QZRjEkQ)**: The interesting thing here is that there were no rules for where turbines could go in the ocean. It was almost like no one had even thought about it.**

This is Sean Corcoan. In the mid aughts, he took a job as a reporter and editor at a tiny public radio station on Cape Cod called WCAI. And Sean here is pointing to the thing that would plague Jim Gordon for the next 16 years.

The U.S. government did have a lot of rules for EXISTING uses of federal waters: fishing to the right, shipping lanes on the left, watch out for the whales.

Wind turbines? No.

**SEAN CORCORAN: And so Jim Gordon just got to decide. I want to put it there.**

THERE. Let’s talk about THERE. Because *this* location in particular would highlight just how unprepared the government was - and it would open this whole thing up to layer upon layer of chaos.

After checking with some lawyers, Jim Gordon realized the authority to permit an offshore wind farm rested with the Army Corps of Engineers - because of something called the “Rivers and Harbors Act”. That law says the Army Corp governs, [quote](https://www.fws.gov/laws/lawsdigest/riv1899.html), “any wharf, pier, … breakwater, bulkhead, jetty, or other structures” out on the continental shelf.

It was passed by Congress -- in 1899.

Jim Gordon was gonna need approval from a federal agency that had never permitted anything like this -- AND that was given its authority by Congress at a time when windmills were made of wood.

**MUSIC SWELL**

The spot Jim chose was Nantucket Sound.

It’s south of Massachusetts, tucked between Cape Cod and two islands, Nantucket and Martha’s Vineyard.

**PROMO: Martha’s Vineyard is located just off Cape Cod. This island was once called Nopi, meaning “amid the water” by Wampanoag Native Americans.... [fades down]**

Nantucket Sound is twenty-plus miles across, which means the MIDDLE of the sound is far enough from Massachusetts to be [under the jurisdiction of the federal government](https://charts.noaa.gov/PDFs/13237.pdf). That’s where Jim wanted to build his wind farm - out there, in the middle.

**JIM GORDON: So, this was federal waters. It was as much owned by me as it was you or people in Idaho or Washington state. This was federal waters owned by all the people in the United States.**

But it was just a little donut hole of federal waters… almost completely surrounded by Massachusetts waters.

**SEAN CORCORAN: I mean, all those pictures of the Kennedy family, you know, with the windswept hair and on boats, that was all Nantucket Sound.**

[**ROBERT KENNEDY J.R.**](https://my.sonix.ai/recordings/rxwLOXeQ)**: That is impossible.**

**JIM GORDON: Robert, you're mixing apples and oranges.**

**ROBERT KENNEDY J.R.: No I'm not. I haven’t finished yet.**

**JIM GORDON: We are not privatizing.**

**ROBERT KENNEDY J.R.: I haven’t finished yet. I let you finish. Let me finish. If you’re allowed to privatize the territorial seas…**

**MUSIC**

This is Jim Gordon on a nationally syndicated radio show after he announced his plans to build Cape Wind. And he’s trying to get a word in with a very angry Kennedy. Robert F. Kennedy, Jr. - son of RFK and nephew of JFK.

Today, he’s [mostly known as an anti-vaxxer](https://www.npr.org/sections/coronavirus-live-updates/2021/02/11/966902737/instagram-bars-robert-f-kennedy-jr-for-spreading-vaccine-misinformation). Twenty years ago he was a [mainstream environmental crusader](https://www.ecowatch.com/robert-f-kennedy-jr-1881547095-1881547095.html). And a lover of Nantucket Sound.

