

COMMENTARY

Even in a climate crisis, following the law should not be controversial

By **Trudy Coxe** Updated January 19, 2024, [57 minutes ago](#)



COP Layout

0 1 in 2 ft
This scale is designed to assist the visualization images are printed at the intended size.

Original COP Layout - The Breakers - Day Condition

Revolution Wind Farm
Outer Continental Shelf OCS-A 0486
EDR

Sheet 5 of 10

A visualization of offshore wind farms as they could appear from the balcony of the Breakers in Newport, R.I. ORSTED VISUALIZATION

I used to think that requiring federal regulatory agencies to follow the law was a noncontroversial position. Wow, was I wrong.

The Preservation Society of Newport County [filed a complaint in November](#) against the Bureau of Ocean Energy Management because it failed to follow the law in reviewing wind farm projects off Rhode Island. [Wind farm proponents quickly cried foul](#), misrepresenting our objectives and labeling us “climate deniers” and opponents of green energy. The phrases “NIMBY” and “white privilege” were also tossed about.

All we’re asking is for the Bureau of Ocean Energy Management to follow the policies and procedures in the [National Historic Preservation Act](#) and the [National Environmental Policy Act](#), laws in place for the last 50 years.

The National Environmental Policy Act requires the Bureau of Ocean Energy Management to inform the public about the effects of wind farms on the environment before they issue permits. The bureau fails to meet this obligation when it states repeatedly throughout its environmental impact statements that the adverse effects of wind farms are unknown, uncertain, or unclear. There are almost 1,000 turbines, each hundreds of feet tall, proposed for the waters off Rhode Island in an area as large as the state itself. The impact of a project this size absolutely needs to be known, certain and clear.

The bureau is required by law to involve all affected parties, including cultural organizations such as ours, and they did not do that. They were required to consider the economic impact on property values and tourism, and they did not do that. They were required to consider cumulative effects of wind farms already under review and all those reasonably foreseeable, and they did not do that. For two years, we have asked the bureau to correct its serious errors under the permitting process, and they did not do that. So we were left with no better option than to go to court.

Here’s where we stand:

We recognize the very real impacts of climate change; are proud of our environmental initiatives; fully support the transition from fossil fuels to clean, renewable sources of energy; and believe wind power could play an important part in our energy future.

Our insistence on respecting the law has not delayed anything. Development of the [South Fork](#) and [Revolution](#) wind farms off Newport, about 80 turbines, is proceeding even though proper procedures have not been followed.

Some groups that normally advocate for the environment have, in their rush to support offshore wind farms, dismissed the importance of laws they've used for years to hold fossil fuel companies accountable for damage to marine life, communities and tribal nations. Energy companies proposing wind farms should not be held to a lower standard, and allowing permitting agencies to cut corners will have grave consequences for future projects environmentalists don't like.

If the Bureau of Ocean Energy Management guts environmental and cultural protections in order to promote wind energy, that precedent will become a playbook for expediting undesirable projects everywhere. Whether the federal government is issuing a permit for fracking near a traditional Native American site, constructing a coal-powered plant near a low-income community, building a freeway through a historically Black neighborhood, or siting wind turbines in sensitive marine environments, laws are there to give interested parties a say and ensure that these projects are built in a responsible manner.

I've been an environmentalist my whole life, including serving as Massachusetts secretary of environmental affairs, director of ocean and coastal resource management in the National Oceanic and Atmospheric Administration, and director of Save The Bay. From my experience in government and dealing with environmental opportunities and threats, I know that when the law is ignored or misused, the consequences can be painful and expensive.

Congress has put laws in place to help make sure our energy transition is pursued with a sense of urgency, not with haste. When circumstances demand urgent action — as they do now — it is especially important that laws and regulations to protect our health, the environment, the economic viability of communities, wildlife, and other resources be respected. To ignore these safeguards, even when facing the most pressing emergency, endangers us all and slows the transition to a carbon-free future.

Being asked to decide between following the law or aggressively addressing the climate crisis is a dangerous and cynical false choice. Following the law should never be a controversial stand to take.

Trudy Coxe is the chief executive officer of the Preservation Society of Newport County.

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