

## FOR IMMEDIATE RELEASE

The U.S. Court of Appeals in Washington, D.C. ruled this morning in the Town of Barnstable's favor in its action against the FAA.

According to Town Manager Thomas Lynch, "This is a significant win for public safety and the Town. It is also a validation of the concerns of all who have said for so long that examination of legitimate safety issues has been swept under the rug in a rush to be first in approving a flawed project, process, and site."

This is so, not only with respect to air traffic safety, but also in respect to meaningful examination of marine safety, endangered species, historic and Native American concerns, challenges to which are pending in the United States District Court for the District of Columbia.

The Court ruled that the FAA determination of no hazard (effectively approving the Cape Wind towers) was fatally flawed in that the FAA failed to follow its own handbook and failed to examine all of the many risks to aviation safety that the Town had alleged. The Appeals Court vacated the FAA decision and sent it back to the FAA with instructions to start anew.

As the Court said, "Any sensible reading of the (FAA) handbook ... would indicate there is more than one way in which the wind farm can pose a hazard to VFR operations. Indeed, other sections of the handbook, especially when read in light of some of the evidence (submitted by the Town), suggest that the project may very well be such a hazard. Here, by abandoning its own established procedure ..., the FAA catapulted over the real issues and the analytical work required by its handbook."

The project cannot now go forward until the FAA completes its review process from scratch. The FAA is being required to do what it should have done in the first place, that is, place public safety ahead of politics. The Town and its citizens have been well served by this thoughtful decision.

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