**JIM GORDON: Please let me finish, Mr. Kennedy. Number two.**

**ROBERT KENNEDY JR: Listen, how am I gonna take or anybody going to take their kids out on a boat? What if the engine dies when you're upwind of one of those -- or what if the sail breaks when you're upwind of one of those towers?**

**ANCHOR: Look, we’ve covered some of this ground before...**

**MUSIC**

The thing that came to characterize the opposition to Cape Wind - the angle the national media LOVED and would hit [again](https://www.nytimes.com/2006/01/29/nyregion/nyregionspecial2/when-nimby-extends-offshore.html) and [again](https://www.youtube.com/watch?v=Mo2rMj8KVtQ) (~~and~~ [~~again~~](https://www.cc.com/video/nmuqcf/the-daily-show-with-jon-stewart-jason-jones-180-nantucket)) - was the intense political hypocrisy of the brand of Not In My Back Yard sentiment — NIMBYism — at play here.

[**TED KENNEDY**](https://www.c-span.org/video/?c4965583/user-clip-kennedy-cape-wind-2006)**: This is a boondoggle. And who do you think pays when we talk about subsidies…**

Senator Ted Kennedy took to the floor of the United States Senate to attack Cape Wind.

**TED KENNEDY: It's a great deal for this developer. It's a great deal for his investors. It's a great deal for the venture capitalists that have put in there. They'll get money that they won’t be able to count.**

But, the thing about the opposition to Cape Wind… it was bipartisan.

**SEAN CORCORAN: The politics were insane. I've never seen anything like it. You couldn't predict who was going to come down where.**

**MITT ROMNEY: This is not a decision about money. It’s not even a decision about power….**

Recognize that voice? [That’s Massachusetts’ then-governor Mitt Romney](https://www.newspapers.com/image/443531739/?terms=%22cape%20wind%22%20%22gordon%22&match=1). He’s railing against Cape Wind -- sounding like some environmental crusader.

[**MITT ROMNEY:**](https://www.youtube.com/watch?v=rSZlUjRDSGQ) **It is a heritage given to us by god, we may not, we cannot trash this extraordinary resource that the Cape enjoys. Thank you.**

**SEAN CORCORAN: But it doesn't stop there. It stops -- I mean, look at the Bush administration. The only reason the Bush administration liked the project was because Ted Kennedy hated it. There was hypocrisy everywhere.**

In those early years, 2001 through around 2005, politicians framed their opposition to Cape Wind -- carefully. They didn’t oppose wind power, they’d say. They opposed it THERE. They said they feared it’d destroy Nantucket Sound’s sensitive ecology -- that it would destroy the local tourist economy.

To outsiders that just made this seem all the more hypocritical: rich liberals and rich conservatives all repeating the same lines.

**JIM GORDON: Before the ink was dry on the Boston Globe article, an opposition group formed, financed and fueled by extremely wealthy trophy homeowners and basically threw down the gauntlet.**

This opposition group. They gave themselves an innocuous name: The Alliance to Protect Nantucket Sound. Like a little local conservation group. The Friends of the Tree in the Park. Here’s Sean Corcoran.

**SEAN CORCORAN: And if you went to the Alliance to Protect Nantucket Sound’s offices, you'd probably see them that way, too. I mean, with the volunteers and it's a pretty fairly small staff. But if you look at who the donors are, they never ran out of money.**

[Those donors](https://drive.google.com/drive/folders/1xgIoM0gaPJCw-MskvNoj4g1_YgnrV-XH). Unlike the Kennedys, these people had never claimed to be environmentalists.

[One was a copper mining executive](http://archive.boston.com/news/globe/obituaries/articles/2007/10/11/douglas_yearley_mining_ceo_who_led_foes_of_cape_wind_plan/#:~:text=Douglas%20Yearley%2C%20mining%20CEO%20who%20led%20foes%20of%20Cape%20Wind%20plan&text=Nearly%2060%20years%20ago%2C%20Douglas,would%20fish%20in%20Reindeer%20Lake.) whose company was a MAJOR polluter.

AND ANOTHER - was a member of one of America’s richest and most influential conservative families. He was a Koch brother. Bill Koch.

