

Salve Regina University

Digital Commons @ Salve Regina

ENV 334 Environmental Justice

Class Projects

2024

A Legal Whirlwind: An Exploration and Evaluation of Legal Claims Relating to The South Fork Wind Farm and Revolution Wind Project

Sarah Mikolay

Ava Cafasso

Aryanna Clasby

Elizabeth Erwin

Maigen Leach

Follow this and additional works at: https://digitalcommons.salve.edu/env334_justice



Part of the Environmental Studies Commons

**A Legal Whirlwind: An Exploration and Evaluation of Legal Claims Relating to The South
Fork Wind Farm and Revolution Wind Project**

Ava Cafasso, Aryanna Clasby, Elizabeth Erwin, Maigen Leach, & Sarah Mikolay

Department of Philosophy; Salve Regina University

ENV 334: Environmental Justice

Dr. Craig Condella

19 April 2024

Wind Farm Project Context

In response to the federal-and-state-driven transition to renewable energy, the State of Rhode Island is taking productive steps towards alternative green energy sources. In accordance with the Biden's administration's energy goals of accomplishing a carbon pollution-free power sector by 2035 and a net-zero emission economy by 2050, the United States has been taking steps towards funding and facilitating green energy projects to enable the realization of such objectives (White House 2023). Within the program, the nation's smallest state has taken major steps towards making this net-zero economy a reality. With the goal of maintaining a 100% renewable energy supply by the year 2035 (Raimondo 2020), Rhode Island is at the forefront of state environmental legislation. However, the state's well-intentioned plans do not match the reality of their circumstance. Despite their attempts, Rhode Island is still well behind their renewable energy goals. The Rhode Island Office of Energy Resources predicts that there is roughly a 4,600 GWh discrepancy in the potential path to 100% renewable energy and the current renewable energy strategy (RI OER 2020). The offshore wind projects would be a major steppingstone in closing this gap. Rhode Island has strong offshore wind resources that have the potential to produce over 2000 GW of energy for the State (RI OER 2020). Additionally, offshore wind would necessitate only require 900- 1,1000 MW of power. These factors make Rhode Island's shoreline a prime candidate for offshore wind power and energy development. Discussion of such an offshore wind project began in 2009 (BOEM 2023).

The offshore wind farms of Newport County have been in development for nearly twelve years. Due to the lengthy, multi-tiered permitting process, the project's commencement had been delayed until late 2023. In order to obtain such approval, the project director must initiate a multi-layered process that consists of various permitting procedures dependent on the project's

size, geography, technology, and jurisdiction. In terms of ocean rights, each coastal state is granted jurisdiction over roughly twelve nautical miles off the shoreline. Rhode Island, however, was granted greater jurisdiction for its title as “The Ocean State.” As the wind farm development is a state-led project, Rhode Island’s increased jurisdiction of ocean-related matters allows the state to maintain vaster ocean and offshore rights. There are a multitude of acts and associated rights that are directly linked to ocean rights and, subsequently, were applied within the wind farm project procedures. These include, but are not limited to the Submerged Lands Act of 1953, the Ocean Special Act Management Plan (SAMP), the Coastal Zone Management Act (CZMA) and the National Environmental Policy Act (NEPA). Each act plays an important role in the permitting and planning processes of wind farm construction. However, the procedure and its results are not without skepticism. Despite the project’s delayed construction, the recent approval has sparked a divide across the Aquidneck Island community – those in favor of offshore wind turbines and those in opposition to their installation.

Newport, Rhode Island currently boasts sixty-five nationally listed historic properties (SHPO 2024). Predating the port city’s establishment as a historic district in 1965, the Newport County Preservation Society has been active since 1946 – twenty years prior to the National Historic Preservation Act which launched the mainstream preservation movement (Anderheggen 2010). As the plans position the wind farm to line the coast of Aquidneck Island, many preservationists have expressed concern regarding the project's impact on the cultural and historic landscapes. Those in the historic communities, including the Preservation Society of Newport County, are voicing their concerns for the community through appealing rulings and filing lawsuits against the Bureau of Ocean Energy Management (BOEM). In the hopes of slowing down the construction of the wind farms to ensure proper the mitigation of adverse

effects. The Newport Historical Society, represented by the Cultural Heritage Partners (CHP) Firm, has issued a plethora of legal filings. One of the legal claims assert that Section 106 of the National Historic Preservation Act (NHPA) was not properly followed. The Preservation Society is also claiming that the BOEM violated Section 110 of the NHPA, citing a lack of adequate consultation with federal preservation agencies and abandoning the federal government's ongoing responsibility to preserve historic and cultural sites. In a similar resistance, Ocean Drive residents have shown support for the “Save Our Seas” movement by signing a petition created by the Green Ocean organization with an aim to cease windfarm construction. Their disproportionate socioeconomic influence adds an additional layer of complexity to the division. Those in positions of privilege can voice concerns over aesthetics and property values at the expense of renewable energy. Through an evaluation and exploration of the legal aspects of the offshore wind farms, a greater understanding of the process, goals, and purpose are uncovered. The establishment and analysis of such discoveries contextualize the wind farm project in the larger scope of conservation, preservation, and environmental justice.

Newport, Rhode Island currently boasts sixty-five Nationally listed historic properties (SHPO 2024). Predating the port city’s establishment as a historic district in 1965, the Newport County Preservation Society has been active since 1946 – twenty years prior to the National Historic Preservation Act that launched the mainstream preservation movement (Anderheggen 2010). As the plans position the wind farm to line the coast of Aquidneck Island, many preservationists have expressed concern regarding the projects impact on the cultural and historic landscape. Those in the historic communities, including the Preservation Society of Newport County, are also voicing their concerns for the community through appealing and filing lawsuits against the Bureau of Ocean Energy Management (BOEM). These lawsuits, stating that Section

106 of the National Historic Preservation Act (NHPA) was not properly followed, are in hopes of slowing down the production of the wind farms to reach proper adverse effects mitigation. The Preservation Society is also claiming that the BOEM violated Section 110 of the NHPA, stating that there was no effective historic preservation program within the wind farm plans, which is an ongoing responsibility of the federal agency. In similar resistance, Ocean Drive residents have shown support for the “Save Our Seas” movement by signing a petition created by the Green Ocean organization with an aim to cease windfarm construction. Their disproportionate socioeconomic influence adds another layer of complexity to the division. Those in positions of privilege are able to voice concern over aesthetics and property values at the expense of renewable energy. Through an evaluation and exploration of the legal aspects of the offshore wind farms, a greater understanding of the process, the goals, and the purpose come about, putting the overall project into a larger perspective.

