9-16-2003

EALR to Host Wind Power Symposium

Boston College Law School

Follow this and additional works at: http://lawdigitalcommons.bc.edu/law_school_publications

Part of the Legal Education Commons

Digital Commons Citation
http://lawdigitalcommons.bc.edu/law_school_publications/623

This Article is brought to you for free and open access by the Law School Archive at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Law School Publications by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydlowski@bc.edu.
EALR to Host Wind Power Symposium

9/16/03—The Boston College Environmental Affairs Law Review will be holding its fall symposium on September 25, 2003. The symposium, “Coastal Wind Power Energy Generation: Capacities and Conflicts,” features speakers from science, government, and industry as well as academics. It will be held in the Law School’s East Wing building, Room 120, beginning at 1 p.m.

A special feature of the symposium is a Boston Harbor Boat Trip that morning, carrying participants across the bay to the tip of the Hull Peninsula to tour the Hull Light Company’s municipal wind turbine installation currently operating there.

"The timing for this symposium is ideal from a local and national perspective,” said Carolyn S. Kaplan (BC Law ’94), an attorney with the law firm of Nixon Peabody, who co-chairs the firm's renewable energy practice and will present a legal analysis of wind power at the symposium. “Several large wind projects are being proposed right now off the coast of New York, New Jersey, Delaware, Maryland and Virginia, as well as Massachusetts. Just recently a federal judge issued an important decision relating to the Cape Wind project in Nantucket Sound. At the same time, Congress is considering bills that could directly impact the viability of these projects. One bill would dictate the regulatory framework for alternative energy projects, including wind, in the Outer Continental Shelf. And in the wake of the Blackout of 2003, Congress is trying to hammer out a comprehensive energy bill. The wind industry is hoping the final legislation will include two key financial incentives - a national Renewable Portfolio Standard and an extension of the Production Tax Credit.”

There are an estimated 50,000 wind turbines operating around the world, and Germany, Britain, Australia, and Sweden currently operate offshore wind farms. In the United States, however, where state law increasingly requires investing in renewable energy, wind power still makes up only one percent of generated energy.

Adds Kaplan, "Offshore wind gets a lot of press in Boston because it's a coastal community. But there are many land-based wind projects being built across the country. Wind power is the fastest growing source of energy world-wide."

The Fall 2003 Coastal Wind Power Symposium offers special relevance and linkages to the New England region where several coastal zone turbines already exist. A central focus of the Symposium will be the controversy surrounding the Cape Wind Associates proposal to build this nation’s first offshore wind farm on Horseshoe Shoals in Nantucket Sound. If built, it would be one of the largest such developments in the world, with 130 turbines, producing enough energy to power half a million homes. The process by which CW Assoc. obtains or is denied state and federal permits to complete this project will impact twenty other currently proposed projects for wind farm development along the Eastern Seaboard from Maine to Virginia, and influence the viability of offshore wind farms as a source of alternative energy.

Opponents point to serious environmental costs that could be generated by wind farms, including damage to the ocean floor and danger to marine species and migratory birds. They also voice concerns about the noise and visual impacts of turbines as well as potential impacts on navigation, fishing, and tourism. Another element of the debate raises a Public Trust
Doctrine issue – what constraints apply to the federal government’s authority to lease portions of the Outer Continental Shelf for private wind energy development?

For more information on the symposium, please contact Rosalind Kaplan at 617-552-8557, or kaplanr@bc.edu. You may also contact the Environmental Affairs Law Review Editor in Chief Anne Rajotte, at 617-552-4354 or 617-335-7118, or rajottan@bc.edu.

Speakers and Commentators

Carolyn Kaplan, Esq., Senior Associate at Nixon Peabody LLP (Ms. Kaplan can be reached at 617-345-1345, ckaplan@nixonpeabody.com)

Prof. Jim Manwell, Director Renewable Energy Research Laboratory at UMass-Amherst

Rusty Russell, Esq., Attorney with the Conservation Law Foundation

Dennis Duffy, Vice President, Cape Wind Associates

Chris Kallaher, Representing the Alliance to Protect Nantucket Sound

Fara Courtney, Good Harbor Consulting

Greg Watson, Massachusetts Technology Collaborative

Odin Smith, Esq.

Jay Wickersham, Esq.

Prof. Dorothy Bisbee, Visiting Associate Professor Law from Southern New England School of Law

Prof. John Duff, Associate Research Professor of Law and Director at the Marine Law Institute University of Maine School of Law