**BETH DALEY: Frankly, you know, reporters rely on trust and they rely on honesty. And I think early on there were some underhanded moves by the Alliance that made me mistrustful of them.**

This is another reporter who followed Cape Wind very closely. For many years, Beth Daley covered the environment for the Boston Globe.

Bill Koch did not often say things publicly about Cape Wind. He and the other board members mostly let their money do the talking. The Alliance had a small staff dedicated to drumming up local, grassroots opposition. The Alliance hired [a conservative think tank to write white papers](https://www.google.com/search?q=beacon+hill+institute+cape+wind&rlz=1C1GCEA_enUS872US872&ei=0Cu5YIHiAqWe_QamyLuoCQ&oq=beacon+hill+institute+cape+wind&gs_lcp=Cgdnd3Mtd2l6EAMyBQghEKABMgUIIRCgATIFCCEQoAE6BwgAEEcQsAM6CwguEMcBEK8BEJMCOggILhDHARCvAToCCAA6BQgAEMkDOgIILjoGCAAQFhAeOgUIABDNAjoFCCEQqwI6CAghEBYQHRAeUI4TWNcmYIsoaAFwAngAgAGNAYgBig-SAQQxMi44mAEAoAEBqgEHZ3dzLXdpesgBCMABAQ&sclient=gws-wiz&ved=0ahUKEwiBip3ml_zwAhUlT98KHSbkDpUQ4dUDCA4&uact=5).

**BETH DALEY: And I remember battles I would have with the head of that organization saying I'm not going to run the story, the study. They start yelling at me and they say, why not? I said, well, because it's paid for by the Alliance to Protect Nantucket Sound and the finding is exactly what they say on their website. That's not true. That's not true. That’s not true.**

They went further than that too.

[One time, an Alliance employee got caught trying to plant a fake newspaper story that slandered Cape Wind](https://www.newspapers.com/image/442911207/?terms=%22cape%20wind%22%20%22gordon%22&match=1). He resigned.

[Another time, the Alliance put an ad in *The Cape Cod Times* with a picture of what Cape Wind would look like from the beach](https://www.newspapers.com/image/443286243/?terms=%22cape%20wind%22%20%22gordon%22&match=1). But it was all wrong - the picture made it look way bigger, much closer to land, too. The Alliance said they’d made a mistake -- after an estimated 100,000 readers saw it.

**BETH DALEY: These kind of, like, subterfuge, like, back and forth was always kind of the undercurrent. Like, I would talk to people who would be supporters of Cape Wind, or against it. And sometimes I’d be like, “Has someone paid for your pamphlets?” Because things became so divided it was very difficult to trust anyone.**

 **MUSIC IN**

The national press had a lot of fun lampooning The Alliance to Protect Nantucket Sound. But locally, they were a force. They knew their audience.

**WALTER CRONKITE: I'm Walter Cronkite. Nantucket Sound is a very special place. I’ve appreciated her natural beauty for years. Now I’m very concerned... FADE DOWN**

The Alliance got Walter Cronkite to make a commercial for them. Cronkite who was once called the most trusted man in America. He had a house on Martha’s Vineyard.

**WALTER CRONKITE: … our natural treasures should be off limits to industrialization.**

Meanwhile, Jim Gordon was in the press constantly, defending his project from this onslaught of opposition.

**JIM GORDON: Tourism would die, birds would die, whales would die, planes would crash into wind turbines. I mean, the calamities and the hyperbole.**

[Jim visited Walter Cronkite at his home](https://www.newspapers.com/image/442817303/?terms=walter%20cronkite%20cape%20wind&match=1), and actually convinced Cronkite to drop his opposition.

But new opponents just kept emerging. Powerful ones. Proposals popped up in Congress - measures meant to specifically kill Cape Wind. [One was proposed by a Senator in Alaska](http://archive.boston.com/news/local/massachusetts/articles/2006/04/07/cape_wind_is_dealt_a_setback/), a Republican and longtime friend of Ted Kennedy’s. [A Senator from Virginia intervened, too](https://www.newspapers.com/image/442437797/?terms=%22cape%20wind%22%20%22gordon%22&match=1) -- his former in-law’s had a vacation house on Cape Cod.

