

2nd Annual Conference!

# Wind Energy 2009

A Sustainable Source of Power

January 26-27, 2009 • Omni Hotel Downtown • Austin

## Featuring Speakers From:

Acciona Energy  
Bat Conservation International  
Curry & Kerlinger  
DeTect  
Lower Colorado River Authority  
SWCA Environmental Consultants  
Texas General Land Office  
University of Texas School of Law  
U.S. Fish & Wildlife Service

Dear Colleague:

By the end of 2008, the American Wind Energy Association (AWEA) predicts that the United States wind generating capacity will provide sufficient power for the electrical needs of over 4.5 million homes and inject over \$10 billion into the national economy. With Texas leading the nation, wind energy is a tremendous growth industry where environmental, financial, legal and permitting issues are changing as fast as the industry is developing.

Join us for our Second Annual Conference where outstanding experts will provide you with the latest developments on the issues facing the industry today. Speakers will cover the following topics:

- Federal Wind Turbine Advisory Committee Guidelines
- Perspective from the demand side
- Project financing
- Environmental considerations
- Historic preservation and siting of wind facilities
- State and local permitting perspectives
- Impacts on birds and bats
- Using radar technology to reduce impacts
- Litigation issues and status in south Texas

Meet us in Austin for this timely conference.

Sincerely,



**Alan M. Glen, Esq.**  
Program Co-Chair  
Smith, Robertson, Elliott, Glen, Klein & Bell  
Austin



**Steven W. Carothers, PhD**  
Program Co-Chair  
Aquatic and Terrestrial Biologist  
SWCA Environmental Consultants  
Austin

## Omni Hotel Downtown

700 San Jacinto Boulevard  
Austin, TX 78701

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Schedule and Instructor Bios Inside 

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## MONDAY, JANUARY 26

8:15 Registration and Continental Breakfast

### 8:45 **Welcome and Introduction**

Overview of Day One

**Alan M. Glen, Esq., Program Co-Chair**

Smith, Robertson, Elliott, Glen, Klein & Bell, Austin

**Steven W. Carothers, PhD, Aquatic and Terrestrial Biologist, Program Co-Chair**

SWCA Environmental Consultants, Austin

### 9:00 **A Primer on Wind Energy**

Technology, Economics, Transmission and Environmental Issues

**Randy Etheridge, Senior Developer**

Acciona Energy, Katy

### 9:45 **Keynote Presentation**

Global Challenges in Wind Energy

**Jerry Patterson, Commissioner**

Texas General Land Office, Austin

10:30 Morning Break

### 10:45 **Report on the Federal Wind Turbine Advisory Committee Guidelines**

Will There Be Guidelines? Will They Be Useful? Will They Be Used?

**Steven P. Quarles, Esq.**

Crowell & Moring, Washington, DC

### 11:30 **Demand Perspective**

Considerations from a Wind Power Purchaser's Perspective

**Ingmar Sterzing, Fuel and Power Manager**

Lower Colorado River Authority, Austin

12:15 Lunch Break

### 1:30 **Environmental Issues in Wind Development**

An Overview

**Melinda E. Taylor, Esq.**

Smith, Robertson, Elliott, Glen, Klein & Bell, Austin

### 2:00 **Endangered Species Act and Migratory Bird Treaty Act**

An Overview and Practical Advice for Project Compliance

**Rebecca Hays, Esq.**

Smith, Robertson, Elliott, Glen, Klein & Bell, Austin

2:45 Afternoon Break

### 3:00 **Wetlands, Clean Water Act and Section 404 Considerations**

How to Deal with Corps Permitting Requirements for Wind Projects

**James O. Jones, Natural Resource Program Director**

SWCA Environmental Consultants, Austin

### 3:45 **Practical Historic Preservation for Siting Wind Facilities**

Section 106 Requirements and Consultation with State Historic Preservation Officers and Indian Tribes

**John F. Clark, Esq.**

Holland & Hart, Washington, DC

### 4:30 **Project Financing**

Impact of Lender Requirements on Environmental Assessment and Permitting

**M. Benjamin Cowan, Esq.**

Locke Liddell Bissell & Liddell, Houston

5:15 Adjourn

## TUESDAY, JANUARY 27

8:15 Continental Breakfast

### 8:45 **Welcome Back**

Overview of Day Two

**Alan M. Glen, Esq., Program Co-Chair**

**Steven W. Carothers, PhD, Aquatic and Terrestrial Biologist, Program Co-Chair**

### 9:00 **Major Debt Structures in Wind Power**

Latest Trends and Issues

**George Humphrey, Esq.**

Andrews Kurth, Houston

### 9:45 **State and Local Permitting of Wind Farms**

It Can Be a Breeze

**Andrew L. Spielman, Esq.**

Hogan & Hartson, Denver

10:30 Morning Break

### 10:45 **Avian Impacts**

What We Know and What We Are Learning

**Paul Kerlinger, PhD**

Curry & Kerlinger, Cape May Point

### 11:30 **Bats**

Risk Assessment and Avoidance

**Edward B. Arnett, PhD, Certified Wildlife Biologist**

**Conservation Scientist and Co-Director of Programs**

Bat Conservation International, Austin

12:15 Lunch Break

### 1:30 **Ethics**

Considerations for Wind Development

**Grace D. O'Malley, Esq.**

Andrews Kurth, Houston

2:30 Afternoon Break

### 2:45 **Radar Systems**

Using Radar Data to Model and Mitigate Wildlife Strikes to Wind Turbines in Real Time

**T. Adam Kelly, Vice President & Chief Technology Officer**

DeTect, Panama City

### 3:30 **Kennedy County Experience**

A Panel Presentation

**Dawn Whitehead, Deputy Field Supervisor**

U.S. Fish & Wildlife Service, Corpus Christi

**James B. Blackburn Jr., Esq.**

Blackburn & Carter, Houston

**Steven W. Carothers, PhD, Aquatic and Terrestrial Biologist, Program Co-Chair**

**Moderator: Alan M. Glen, Esq., Program Co-Chair**

4:30 Evaluations and Adjourn

#### TELL US WHAT YOU WANT!

Do you have specific questions or topics you hope to see covered in this program? Would you like to see a Conference on another topic? Contact **CLE INTERNATIONAL** Program Attorney Michelle Messner, michelle@cle.com.