Offshore Wind Farm Appealed by Newport Preservation Society

Section 106:

With the introduction of the offshore wind farm project along the coast of Rhode Island, specifically in the Newport County, the community has been divided. The approved two-hundred turbines are over eight-hundred feet tall and will be as close as twelve miles from the coast of Newport, leading to future wind farm projects along the coast in the future. Many are concerned that the National Historic Preservation Act of 1966, which states that federal agencies need to identify and assess the effects its actions may have on historic buildings, taking into consideration public views and historic preservation issues (GSA, 2023). Those against the creation of the wind farm have even gone so far as filing appeals against the Bureau of Ocean Energy Management (BOEM). Major parties filing these appeals include the Preservation

Society of Newport County and Southeast Lighthouse Foundation, making the claim that the “BOEM improperly approved wind farms that will damage historic resources within the City of Newport, which is heavily dependent on heritage tourism,” as the locations being affected by the view obstruction include those in Newport’s National Historic Landmark districts (Belmore, 2023). This claim brings attention to the BOEM’s approach in following the requirements of review under the National Environmental Policy Act and the National Historic Preservation Act. The Preservation Society of Newport County filed this appeal as Federal law acknowledges “viewsheds” of historic resources as being important to the culture of the community. The claim also shows that, although the BOEM noted and determined that Newport will experience adverse effects in the permitting review, effects were not yet mitigated, which is required by federal law. The goal of these appeals is to preserve the historic views of Newport from the industrial-scale development of the wind farm.

The Preservation Society of Newport County and the Southeast Lighthouse Foundation have filed these appeals and lawsuits against the federal government in the U.S. District Court for the District of Columbia, working with the law firm Cultural Heritage Partners, PLLC. They are claiming that the government “conducted ‘sham regulatory reviews’ when granting the permits of two offshore wind farm projects” that will block the ocean views from Newport’s historic landmarks, including the mansions (Roeloffs, 2023). These two wind farm projects are those of the Revolution Wind and South Fork Wind groups. Although work has already begun on the South Fork Wind Farm, the lawsuit is asking for the BOEM to be ordered “to reconsider its permitting decision, draft a new environmental impact statement and declare the government failed to ‘minimize harm’ to the historic properties when the approvals were granted” (Roeloffs, 2023). The Preservation Society of Newport County noted that, for the next thirty years, the wind

turbines will occupy up to a hundred percent of the ocean views from community sites (The Preservation Society of Newport County, 2024). The BOEM has also made note that the wind turbines will have a major adverse impact to the sense of place and economy of Newport, possibly leading to property value reductions.

With the BOEM being responsible for the leasing contracts for offshore wind energy, there is a concern growing around the progression of the leasing. Many are concerned that the leasing may be proceeding too quickly, providing evidence that legal steps and processes have not been fully followed (Comay and Clark, 2023). To address these concerns, the BOEM proposed retaining the four phases, but proposed regulatory changes to alter some steps within the phases. These phases consist of “planning and analysis; leasing; site assessment; and construction and operations” (Comay and Clark, 2023). The changes proposed will be made to reflect upgraded technology or to simplify steps that have been deemed as overly burdensome by developers. The BOEM conducted their own visual impact assessment (VIA) in 2021, which assesses how the view change “caused by the addition of project components affects people who are likely to be at the viewpoint” (Sullivan, 2021). This report puts the responsibility of the obstructed view on the people within the community, as it reports that “the experience of a particular view is dependent on the viewers, and in VIA, the impact receptors are people, rather than the seascape or landscape itself” (Sullivan, 2021). The findings of the BOEM assessment note that visual impact has three effects, including the addition of project elements to an existing view creating visual contrast, the viewers’ experience of the view with the visual contrast, and the viewers’ response to how their experience is affected. Although the BOEM has conducted VIAs in their permitting process, it does not address ways of mitigation, as federally required, and has not addressed the visual contrast pertaining to the case of historical landmarks.

The history of wind farms along the coast of New England has served as a guideline for those concerned with the project in Newport. With the Block Island Wind Farm containing many of the same concerns, specifically that the ocean view will be obstructed, and property value will be impacted, research from that project has been able to be applied to Newport. One study found that there is no evidence of negative impacts to property values with wind farm views, suggesting that viewshed impacts are minimal (Dong and Lang, 2022). Overall, even with the claims that the BOEM failed to comply with National Acts regarding viewsheds and historic landmarks, the concern of the wind farm's visual contrast is just one of many aspects of the project to take into consideration when discussing renewable energy.

Section 110:

To further complicate these claims relating to the National Historic Preservation Act, the Newport Preservation Society asserts that Section 110 of the aforementioned law is similarly being violated. Section 110 of the NHPA details the responsibilities of federal agencies in preservation related matters. Under this section, federal undertakers are provided "agency guidelines and policies on the identification, recognition, use and management of historic properties." (DoD 2023, 2) This legal subsection maintains that "every Federal agency is responsible for developing an effective historic preservation program." (DoD 2023, 1) Although both exist under the NHPA umbrella, Section 106 and Section 110 hold different responsibilities. Section 110 focuses on the federal government's role in preserving historic properties. On the other hand, Section 106 deals with specific federal undertakings (e.g., federal land, funding or federally led projects) that consist of historic sites either on or eligible for the National Register of Historic Places and ultimately leads to the Section 106 process (NOAA 1998). To generalize,

Section 110 refers to the ongoing federal responsibility to preserve while Section 106 is only applicable when individual projects are being conducted (FEMA 2023; Noles 2016).

Within their federal appeal for review, compensation, and accountability, the Preservation Society of Newport claimed that BOEM failed to (1) consider alternative lease, (2) administer suitable visual simulations, and (3) assess and mitigate adverse effects (Preservation Society of Newport County v. US, 13). Furthermore, the heritage organization argued that BOEM did not conduct the proper consultation with the National Park Service (NPS), “relying instead on the mitigation measures it developed for the NEPA and Section 106 purposes.” (Preservation Society of Newport County v. US, 14) The protocols of the aforementioned measures are, as the plaintiff once again noted, “a lower standards of review than Section 110(f) requires.” (Preservation Society of Newport County v. US, 14) Therefore, the preservation society asserted that the wrongdoings of the federal government surpass the individualized failures of the Section 106 process and the associated mitigations. The Newport Historic Society asserts that the federal government abandoned their role of overseers of historic preservation by allowing such a project to commence: “Authorizing the project without Section 110(f) compliance was arbitrary, capricious, and contrary to law.” (Preservation Society of Newport County v. US, 14)

As listed within the NHPA law, Section 110 has a multitude of directives. The section establishes the necessity for federal agencies to consult associated parties in concurrence with the undertakings (such as the NPS), evaluate sites listed for the National Register, and so on.