**SEAN CORCORAN: As we have the politics going on and the hypocrisy going on, we also had a race against Texas because Texas was going to have the first offshore. Oh, no. Now we have a race against Rhode Island because Rhode Island's going to have the first offshore. Then you had journalists going to Europe, some of them coming back say, what a boondoggle. These things, they're falling apart in the ocean. Others coming back saying these things are saving whole communities over there. We live in a post truth world now. It certainly felt like a post truth world then, too. You did not know who to believe.**

Cape Wind became this red hot political potato. It was divisive. It was murky.

[Unions](https://www.newspapers.com/image/442990521/?terms=%22cape%20wind%22%20%22gordon%22&match=1) backed it. [Chamber of Commerce-types](https://www.capecod.com/newscenter/cape-cod-chamber-supporting-competitive-offshore-wind-development/) opposed it.

*The Boston Globe* editorial page backed it. [*The Cape Cod Times*](https://www.capecodtimes.com/opinion/20171206/all-aboutlocation) editorial page opposed it.

[Greenpeace](https://www.greenpeace.org/usa/news/greenpeace-airs-ads-to-reinfor/). For it. [The Ocean Conservancy](https://www.newspapers.com/image/443093963/?terms=%22cape%20wind%22%20%22gordon%22&match=1). Against it.

[The World Wildlife Fund](https://www.newspapers.com/image/443534740/?terms=%22cape%20wind%22%20%22gordon%22&match=1). For it. [The International Wildlife Coalition](https://www.newspapers.com/image/443093963/?terms=%22cape%20wind%22%20%22gordon%22&match=1). Against it.

In part, Jim Gordon had a credibility problem with environmentalists.

The guy was a fossil fuel developer. In fact, in the midst of the permitting process for Cape Wind, [his company proposed a diesel-fired power plant across the street from an elementary school in a low-income neighborhood](https://www.newspapers.com/image/443820940/?terms=%22cape%20wind%22%20%22gordon%22&match=1).

It all just raised these very subjective questions about what it meant to protect the environment. [There was polling that showed 80-plus percent of Massachusetts backed Cape Wind. But when people on Cape Cod were polled, those margins were much closer](https://www.uticaod.com/article/20070816/NEWS/308169990?template=ampart).

**SEAN CORCORAN: This was more than NIMBY, it was nuanced and people struggled with it.**

Sean Corcoran lived on Cape Cod. He says most of the residents there are not super rich. They work in service jobs - often catering to the rich. And Sean says often they choose to live there because they love the ocean. They love the beach. It’s a respite. And he says that question - about how to protect what you love - it just tore people up.

**SEAN CORCORAN: Am I an environmentalist of this place? Do I need to protect Nantucket Sound from these turbines, 130 of them, taller than the, than the Statue of Liberty? Or am I an environmentalist of the world and I recognize that these turbines are symbolic of something bigger?**

And it all spilled out, at the public meetings.

**OPPOSER: Put windmills over our town halls, put windmills over our schools, put windmills over every business that wants them, put them in my backyard, but please do not allow them to build a power plant in the only undeveloped place that Cape Cod has left. Thank you.**

**SEAN CORCORAN: I remember one meeting and there were a bunch of people there from West Virginia. And they were there to support the project.**

**JANET KEATING: Greetings from wild, wonderful West Virginia. My name is Janet Keating, the Executive Director of the Ohio ValleyEnvironmental Coalition...**

**SEAN CORCORAN: They went up to the microphone holding a jar of dirty water that they say came out of their faucets and they talked about blowing up mountaintops in order to get to coal.**

**JANET KEATING: Mountaintop removal is killing Appalchia. It’s killing our hopes and our dreams and our future. We need your help in Appalachia. I'm asking you to be heroes here. Make a few sacrifices.**

