

Firm Client the Town of Barnstable Celebrates the End of Cape Wind

12.12.17

After more than 15 years of fighting, our client—the Town of Barnstable—was able to declare victory in its battle to prevent the Cape Wind energy project from being located in Nantucket Sound. On December 1, 2017, Cape Wind announced that it would abandon the project and surrender its lease from the United States. The decision was unexpected, but not a surprise. Following a string of litigation defeats and the cancellation of its power purchase agreements and other contracts, the project was not expected to go forward. Kaplan Kirsch & Rockwell represented the Town in litigation challenging the FAA’s determinations that the 130 turbines would not pose a hazard to air navigation, including a decision from the D.C. Circuit in 2011 reversing the FAA’s decision. Our attorneys also represented the Town in its challenge to the Department of the Interior award of Cape Wind’s lease under NEPA and other environmental laws, including ongoing litigation at the Interior Board of Land Appeals. Now that the Cape Wind project has been renounced, the Town and other environmental groups on Cape Cod are turning their attention to securing permanent protection for the national treasure that is Nantucket Sound.