However, the most pertaining measure is located under *subsection f*:

Prior to the approval of any federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible federal agency

shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking. (NHPA 1966, 26)

As indicated within the law, the Advisory Council on Historic Preservation, or ACHP, is responsible for providing commentary on such undertakings. The group consists of forty-two total staff members, with twenty-four fellows from various federal agencies, tribal governments, and private citizens (ACHP 2023). As of 2020, this council fused with the NPS to better the existing preservation planning. ACHP board members, Kristen Kulis and Raina Regan work within the NPS to aid in this partnership (ACHP 2023). Furthermore, the NPS controls the *National Registrar of Historic Places* and “is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.” (NPS 2024) This partnership coupled with NPS’s position within the National Registrar directly links this federal organization to the preservation.

Section 110 follows *The Secretary of Interior’s Standards for the Treatment of Historic Properties*. These regulations, as previously stated, are more stringent than those for Section 106. There are seven standards that must be met by the Federal Government when dealing with historic property. The standards are as follows: (1) Each federal agency must have a historic preservation program, (2) historic properties necessitates timely identification and evaluation, (3) agencies can nominate and control items on the National Registrar, (4) Agencies must provide unaltered consideration of historic properties in all scenarios, (5) Consultation should be sought in all preservation activities, (6) agencies are responsible for managing and maintaining historic properties and (7) an agency gives preference to historic buildings when searching for

operational locations (DOI, 1998). As outlined by the National Park Service, “Each Federal agency must consult with the Secretary of the Interior (acting through the Director of the National Park Service) in establishing its preservation programs.” (NPS 2022) Furthermore, this “Consultation with the Secretary regarding an agency's program will be based upon the degree to which that program is consistent with the Act and with the standards and guidelines that follow.” (NPS 2022)

Following the contextualization of Section 110, the claims of the Newport Historical Society can be evaluated for their validity. As previously stated, the Newport Historical Society asserted that BOEM committed core violations when adhering to the guidelines of Section 110. In favor of BOEM and renewable energy, Revolution Wind assured the public that their commercial lease was obtained through the proper measures in their Record of Decision statement: “BOEM has also engaged in consultations under the ESA, MSA, and NHPA.” (Revolution Wind 2023, 181) In another statement made by Revolution Wind, the company asserted “NHLs [National Historic Landmarks] that may be affected by the undertaking will be addressed according to Section 110(f) of the NHPA pursuant to 36 CFR 800.10.” (Revolution Wind 2023, 17) To further affirm their statements, the Newport Historical Society had the opportunity to comment in previous years but raised no concerns of improper consultation. SouthCoast Wind’s Community Liaison Officer, Dugan Becker, verbally confirmed that the Newport Historic Society was “definitely notified” of the project and its happenings (Dugan 2024). His claims were verified in the aforementioned document when the Cultural Heritage Partners (CHP), who serve as the lawyers for the organization, were given the opportunity to comment in 2022. Within Revolution Wind’s Record of Decision, the CHP provided comments following the USACE, U.S. Army Corps of Engineers, public notice. The documents states,

“CHP submitted comments on [the Preservation Society of Newport County and others’] behalf on October 17, 2022, asserting that the project as proposed in the DEIS was contrary to the public interest” (Revolution Wind 2023, 32) – none of these notes, however, pertained to a violation of consultation. In response to their comments and call for a public hearing on the proposed violations, USACE asserts that “BOEM held five public meetings on the proposed project- three in-person and two virtually” (Revolution Wind 2023, 32). They continued, “written comments were solicited throughout the comment period by mail or by utilizing the regulations.gov website” and, for this reason, “denied the public hearing request” made by the firm (Revolution Wind 2023, 32). These lines of evidence seem to suggest that this violation in the consulting process was not asserted until after the permit was granted. It could be conceived that these claims were a final attempt to overturn the rulings of the federal government. However, there are also factors that complicate these assertions.

The concerns of the Preservation Society of Newport County are greatly supported by the available material. Firstly, the Revolution Wind Farm and SouthCoast Wind offered no substantial evidence of NPS consultation. Despite the assertions made by the wind farm proponents, no physical evidence was provided to CHP and the Newport Preservation Society in light of their claims of improper communications. As previously mentioned by the USACE, comments are collected through mail and governmental websites. Furthermore, the Broadband Equity, Access, and Deployment Program confirms that consultation typically takes the form of an email, phone call, or letter. (NTIA & DOC 2023) These systems of communication would result in a collection of physical receipts that indicated interaction and consultation with specific agencies. The presence or absence of such material would provide ample proof to support or deny the Historical Society’s claims. BOEM’s hesitancy, or inability, to provide such documents

facilitates a level of skepticism in response to their claims. Additionally, there is a precedence of inadequate consultation within the permitting process. Across a large scope of grassroot and cultural agencies, there has been a history of misinformation and misconduct (Rowe et al. 2017). The National Congress of American Indians (NCAI) was established in 1944 in an attempt “to preserve the rights under Indian treaties or agreements with the United States.” (NCAI 1944) Today, the organization retains its prominence and respectability as the largest coalition of American and Alaska Natives in the world. In 2022, the organization released the NCAI Resolution ECSW-23-005: Offshore Wind Moratorium which called for a cease in all wind farm construction. As noted within the document, the “NCAI strongly urges the Department of the Interior and the Bureau of Ocean Energy Management to halt all scoping and permitting for offshore wind projects until completion of a comprehensive and transparent procedure adequately protecting tribal environmental and sovereign interests is developed and implemented.” (ECWS-23-005 2023, 2) Although no tribal nations have voiced opposition to this specific project, the concerns of the NCAI echoed the greater dilemma of insufficient consultation and rushed permitting processes presented by the Preservation Society. Their declaration provides a basis and a precedence for the claims made by the CHP against BOEM. Finally, it is integral to note that the purpose of the appeal is not to terminate the wind farm project. In the “Prayer for Relief” section, the only requests presented by CHP included a reassessment of the Section 106 and Section 110 processes, a revised EIS, MOA, a Record of Decisions that reflect the new assessment results, and financial compensation for legal fees and associated relief the court deems fit. However, the law firm appeals for a particularly unique condition: CHP calls for BOEM to declare their NEPA, Section 106, and Section 110 violations (Preservation Society of Newport County v. US, 2023). This small, seemingly irrelevant, detail

supports the idea that this document does not reject the wind farm's construction, but rather condemns BOEM's inability to adhere to proper processes and legal conditions.