**SEAN CORCORAN: You're concerned about how big those things are going to look on the horizon? Well, I'm concerned about the water that comes out of my tap that I can set on fire.**

**JANET KEATING: I’m sorry, I do have some sympathy for those who are concerned about their view. But come and see the viewsheds and how they’ve been despoiled in Appalachia.**

 **MUSIC IN**

[It took the Army Corp three years to issue a draft of the Cape Wind Environmental Impact Statement](https://www.newspapers.com/image/443616739/) — it was FOUR THOUSAND PAGES.

All those arguments against the project -- that the turbines could impede right whale migration -- kill thousands of birds -- cut down small airplanes mid-flight? According to the Impact Statement, nope.

The Army Corp was all but ready to issue a permit.

But… in the three years it took them to write that report… Congress had been debating what to do about the fact that there was NO process in place to deal with offshore wind projects.

That law from 1899? The Rivers and Harbors Act? One hundred and six year later — Congress updated it. They [passed the Energy Policy Act](https://www.boem.gov/renewable-energy/studies/cape-wind) of 2005, which created a predictable path for choosing locations for offshore wind farms, and granting them a permit.

This took the authority to permit offshore wind farms away from the Army Corp. And handed it to another agency entirely.

The upshot for Cape Wind? That 4,000 page impact statement? Flushed down the toilet. Congress sent Jim Gordon and Cape Wind back to the starting line.

And the opponents -- Koch money and all - they weren’t going anywhere.

Sam Evans-Brown: We’ll tell that story… after a break

**MIDROLL**

Annie Ropeik: Welcome back to Windfall. I’m Annie Ropeik.

Sam Evans-Brown: I’m Sam Evans-Brown.

Annie Ropeik: After Cape Wind’s first environmental impact statement got flushed, it took the federal government another six years to redo that statement... six years of more scrutiny, more delay. But that delay, in a way, may have helped the project.

By the time they got a second, rewritten, environmental impact statement the politics had shifted. Massachusetts voted in a governor who supported the project. Barack Obama had captured the White House -- which meant a Democratic administration held the power to grant the permit Jim Gordon needed.

Sam Evans-Brown: It had been nine years since Jim Gordon had proposed Cape Wind. But after many setbacks it seemed the feds would approve it any day now.

And then -- even by the standards of this story -- things got complicated. Here again is Senior Producer Jack Rodolico.

**MUSIC**

Jack Rodolico:: So… it’s 2010. The Environmental Impact Statement has been redone. It’s VERY favorable to Cape Wind.

And that’s when the National PARK service stepped in.

**BETH DALEY: That was like the biggest shock when that came out .I remember the morning -- like we all expected the National Park Service not to rule that way. Everyone did. I mean, I think even the opposition did.**

The National Park Service’s opposition to Cape Wind hinged on the evidence that down under the water, under the sand in Nantucket Sound, there was history down there. History the government should protect.

[The Park Service issued a statement that Nantucket Sound was eligible to be listed on the National Register of Historic Places](https://www.nps.gov/aboutus/news/release.htm?id=944) -- an acknowledgement that Cape Wind could pile-drive straight through the Wampanoag people’s heritage.

**BETH DALEY: It blew everyone's socks off because that was like that was like, whoa, that's a blockade.**

Both the agencies here — the licensing agency poised to approve Cape Wind and the Park Service that opposed it -- BOTH were housed IN THE SAME DEPARTMENT. The Interior Department. Which was run by Ken Salazar.

That’s the guy we mentioned at the very beginning of the story. The guy the Obama administration sent on the charm offensive. The guy with the cowboy hat.

**KEN SALAZAR: We started this morning very early, watching the sunrise with the Mashpee tribe…**

The Wampanoag had been voicing their opposition to Cape Wind for years at this point. But all that NIMBY-focused press coverage -- it had mostly ignored the Wampanoag. Now -- it was clear to the press that Salazar was coming to smooth things over -- particularly with the Wampanoag.

