

WHEN IGNORANCE IS NOT BLISS

BY JAMES A. KENT

I recently attended an American Wind Energy Association meeting on siting and was especially interested in the Bureau of Land Management panel session. Included in a discussion on renewable energy was the Cape Wind project, which had suffered from significant roadblocks. According to one panelist, the project developer asked a Fish and Wildlife biologist if there were any issues that might prevent windmills from being built off of Nantucket Sound. He responded that, to his knowledge, there were not any issues.

Based on that informal response, the developer moved forward with the project - only to hit an inevitable roadblock.

Windmills can impact a view of the horizon if not properly placed. In this particular case, the resident Aquinnah Indians were affected. This Tribe has an imbedded cultural belief that, in order to be spiritually whole, they must have an unobstructed view of the eastern horizon. There are federal laws that protect these beliefs. Unfortunately, no one took the time to research the community. By the time the obstructed horizon issue finally surfaced, not only were the Indian beliefs a problem, but other residents had decided to join in and support any activity that would stop the wind machines.

A social scan of the target area would have certainly uncovered the Indian Tribe. While the developer may have had to hire a knowledgeable social scientist to help them understand the Indian

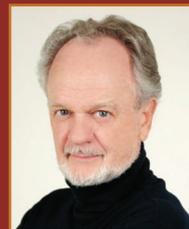
beliefs and how to mitigate the issue, at least the concern could have been addressed before it disrupted the entire project. If the company had taken the time to research the area before starting development, they might have discovered that, by placing the wind machines 15 miles further out, they would have fallen below the horizon and would not have obstructed the Aquinnah view.

In Colorado, I experienced a similar situation involving a power line from Pueblo to Alamosa, which spanned about 120 miles. For the corridor, the developer drew as straight a line as he could for 120 miles using an aerial view of 10,000 feet. The developer did not consult with the Bureau of Land Management or the U.S. Forest Service, nor set up a system to keep them informed. Unfortunately, the transmission line was designed to pass through the Trancera Ranch, whose owner retained a lawyer and now has the project at a standstill. In reviewing the corridor line, it could have easily been redirected around the ranch. If only the developer had taken the time to research the local area and conduct some due diligence, a lot of time and money could have been saved.

We all want to fast track our projects. Instead of fact-checking with several sources, it's easier to accept and believe limited and often inadequate information just to get underway. As experience shows, this leaves us open to significant risk.

Developers must learn to become attuned to the social systems that affect communities and can ultimately impact their project. Citizen-based stewardship is a profound trend that is sweeping the country. More people have decided to take control of their environments. They want predictability and participation regarding what happens in their community.

As right of way professionals, we are in a unique position to bring these issues into the light and ensure that citizen issue testing becomes the first step in any project or development.



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