With these acknowledgments, it is difficult to determine if proper consultation took place. The lack of evidence regarding NPS consultation gives the impression that CHP's claims are largely hearsay (Morgan 1948). With the available information, it appears to be reasonable for the Newport Historical Society to request such documentation; however, it is irresponsible to claim that such correspondence did not occur. This verdict is further complicated by the lexicon utilized within the legal detailing of Section 110. Vague language referring to consultation practices such as "to the maximum extent possible," and "a reasonable opportunity" do not provide a scalable measure for the necessary process (NHPA 1966, 26). For these reasons, the claim of inadequate consultation cannot be verified with certainty. However, the Newport Historical Society's assertions bring to light the discontinuity and privatization of the permitting process. The appeal examines BOEM's, and by extension the United States', potential prioritization of meeting renewable energy goals rather than adhering to preservation law.

Private Interest

In addition to the main court filings by the Preservation Society of Newport County and Southeast Lighthouse Foundation, other private enterprises like the mansions along Newport's historic Ocean Drive and Cliff Walk, like the Vanderbilt's Breakers Mansion, have acted against this effort to produce an offshore wind farm. According to the claim made by the Newport Historical Preservation Society, "Proposed projects will inflict severe and long-lasting effects on the character, community, and heritage-tourism-driven economy of Newport, including historic properties that depend on this economy for their preservation activities (WPRI, 2023). The argument that stands for this severe opposition is that the beautiful Rhode Island coastlines that

bring in so many tourists would become diminished. Revenue would decrease due to the unsightliness of the coastlines and the proximity of the turbines to the mansions and other historical sites. When driving along Ocean Drive, “Save our Sea” lawn placards with an x over an image of turbines can be seen on the properties of multiple multi-million-dollar seaside mansions. It is no secret that parts of Newport are known for their historic Gilded Age glamour mansions, which attract over a million tourists annually, according to the City of Newport. In addition to mansions overseen by the Preservation Society of Newport, various private homes also reside along these now-public mansions, which would be affected by the turbines through an occupation of the ocean views and temporary construction. These turbines, however, would bring massive amounts of cleaner energy to the state of RI, and transition the state away from fossil fuel energy production in the next ten years. These turbines would be at maximum, as close as 12-15 miles offshore (WPRI, 2023), and on cloudy days may not even be seen by tourists and residents of Newport. The claims made the Newport County Preservation Society in this lawsuit, would mostly be comprised of aesthetic concerns, so what does this say about the private estates and Preservation society when the power from these turbines would generate great power sources for RI for decades to come? Does the historic Newport community get priority over what activities take place in the ocean when it affects tourism, or should we be concerned about clean energy production? As stated by the NCPS, “At least 492 turbines, each twice as tall as Rhode Island’s Superman Building or taller, will be visible, occupying up to 100% of the ocean views from key community sites for the next 30 years.” This recent decision has forged divides between many members of the community, and they may worsen as new developments with offshore construction begin. The divisions seem to fracture between concerned Newport citizens who fear for the future of tourism and the implications that would be felt from the

presence of the turbines and those who favor the transition to green energy. A Brown University Environmental Studies Professor, Timmons Roberts, says, “For those who are in a position of this privilege to say they don’t want to suffer even the inconvenience of looking at toothpick-sized structures 15 miles off the coast away from them so that we can have a livable future for our children,” he continued, “I mean, that’s, to me, a real expression of privilege” (WPRI, 2023). The real concern to be worried about is the increasing risks of climate change, like coastal erosion and sea level rise, which projects like the wind farm project, would help to mitigate while the state works on cutting back emissions (WPRI, 2023). RI has one of the highest rates of natural gas production and has been making efforts for the last ten or more years to reverse this trend and bring in cleaner forms of energy (Dugan Becker, South Coast Wind, 2024). Similar cases relating to wind farm opposition have occurred in Long Island, Nantucket, and New Jersey, although these filings were all dismissed (Forbes, 2024). None have occurred in areas as affluent as the Newport County area, and some in the community are saying this cultural and economic significance is to blame.

State and Federal Ocean Rights

Multi-level Permitting Process:

For the last twelve years, Revolution Wind and South Coast Wind have undertaken a permitting process to pass the Newport County wind farm project plans. Despite several delays, the petition was granted approval in 2023 (Baker 2023). Following the acceptance of the wind farm’s construction plans, a lawsuit broke out regarding the legitimacy of the permitting process of the project. The permitting process for renewable energy projects is a multi-layered procedure. The precise type and number of permits for a particular project depends on its size, geography,

technology, and jurisdiction. (*CEQ 2021*) However, most projects require broad approval from local, state, interstate, and federal authorities.

A renewable project normally needs a land-use permit at the lowest level, depending on the zoning and planning regulations of the city or county authority where it would be located. Typically, the larger a project is, the more permits and grants are needed to proceed with such undertakings. The Department of Energy (DOE) keeps a database of municipal wind energy regulations. (Conceição, 2022) Due to concerns about appearance, noise, and other specific effects, wind energy projects often encounter strong local resistance. A similar permitting is required for less “obstructive” sites such as rooftop solar. In more general terms, the approval of the local community situated around sites of renewable generating and transmission projects are typically necessary. For example, transmission line construction frequently requires traversing through private land. In turn, these situations tend to foster contentious eminent domain disputes in identifying suitable locations.

