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RWU Law School Marine Affairs Institute Proposal

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Marine Affairs Institute

March 20, 2009

Ms. Diane M. Williamson, AICP
Director of Community Development
Town of Bristol
10 Court Street
Bristol, RI 02809
Sent by electronic mail transmission & hard copy hand-delivered

Dear Ms. Williamson:

It is my pleasure to provide you additional detail regarding legal research for the East Bay Communities' wind energy feasibility study. Roger Williams University is committed to sustainability and is pleased to offer support to our neighbors seeking alternative energy sources. As we discussed, I understand you have identified two questions in the study that could benefit from the School of Law's legal research and analysis expertise:

1. What is the existing regulatory framework to site terrestrial and/or nearshore marine wind energy facilities in Rhode Island, and
2. What are the legal issues posed by nine different municipalities desiring to act as one entity for the purposes of siting and utilizing wind energy facilities?

These projects appear to be the appropriate scope and scale for RWU law students to research. At this point in your project, there are many basic legal questions to be answered and law students can conduct this 'nuts and bolts' type of research efficiently and competently, laying the groundwork for more sophisticated legal analysis that you might need later should the project go forward. Law students are selected based on their academic performance to work on research projects under the supervision of attorneys at the law school, interacting with attorneys at the requesting organization. I understand that an attorney working with you on this project, Mr. Ray Gallison, may be available to act as your point of contact to work with us in directing the students' work, and we are comfortable with that arrangement. Our students do not do research related to litigation and student research products are considered open to the public. The final work product that you would receive would be in the form of a memorandum or 'white paper' type of document.

The research on wind energy regulations would be directed out of the Marine Affairs Institute, where we have specific expertise on alternative energy law and policy and continually supervise student researchers. We hosted a major national symposium on marine alternative energy law and policy last fall and are currently providing legal research support for the state's cutting edge Ocean Special Area

Management Plan (SAMP) project, examining the legal and regulatory framework for alternative energy siting and ocean zoning for the waters off Rhode Island's coast.¹ Through our affiliation with Rhode Island Sea Grant, we select students to be Sea Grant Law Fellows through a competitive process. Law Fellows work on various marine-related projects and are supervised by our Research Counsel, Ms. Megan Higgins. In addition to our current research for Ocean SAMP, students have produced research papers on issues such as coastal access, fishery regulations, and shellfish restoration for governmental, business and nonprofit organizations. The research on municipal organization issues would be supervised by a tenured faculty member, Professor Jonathan Gutoff, and conducted by a student selected for their research and writing skills. Professor Gutoff has been faculty at the law school for 12 years and teaches administrative law, civil procedure and admiralty courses, in addition to supervising student research and writing projects. He is faculty advisor to the Marine Affairs Institute and we will easily be able to coordinate our work on these two issues as necessary.

Here is a proposed budget to conduct this work:

- Budget assumes project is one semester long.
- Student time is calculated based on 10 hours/week for 12 weeks per semester.²
- Supervisor time is calculated based on 40 hours supervision per semester.
- Indirect costs are calculated on student, staff and faculty time at a reduced rate of .10; fringe benefits are calculated on staff and faculty time at a .35 rate.

Sea Grant Law Fellow	\$	1200.00
Research assistant		1080.00
Ms. Megan Higgins, Esq.		1154.00
Prof. Jonathan Gutoff		2308.00
Indirect costs		574.00
<u>Fringe benefits</u>		<u>1212.00</u>
<u>TOTAL</u>	<u>\$</u>	<u>7528.00</u>

¹Information on our Symposium is available at <http://law.rwu.edu/sites/marineaffairs/symposia/seventhMLS.aspx> and on the Ocean SAMP is available at <http://seagrants.gso.uri.edu/oceansamp/>.

² Sea Grant Law Fellows are paid \$10/hour and Research Assistants are paid \$9/hour due to different internal funding mechanisms.

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Please let me know if you have any additional questions on this proposal. It is an exciting project, and RWU School of Law would be pleased to be able to support your efforts to utilize renewable energy in the East Bay.

Regards,

Susan E. Farady

Susan E. Farady, J.D.

Director, Marine Affairs Institute