#### REACH YOUR TARGET AUDIENCE!

Would you like the opportunity to exhibit at or sponsor this or other **CLE INTERNATIONAL** conferences, and get your name out to our many prospective and actual attendees? Contact Barbara Hollingsworth, barbara@cle.com.

### PROGRAM CO-CHAIRS

**Steven W. Carothers** is the founder of his company. He is an aquatic and terrestrial biologist with over 30 years of experience in ecological research, environmental planning, Endangered Species Act (ESA) and National Environmental Policy Act (NEPA) compliance, and resource management.

**Alan M. Glen** practices environmental law, with an emphasis on endangered species and other natural resources. He has experience in advising wind energy developers on environmental compliance strategies involving endangered species, wetlands and cultural resources.

### KEYNOTE PRESENTER

**Jerry Patterson** has dedicated his life to public service. He was a state senator for District 11 (Harris, Galveston and Brazoria counties), where his major legislative successes included passage of the historic concealed handgun law, a constitutional amendment allowing home equity lending, and the state coastal management plan.

### FACULTY MEMBERS

**Edward B. Arnett** is a Coordinator for the Bats and Wind Energy Cooperative with his organization. He has studied bats for the past 12 years, focusing primarily on habitat ecology and resource selection of forest bats.

**James B. Blackburn Jr.** has practiced environmental law in Houston for over 30 years. He teaches in the Civil and Environmental Engineering Department at Rice University. He has been awarded the Eckhardt Lifetime Achievement Award, the Jesse L. Walls Award, and the Herman Rudenbert Coastal Protection Award, among others.

**John F. Clark** is a recognized national authority on the law of historic preservation, Indian tribal consultation and the environmental regulation of communications, wind and energy facilities.

**M. Benjamin Cowan** is an environmental law attorney whose practice covers regulatory and compliance issues, civil and criminal enforcement defense, and real estate and corporate transactional matters.

**Randy Etheridge** is a senior developer for the largest developer, owner and operator of wind farms in the world, with 164 wind farms in nine countries representing over 4,500 megawatts of wind power installed or under construction.

**Rebecca Hays** practices principally in federal environmental law, with a particular emphasis on the ESA. She has worked on numerous habitat conservation plans under the ESA and has assisted wind developers in ensuring ESA compliance and minimizing potential exposure under the Migratory Bird Treaty Act.

**George Humphrey** is a transactional attorney whose practice focuses on U.S. and international project development and finance, corporate finance, joint ventures, and stock and asset acquisitions and divestitures. He has successfully advised on the development and finance of wind projects totaling over 1,150 megawatts.

**James O. Jones** has over 30 years of experience in environmental management. He was a founding member of the Regulatory Program of the U.S. Army Corps of Engineers, Galveston District. His specialty is the management of controversial and difficult environmental projects.

**T. Adam Kelly** is the Chief Scientist and a senior radar ornithologist for his company. He was the lead scientist for a nationwide, radar-based bird tracking system that uses the national weather radar network ([www.usahas.com](http://www.usahas.com)) and for small mobile radar systems for bird and bat detection, tracking and survey.

**Paul Kerlinger** is a nationally-known avian expert who has done groundbreaking research on bird migration and behavior. He first used radar to track bird migration more than 25 years ago and he was one of the first to study environmental economics. He served as Director of the New Jersey Audubon's Cape May Bird Observatory for seven years.

**Grace D. O'Malley** is a transactional attorney in the Project Finance Group of her firm. She has worked on the construction and term financing for wind power plants, and on related project documents and takeouts.

**Steven P. Quarles** is co-chair of the Environment and Natural Resources Group of his firm. His practice includes counseling, litigation and legislative representation for a wide range of forest products, mining, agricultural and land development associations and companies and land trusts.

**Andrew L. Spielman** is Chairman of Colorado's Regional Air Quality Council and practices in the areas of public lands and natural resources permitting. Prior to working in private practice, he served as a Presidential Management Fellow at the White House and in several senior positions at the U.S. EPA.

**Ingmar Sterzing** has over 13 years of experience in the power industry having held positions in power plant and transmission line development, contract and project management, quality, and engineering.

**Melinda E. Taylor** has a diverse environmental and land use practice, with extensive experience with implementation of the ESA on private land, Clean Water Act regulatory issues, and implementation of NEPA. She is the Director of the Environmental Law Clinic at the University of Texas School of Law.

**Dawn Whitehead** works with staff to conserve endangered species such as ocelots, jaguarundis, whooping cranes, piping plovers and sea turtles, and to oversee review of development projects including wind farms. Since 1999, she has supervised ESA consultation, compliance, and permitting for development of wind power projects in Texas.

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### Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Monday prior to the Conference. Substitutions may be made at any time.

### Tuition

- \$695 per person
- \$595 each for two or more
- \$595 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$495 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

### Home Study

- Audio transcript and course materials
- \$695 plus \$10 shipping and handling

### Course Materials Only

- \$150 plus \$10 shipping and handling

Course materials available in:  CD  Binder  Both (Extra cost: \$50/set)

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Jerry Patterson, Commissioner  
Texas General Land Office, Austin

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