Permits from federal, state, or local government agencies may also be necessary, depending on the project's scale and location. The White House Council on Environmental Quality (CEQ), for instance, overlooks roughly twenty state and local environmental review statutes. These reviews require an analysis of how governmental actions—including the issuance of permits—affect the environment. (*CEQ 2021*.) As an example, Illinois state law requires permits for any project that may harm the air, water, or land within its boundaries, while California law mandates the examination and mitigation of a project's environmental consequences under the California Environmental Quality Act (CEQA). Permits from interacting branches of the state government may be necessary in addition to environmental permits. For example, in California, initiatives that impact supply power to consumers; and renewable energy

projects such as transmission lines must also link to the regional transmission system, commonly known as the local electric grid. These networks, also known as Independent System Operators (ISOs) or Regional Transmission Organizations (RTOs), can be found at the local, regional, or state level (e.g., PJM in the Eastern United States, or CAISO in California). To connect to the grid, a power-generating project necessitates permission from the transmission network. This element adds an additional "permit" layer to the project. The sequential or "queue" approach used by most transmission networks allows developers' interconnection applications to be evaluated in order of submission.

Finally, particularly large projects may require a wide range of federal permits from a variety of agencies, depending on the project scope. When multiple permits are required, one federal agency is typically designated as the “lead” and coordinates all permits and consultations with other agencies. Federal permits fall into several categories. (Conceição, 2022) There are an important group of federal permits for environmental preservation, including protections for wildlife, air, and water. For wildlife protection, there are 6 different acts in place to protect species including endangered and threatened species. For air and water conservation there are three different acts put in place to help regulate the amount of pollution in the environment. It then goes on to explain the federal protected land usage permits, which in total there is twelve that are there to regulate the amount of usage, and issues with groups not being granted the specific permits required.

Despite fundamental political differences, there appears to be a rare consensus regarding permitting reform across political divides. Due to the shortcomings of the U.S. permitting system and bipartisan support for rapid infrastructure development, the Democratic and Republican parties collectively agree that systematic improvements must be implemented. Each party's

support, however, is for distinctive purposes. Some Democrats have supported permit reform to expedite clean energy projects, whereas Republicans have typically supported it with a predilection toward accelerating fossil fuel projects. A flurry of legislative and regulatory initiatives has tried to expedite federal permitting, especially in the last ten years. Moreover, in most cases the preservation societies tend to align with democratic views regarding renewable energy. For instance, in Newport County, the local preservation society proclaimed that they are “proud supporters of green energy.” (CHP 2024)

The United Nations Convention on the Law of the Sea (UNCLOS 1982) serves as the cornerstone for ocean-sanctioned permitting. It states that a nation may claim a territory that is twelve nautical miles in length. (*United Nations Convention on the Law of the Sea*, n.d.) A nautical mile is the preferred unit of measurement for sea distances. Each nautical mile is equivalent to 1.1508 land-measured (or statute) miles. As the nautical mile is based on the longitude and latitude coordinates of the Earth, this roughly equates to one minute of latitude on Earth’s surface. This unit of measurement can also be used in determining exclusive economic zones, which are approximately two hundred nautical miles of the water column beyond the respective country’s coastlines. (CEQ 2021) The continental shelf, or the first two hundred nautical miles of the sea floor, is similarly affected. Each nation maintains the exclusive right to allocate and control the resources discovered within that territory – and their privileges do not end there. The respective nation also has the exclusive right to the resources beyond these two hundred nautical miles, if scientific means can demonstrate that the continental shelf of their shoreline extends beyond such limits and is continuously connected to the mainland geologically. Islands are included in this territorial claim; however, rocks or other outcroppings are excluded. As written in the Section 42 of Rhode Island State Affairs and Government:

The general assembly finds that the people of the state of Rhode Island have a fundamental interest in the establishment of the full jurisdiction of this state over that area which Congress has determined to be subject to this state's jurisdiction in the Submerged Lands Act of 1953, 43 U.S.C. § 1301 et seq., and to extend jurisdiction as fully as is permitted under the Geneva Convention on the Territorial Sea and the Contiguous Zone of 1958 and applicable precedents of the United States Supreme Court. (R.I. Gen. Laws § 42-1-1, 1984)

This subsection of the law contextualizes wind turbine projects through the lens of the Submerged Lands Act (SLA). By establishing the current legal understanding of water rights, this document proves vital in examining and evaluating the water and land jurisdiction claims revolving around wind farm happenings.

Under the Coastal Zone Management Act of 1972, the Rhode Island Coastal Resources of Management Council (CRMC) has been authorized to implement measures that foster ecological management and ocean rights called SAMPs (RI CRMC, n.d.). This SAMP, or Ocean Special Area Management Plan includes all state and federal waters surrounding Rhode Island. This zone covers an area of about 1,547 square miles, or 1,168 square nautical miles (*RI CRMC, n.d.*). The SAMP will be created through a collaborative effort of state and federal agencies. This includes all open waters that are less than 150 feet (about 45.77 km) inside the described boundary. In accordance with federal mandates, this guarantees that the regional impacts on natural resources are suitably considered during this process (a federal requirement).

A report of the Revolution Wind project, produced by Inspire environmental states that seafloor communities have endured increased water temperatures near the project due to the cable line drilling and the consistent movement of the turbines. The average pH of the seafloor is

expected to decline as the seawater becomes more saturated with carbon dioxide (Lhowe, 2023). This pH increase threatens the health of shellfish and other common fish in the area. In compliance with this report, the project will establish a soft start, which will entail a slow construction start to offer a warning to ocean life to flee the area. It is important to note that without the implementation of wind power and with the continued burning of fossil fuels, ocean warming would still occur. One of the other key players in the RI windfarm project, Southcoast Wind, has designed a wind turbine structure that can provide an artificial reef effect. The turbine foundations allow seabed species like mussels a hard surface to attach to. Eventually, these structures will positively impact the sea animals in the area (Becker & Southcoast Wind, n.d). The National Environmental Policy Act (NEPA) requires federal agencies to determine and disclose the environmental consequences of their actions. Southcoast Wind has declared that this project will affect fisheries, Atlantic cod spawning and seabed because of the trenches that must be dug for cables (Lhowe, 2023). In regard to the Coastal Zone Management Act and NEPA, it is clear that the Revolution Wind company complied with this act explicitly. Considering factors related to both human and natural use, this boundary may change. For instance, it might be appropriate to increase or decrease this boundary following the release of commercial and fisheries usage maps.