**CHERYL ANDREWS-MALTAIS: Well, they told us they were coming and it was a big press releases and whatnot coming. And they came over on a big old ship.**

This is Cheryl Andrews-Maltais again, the tribal chairwoman. When Salazar visited, she wanted access to him and his entourage.

**CHERYL ANDREWS-MALTAIS: We were not allowed to have a presence on the ship. It was just for federal staff and the media.**

That pretty much set the tone for the day. Cheryl felt the audience Salazar was really talking to was the press.

**KEN SALAZAR: We must move forward with a renewable energy priority for the nation. It's a priority for President Obama. It's a priority for me as secretary of interior.**

**CHERYL ANDREWS-MALTAIS: They put so much effort into trying to make it look like they were appeasing us, knowing full well that they didn't.**

To Cheryl, the “charm offensive” was more offensive than charming.

And she wasn’t the only one who felt the Interior Secretary came less to listen and more to be photographed listening. At one point in the day, Salazar sat down with all the big, local stakeholders - people *for* Cape Wind and against it. And apparently he told those stakeholders the same thing he’d told the press -- that he had three priorities: tribal rights, renewable energy, and preserving history.

**AUDRA PARKER: So basically, everyone in that room said - or most of the people in that room said - those are not compatible in this location. You can't have it all. And the only responsible thing is to either deny it or move it to a new location.**

This is Audra Parker, [the current CEO and president of the Alliance to Protect Nantucket Sound](https://saveoursound.org/alliance-protect-nantucket-sound-mission/save-our-sound-team/).

**AUDRA PARKER: It was a very tough fight because it did feel at all times that the agencies were trying to figure out how to build this project, how to make it happen, not should we make it happen or should we not. There was such a pressure because it was supposed to be, you know, America's first offshore wind project. There was a lot of pressure to make it happen.**

Audra did not lead the Koch-backed Alliance in its early, most controversial years. And when she took the reins, she whipped the Alliance into shape. Beth Daley at the Globe saw the change.

**BETH DALEY: Audra Parker is incredibly poised, is like an MIT graduate, Brown graduate. One of the smartest people I think I've ever talked to. Hands down. She really knows how to win.**

**MUSIC**

**KEN SALAZAR: Cape Wind will be the United States’ first offshore wind farm.**

When it came down to it, the decision was Salazar’s to make. All of the government agencies and local opponents had weighed in. All of the evidence had been gathered. A few months after his offensive charm offensive, Salazar came back to Massachusetts. This time, to announce his decision.

**KEN SALAZAR: This will be the first of many projects up and down the Atlantic coast, which I expect will come online in the years ahead as we build a new energy future for our country.**

At least, everyone thought it was up to Salazar to decide. Audra Parker disagreed.

**AUDRA PARKER: That day when they were issued the lease, it was not looking good. But I remember thinking after about three days of incessant press interviews, thinking, OK, our only option is to keep fighting. If we back off we will definitely lose. Our only chance is to keep fighting and we'll fight till we win.**

*The Boston Globe* editorial page wrote an open letter to the Alliance to Protect Nantucket Sound. It said, “Enough already.”

Because the thing is — Jim Gordon had his federal permit, but he didn’t have what is perhaps the most important thing that a project of this size needs: the money.

Typically, it's only AFTER a developer gets permission to build a wind farm that banks and investors are willing to sign on the dotted line.

And you could imagine it would be hard for a bank to see Cape Wind as a secure investment -- because of the ferocity of the Alliance to Protect Nantucket Sound — which [had sued Cape Wind at ev-ry step](https://docs.google.com/document/d/1sJHU7s1CD-ELVsD5xZOtq7fe4iMsR4eyNFu61DD7-9s/edit). And then just kept suing.