To streamline future offshore wind projects and prevent the legal misinterpretations that occurred in the Rhode Island Wind Farm project, RI Senator Sheldon Whitehouse has proposed the COLLABORATE Act. This stands for Create Offshore Leadership and Livelihood Alignment by Operating Responsibly and Together for the Environment. This act would systematize the process of creating more windfarm projects in Rhode Island by drastically increasing cooperation and communication between government agencies, developers and

stakeholders. To eliminate legal misinterpretations or violations, the position for a director of offshore wind projects would be established in the White House. This director would implement a five-year leasing schedule for offshore wind projects and ensure that companies comply with this schedule. The director would also review acts like the CZMA and the NEPA to ensure that all contractors were complying and suggest revisions. Currently, the federal government has inadequate engagement with corporations and the local government in which the project will be implemented. With the addition of a director, offshore wind farm projects would require judicial reviews with the court of appeals in the circuit where the project is located and constant communication with stakeholders would be required.

Conclusion

Balancing environmental sustainability with historic and cultural preservation may appear to be contradictory objectives, but their coexistence has precedent. UNESCO, or United Nation Educational, Scientific and Cultural Organization, is an international organization which oversees World Heritage Resources across a vast array of countries. Globally, UNESCO supervises 1199 properties of historic, cultural, and natural significance (UNESCO 2024). The United Nations program provides funding and diplomatic protection of World Heritage Sites (UNESCO 2024). The organization is steadfast in preserving locations of global significance for future generations – their same devotion can be deemed in their commitment to sustainable energy development. In 2011, the director general of UNESCO, Irina Bokova, declared “heritage is a building block for sustainable development” (Labadi 2017, 45) and their sentiment is still evident today. In 2015, the preservation organization provided guidelines, entitled a *Policy on the Integration of a Sustainable Development Perspective*, for employing wind energy while maintaining preservation laws set forth by their national and international programs (UNESCO

n.d.). In alignment with the global environmental goals (e.g., United Nation's 2030 Agenda for Sustainable development, Paris Agreement) and country-based initiatives (e.g., European Green Deal), UNESCO wants to streamline a process of transparency within this multi-stage process of local, regional, national, and international adherence. As detailed within the guidelines:

The best strategy to reconcile the interests of World Heritage protection with those of wind energy development is to be fully transparent in the planning processes and to provide easy access to adequately detailed and up-to-date information on World Heritage properties and their Outstanding Universal Value (OUV), as well as the attributes that convey it. (UNESCO n.d.)

Although an imperfect system, UNESCO has continued their attempts to support green energy endeavors in World Heritage locations. For example, Luang Prabang, Laos has been listed on UNESCO's register since 1995. Laos is under multi-faceted legal jurisdiction including the oversight of the French government, the Laotian government, the city government of Chinon, and the Asian Development Bank. Various interest conflicts and disintegrated perspectives, goals, and processes contributed to the failure of Luang Prabang's sustainability model amidst the preference for short-term income from the tourism industry (Labadi 2017). However, in recent years, European nations, such as Austria, France, Germany and Great Britain, were able to overcome such division. For instance, Germany is a frontrunner in both preservation and renewable energy. The fifty-two heritage sites listed in Germany (UNESCO n.d.) are dotted amongst the over 1,500 offshore wind turbines within its borders (Wehrmann 2023). This is possible due to the "smooth and reliable planning procedures...in the planning and authorization processes." (UNESCO 2021, 20). It is evident that a fluid and seamless process is required to reach any level of balance between sustainability and preservation.

To streamline future offshore wind projects and prevent the legal misinterpretations that occurred in the Rhode Island Wind Farm project, RI Senator Sheldon Whitehouse has proposed the COLLABORATE Act. This stands for Create Offshore Leadership and Livelihood Alignment by Operating Responsibly and Together for the Environment. This act would systematize the process of creating more windfarm projects in Rhode Island by drastically increasing cooperation and communication between government agencies, developers and stakeholders. To eliminate legal misinterpretations or violations, the position for a director of offshore wind projects would be established in the White House. This director would implement a five-year leasing schedule for offshore wind projects and ensure that companies comply with this schedule. The director would also review acts like the CZMA and the NEPA to ensure that all contractors were in compliance and suggest revisions. Currently, the federal government has inadequate engagement with corporations and the local government in which the project will be implemented. With the addition of a director, offshore wind farm projects would require judicial reviews with the court of appeals in the circuit where the project is located and constant communication with stakeholders would be required.

Throughout this research, one element stands clear: the current approval process is not an effective strategy to implement offshore wind farm projects. It is important that lawmakers, on a local, statewide, and federal level, participate in conversations surrounding these wind farm projects, to follow all required regulations. Senator Whitehouse's COLLABORATE Act is the first step in streamlining this implementation process to prevent the miscommunication and legal opposition that did occur. Proper education is also an integral feature in resolving this conflict. It is essential that one researches the topic prior to the development of an opinion. Throughout this research, it is apparent that many of those who do not support the wind farm project were not

aware of the entire proposal. The inadequate knowledge could be attributed to a lack of communication by companies like SouthCoast Wind, which would be improved through the COLLABORATE Act.

The COLLABORATE ACT and the accessibility of accurate information has the potential to shift the opposing public towards renewable energy. By unifying development protocols and publicizing correct information, inquisitive and concerned citizens will be able to gather information and place judgement in an appropriate and reasonable fashion. By allowing all information and legal procedures to pass through a singular entity, misinformation and the misplaced anger would be eliminated.

Whether or not rushed permitting processes had occurred or violation of local, state, and national laws transpired, one aspect of the puzzle remains clear: the current system in place is not operational. By unifying the processes of renewable energy development, citizens are able to focus on the significance of conserving the planet and reestablishing its depleting resources, rather than party divisions and the perceived wrongdoings of their fellow neighbors.

Acknowledgements

We wish to thank Dr. Craig Condella for facilitating our research and fostering our exploration into the legal frameworks of Newport's impending wind farm project. We would also like to thank the Director of Library Services, Dawn Emsellem-Wichowski, for guiding us through the beginning stages of our project. The investigative skills obtained through her lecture were informative and helpful in completing our project. Additionally, our team would like to show our gratitude to Rhode Island Senator Dawn Euer and SouthCoast Wind's Dugan Becker,

who each took the time out of their busy schedules to speak with our class. Each contributed unique insight into our subject matter and proved critical to our evaluation.

References

- Advisory Council on Historic Preservation (n.d.). *About the ACHP*. [https://www.achp.gov/about#:~:text=The%20Advisory%20Council%20on%20Historic%20Preservation%20\(ACHP\)%20is%20an%20independent,tribes%2C%20and%20expert%20private%20citizens.](https://www.achp.gov/about#:~:text=The%20Advisory%20Council%20on%20Historic%20Preservation%20(ACHP)%20is%20an%20independent,tribes%2C%20and%20expert%20private%20citizens.)
- Advisory Council on Historic Preservation (n.d.). *Council Members*. <https://www.achp.gov/about/councilmembers#:~:text=Four%20members%20of%20the%20general,the%20chairman%20and%20vice%20chairman.>
- Advisory Council on Historic Preservation (n.d.). *National Parks Service*. <https://www.achp.gov/nps>
- Anderheggen, S. (2010). Four Decades of Local Historic District Designation: A Case Study of Newport, Rhode Island. *The Public Historian*, 32(4), 16-32.
- Becker, D. & Southcoast Wind. (2024, April 4). *Southcoast Wind Salve Regina lecture* [Slide show; Powerpoint Slides].
- Belmore, R. (2023, November 22). *The Preservation Society of Newport County files federal appeals to highlight legal errors in permitting review of Offshore Wind Farms*. What's Up Newp. <https://whatsupnewp.com/2023/11/preservation-society-of-newport-county-files-federal-appeals-to-highlight-legal-errors-in-permitting-review-of-offshore-wind-farms/>
- Benjamin Wehrmann (2023). *German Offshore Wind Power – Output, Business and Perspectives*. Clean Energy Wire: Journalism for the Energy Transition. <https://www.cleanenergywire.org/factsheets/german-offshore-wind-power-output-business-and-perspectives>
- Bureau of Ocean Management (2023). *Appendix A: Required Environmental Permits and Consultations*. Record of Decision: Record of Decision: Revolution Wind Farm and Revolution Wind Export Cable Project Construction and Operations Plan.

https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Revolution_Wind_FEIS_Vol2_Part1of3_0.pdf

Bureau of Ocean Management (2023). *Record of Decision: Revolution Wind Farm and Revolution Wind Export Cable Project Construction and Operations Plan.*

https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Revolution-Wind-Record-of-Decision-OCS-A-0486_3.pdf

City of Newport. (2023). *Tourism*. Welcome to the City of Newport, Rhode Island.

<https://www.cityofnewport.com/visiting-newport/around-the-city/tourism>

Chapter 1 Sovereignty and Jurisdiction of State. (n.d.). State of Rhode Island General Assembly. <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-1/42-1-1.htm>

Comay, L. B., & Clark, C. E. (2023). (rep.). *U.S. Offshore Wind Energy Development: Overview and Issues for the 118th Congress*. Retrieved 2024, from <https://crsreports.congress.gov/product/pdf/R/R46970>.

Conceição, P. (2022, September 28). *How does permitting for clean energy infrastructure work?*

Brookings Institution. <https://www.brookings.edu/articles/how-does-permitting-for-clean-energy-infrastructure-work/>

Council on Environmental Quality Report to Congress on Carbon Capture, Utilization, and Sequestration. (n.d.). The White House. <https://whitehouse.gov/wp-content/uploads/2021/06/CEQ-CCUS-Permitting-Report.pdf>

Department of Defense & National Preservation Institute (2023). *NHPA Section 110 Surveys Project, 2023-2028*. National Historic Preservation Act: Section 110 Surveys Project, 2023-2028 in Cooperation with the National Preservation Institute.

<https://www.npi.org/sites/default/files/DoD110-FactSheet%20Standards%20110%40121523.pdf>

Department of the Interior & Advisory Council on Historic Preservation (2013). *National Historic Preservation Act (Sections 106, 110, & 402)*. 16 U.S.C. § § 470a et seq.

<https://coast.noaa.gov/data/Documents/OceanLawSearch/Summary%20of%20Law%20-%20National%20Historic%20Preservation%20Act.pdf>

Dong, L., & Lang, C. (2022). Do views of offshore wind energy detract? A hedonic price analysis of the Block Island Wind Farm in Rhode Island. *Energy Policy*, 167, 113060.

<https://doi.org/10.1016/j.enpol.2022.113060>

Federal Emergency Management Agency (n.d.). *NHPA Plan. Request for Information About Proposed FEMA Project; Pre-Disaster Mitigation Competitive (PDM-C) Program, in the Town of Blackrock, Seneca County, State*. https://www.fema.gov/pdf/plan/ehp/Final_B_PDF.pdf

GSA.gov. (2023, June 6). Section 106: National Historic Preservation Act of 1966. U.S. General Services Administration. <https://www.gsa.gov/real-estate/historic-preservation/historic-preservation-policy-tools/legislation-policy-and-reports/section-106-of-the-national-historic-preservation-act#:~:text=Section%20106%20of%20the%20NHPA,when%20making%20final%20project%20decisions>

- Labadi, S. (2017). UNESCO, world heritage, and sustainable development: International discourses and local impacts. *Collision or collaboration: Archaeology encounters economic development*, 45-60.
- Lhowe, M. (2023, February 7). Revolution Wind Turbines' Effects on Life in the Sea and on the Seafloor Remain Unclear. ecoRI News. <https://ecori.org/revolution-wind-turbines-effects-on-life-in-the-sea-and-on-the-seafloor-remain-unclear/>
- Lhowe, M. (2024, January 16). *Whitehouse Bill Would Tighten, Clarify Process of Approving Offshore Wind Projects*. ecoRI News. <https://ecori.org/whitehouse-bill-would-tighten-clarify-process-of-approving-offshore-wind-projects/>
- Morgan, E. M. (1948). Hearsay Dangers and the Application of the Hearsay Concept. *Harvard Law Review*, 62(2), 177-219.
- National Congress of Indian Americans (2023). *Offshore Wind Moratorium*. The National Congress of American Indians resolution #ECWS-23-005. <https://assets.bwbx.io/documents/users/iqjWHBFdfxIU/r2DmaqtznhvU/v0>
- National Telecommunications and Information Administration & Department of Commerce (2023). *National Historic Preservation Act (NHPA) Consultation Process Fact Sheet*. Broadband Equity, Access, and Development Program. https://broadbandusa.ntia.doc.gov/sites/default/files/2024-02/NHPA_Sect_106_Consultation_Process_Fact_Sheet_2024.pdf
- Noles, James L. Jr. (2016). *When future meets past: energy developments and nhpa compliance*. *Natural Resources & Environment*, 31(1), 38-42.
- Ocean Governance: Who Owns the Ocean? | Text and Infographic*. (2017, May 30). Heinrich-

Böll-Stiftung. Retrieved April 18, 2024, from <https://www.boell.de/en/2017/05/30/ocean-governance-who-owns-ocean>

Raimondo, G. (2020). *Advancing a 100% Renewable Energy Future for Rhode Island by 2030*.