**JIM GORDON: We had 26 lawsuits and regulatory appeals.**

One judge, after ruling against the Alliance, called them “[an obdurate band of aggrieved residents](https://www.jdsupra.com/legalnews/light-at-the-end-of-the-cape-wind-tunnel-72364/).” He said the way they were using the courts was a “[vexatious abuse of the democratic process](https://www.utilitydive.com/news/cape-wind-opponents-heading-back-to-appeals-court-again/303762/).”

**AUDRA PARKER: Cape Wind had a lot of wins, but we had some also. And ultimately we only needed one.**

The guy bankrolling the Alliance’s work - Bill Koch - at the time he didn’t even bother to defend these lawsuits on the merits of their arguments. Koch told a paper his strategy. [Quote](https://commonwealthmagazine.org/environment/001-look-whos-talking/), “Delay, delay, delay.” End quote.

Cape Wind... entered a kind of purgatory -- this prolonged period of uncertainty. For a decade the focus had been on this big federal permit. But now it was all about financing.

Would banks step up to loan Jim Gordon all the construction money? Would they take a risk on this project in the face of endless opposition? Would the politicians who’d supported Cape Wind when the public learned that it was gonna raise their electricity bills? Sean Corcoran says, no, no and no.

**SEAN CORCORAN: I probably wrote, “construction will begin next year,” ten times. OK, let's go. But no, they couldn't get the financing. They couldn't get the thing built.**

 **MUSIC**

The lawsuits ran out the clock. The banks wouldn’t loan Cape Wind all the money. The electric companies cancelled their contracts. And in 2017… remember 16 years later… Jim Gordon surrendered the lease.

So… what did it all mean?

Jim Gordon is still riding the renewable energy transition. He’s branched out into solar and battery storage. But you can hear it in his voice. Cape Wind is the one that got away. He had spent years...

**JIM GORDON: ...completely understanding every aspect of the project on that site, actually getting through the permitting process. Then poof.**

For Audra Parker and the Alliance to Protect Nantucket Sound, this was a singular victory.

**AUDRA PARKER: I think a reporter sent me the signed document, which I love the name of, that it was a notice of surrender and project abandonment. And I have a huge signed copy in my office.**

For Cheryl Andrews-Maltais, stopping Cape Wind was the rarest of rebukes - a moment when Native American tribes actually stopped the U.S. government from doing what it wanted.

**CHERYL ANDREWS-MALTAIS: And it’s like, “Except for this little tribe on Martha’s Vineyard. Pssh. Who are they?” Well, we showed them who we were.**

But there’s another outcome from the Cape Wind Saga. Because the federal government did something that maybe you wouldn’t expect: It learned a lesson.

Remember how the total lack of any planning for offshore wind by the federal government meant that Jim Gordon had been able to step in and just say...

 **SEAN CORCORAN: I wanna put it *there*.**

There.

Well, I mentioned it briefly… the Energy Policy Act of 2005.

That law said, “No, no, no. Not there. But you can put your turbines here, or here, or here.” It basically zoned the federal seas -- carved out chunks of the ocean for turbines -- auctioned them off to the highest bidder. And they chose spots that would generate the most renewable energy -- as quickly as possible -- with the least amount of conflict.

**KEN SALAZAR: Cape Wind had been a process disaster from day one. Since 2009, however, we have from the ground up built an offshore wind leasing program for the United States.**

They called it “Smart from the Start.” So … how’d that work out?

**Megan Lapp: I would actually call these smart from the start process, the stupid from the start process because it was not smart at all.**

Sam Evans-Brown: That’s next time. On Windfall.

**Credits**

**This episode of Windfall was written by Jack Rodolico, mixed by Taylor Quimby, fact-checked by Sara Sneath and produced by Sam Evans-Brown. It was edited by Erika Janik, Annie Ropeik, Justine Paradis, Taylor Quimby, Felix Poon and Hannah McCarthy.**

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