The State of Rhode Island and Providence Plantation. <https://governor.ri.gov/executive-orders/executive-order-20-01>

RI Coastal Resources Management Council. (n.d.). *RI CRMC Revolution Wind*. RI Coastal

Resources Management Council. <http://www.crmc.ri.gov/windenergy/revolution.html>

RI Ocean SAMP Fact Sheet. (n.d.). Rhode Island Sea Grant. [https://seagrant.gso.uri.edu/](https://seagrant.gso.uri.edu/oceansamp/fact_sheet.html)

[oceansamp/fact_sheet.html](https://seagrant.gso.uri.edu/oceansamp/fact_sheet.html)

Rivera, A. R. (2023, December 1). *Newport Preservation Society sues feds over approved*

offshore wind farms. WPRI.com. [https://www.wpri.com/news/local-news/east-](https://www.wpri.com/news/local-news/east-bay/newport-preservation-society-sues-feds-over-approved-offshore-wind-farms/#:~:text=NEWPORT%2C%20R.I.%20(WPRI)%20%E2%80%94,collaboration%20between%20Orsted%20and%20Eversource)

[bay/newport-preservation-society-sues-feds-over-approved-offshore-wind-](https://www.wpri.com/news/local-news/east-bay/newport-preservation-society-sues-feds-over-approved-offshore-wind-farms/#:~:text=NEWPORT%2C%20R.I.%20(WPRI)%20%E2%80%94,collaboration%20between%20Orsted%20and%20Eversource)

[farms/#:~:text=NEWPORT%2C%20R.I.%20\(WPRI\)%20%E2%80%94,collaboration%20](https://www.wpri.com/news/local-news/east-bay/newport-preservation-society-sues-feds-over-approved-offshore-wind-farms/#:~:text=NEWPORT%2C%20R.I.%20(WPRI)%20%E2%80%94,collaboration%20between%20Orsted%20and%20Eversource)

[between%20Orsted%20and%20Eversource.](https://www.wpri.com/news/local-news/east-bay/newport-preservation-society-sues-feds-over-approved-offshore-wind-farms/#:~:text=NEWPORT%2C%20R.I.%20(WPRI)%20%E2%80%94,collaboration%20between%20Orsted%20and%20Eversource)

Roeloffs, M. W. (2023, November 29). *Newport mansion owner sues Federal Government over*

wind farm it says will Block Ocean views. Forbes. [https://www.forbes.com/sites/](https://www.forbes.com/sites/maryroeloffs/2023/11/28/newport-mansion-owner-sues-federal-government-over-wind-farm-it-says-will-block-ocean-views/?sh=49730e3074ca)

[maryroeloffs/2023/11/28/newport-mansion-owner-sues-federal-government-over-wind-](https://www.forbes.com/sites/maryroeloffs/2023/11/28/newport-mansion-owner-sues-federal-government-over-wind-farm-it-says-will-block-ocean-views/?sh=49730e3074ca)

[farm-it-says-will-block-ocean-views/?sh=49730e3074ca](https://www.forbes.com/sites/maryroeloffs/2023/11/28/newport-mansion-owner-sues-federal-government-over-wind-farm-it-says-will-block-ocean-views/?sh=49730e3074ca)

Rowe, M. J., Finley, J. B., & Baldwin, E. (2017). Accountability or Merely "Good Words"? An

Analysis of Tribal Consultation Under the National Environmental Policy Act and the

National Historic Preservation Act. *Ariz. J. Env'tl. L. & Pol'y*, 8, 1-47.

State of Rhode Island (n.d.). *Historical Preservation & Heritage Commission: Listed Properties*. <https://preservation.ri.gov/historic-places/national-register/listed-properties>

Sullivan, R. G. (2021). (rep.). *Assessment of Seascape, Landscape, and Visual Impacts of Offshore Wind Energy Developments on the Outer Continental Shelf of the United States*. <https://www.boem.gov/sites/default/files/documents/environmental/environmental-studies/BOEM-2021-032.pdf>.

The Brattle Group & RI Ocean of Energy Resources (2020). *The Road to 100% Renewable Electricity: By 2030 in Rhode Island*. <https://energy.ri.gov/sites/g/files/xkgbur741/files/documents/renewable/The-Road-to-100-Percent-Renewable-Electricity---Brattle-04Feb2021.pdf>

The Preservation Society of Newport County. (2023, November 30). *Wind Farm Federal Appeal: Faqs*. Newport Mansions. <https://www.newportmansions.org/wind-farm-federal-appeal-faqs/#:~:text=The%20Preservation%20Society%20of%20Newport,for%20the%20District%20of%20Columbia.>

The Preservation Society of Newport County v. SOI, DOI, & BOEM, 1:23-cv-3510. pp.1-16 (2023). <https://www.culturalheritagepartners.com/wp-content/uploads/2023/11/Revolution-SELF-Filed.pdf>

The White House (2023). *Fact Sheet: President Biden to Catalyze Global Climate Action through the Major Economies on Energy and Climate*.

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/20/fact-sheet-president-biden-to-catalyze-global-climate-action-through-the-major-economies-forum-on-energy-and-climate/>

United Nations of Educational, Scientific and Cultural Organization (n.d.). *World Heritage and Wind Energy Planning*. <https://whc.unesco.org/en/wind-energy-planning/>

United Nations of Educational, Scientific and Cultural Organization (n.d.). *Protecting World Heritage During The Energy Transition*. <https://whc.unesco.org/en/wind-energy/protecting>

United Nations of Educational, Scientific and Cultural Organization (n.d.). *World Heritage Convention: Germany Description*. <https://whc.unesco.org/en/statesparties/de>

United Nations of Educational, Scientific and Cultural Organization (2021). *World Heritage and Wind Energy Planning: Protecting Visual Integrity in the Context of the Energy Transition*. <https://whc.unesco.org/en/wind-energy-planning/#>

United Nations of Educational, Scientific and Cultural Organization (n.d.). *World heritage and Sustainable Development*. <https://whc.unesco.org/en/sustainabledevelopment/>

United Nations Convention on the Law of the Sea. (n.d.). the United Nations.

https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

WINDEXchange: Permitting and Zoning. (n.d.). WINDEXchange

<https://windexchange.energy.gov/projects/permitting>