

GRANT RESIDENTS SUE TO BLOCK WIND TURBINE PROJECT

By Ken Ward Jr.

Seven Grant County residents have filed suit to try to block construction of 200 giant wind turbines proposed near their homes. Jerome E. Burch and six other residents sued developers of the \$150 million Mount Storm wind project.

In their 14-page complaint, the residents allege that the NedPower Mount Storm LLC project will be a “nuisance” and “an eyesore” that creates excess noise and kills birds and bats.

The suit also alleges that the project will generate little power but receive lucrative federal and state tax breaks.

“The wind energy facility planned by NedPower will reduce the property value of tens of thousands of acres of land, but ... produce very little electricity,” the suit states.

The suit also claims that “The ecological value of wind energy facilities is an illusion.

“Uninformed proponents of environmental protection are led to believe that wind energy facilities can make a serious contribution to America’s energy needs without causing the pollution that carbon fuel energy facilities produce,” the suit says. “This, however, is false.

“The primary benefit to be derived from wind energy facilities are tax deductions and federal and state subsidies to out-of-state oil companies like Shell Windenergy Inc.’s parent, Shell Oil, and not from the delivery of a significant amount of power that substitutes for power manufactured through carbon-based fuels,” the suit says.

The suit was filed Nov. 23 in Grant Circuit Court by Charleston lawyer Richard Neely, a former state Supreme Court justice. Along with NedPower, the suit named as a defendant Shell Windenergy, which has announced plans to buy the project.

“They’ve constantly been trying to delay the project,” Maisano said Tuesday afternoon. “This is another attempt to just delay what is a very beneficial project, not only for the county, but for the environment in general.”

In April 2003, the state Public Service Commission approved NedPower’s plan to build about 200 turbines on a 14-mile strip of the Alleghany Front east of Mount Storm Lake. The project is one of three wind-energy sites to have received state approval over the last few years.

One much smaller project is already up and running outside Thomas, and the third is awaiting construction near the NedPower site. At least two other wind projects are also in the works in West Virginia but have yet to receive state regulatory approval.

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In January, the PSC rejected calls for a moratorium on new projects. Later, in September, a federal audit found that the PSC is not equipped to fully examine the potential impacts of such projects. The lawsuit says that the “highest and best use of Grant and Tucker counties is for the construction of second homes, the construction of retirement homes, tourism and recreation.” The wind project “by making the affected area of Grant County less attractive to second home buyers, retirement home buyers and those who would spend money in Grant County on tourism and recreation will directly and substantially reduce the property value of plaintiffs’ homes and land as well as the property values of all persons similarly situated.”

A Shell spokesman declined comment. NedPower referred questions about the suit to Frank Maisano, a Washington lobbyist and media spokesman working for the wind industry.

Maisano said that neither he nor NedPower officials had seen the lawsuit yet, but that it sounded like “part of a long line of delay tactics that opponents of this project have been using for some timenow.”

Six of the seven residents who filed the suit live less than 1 mile from the wind-power site. The seventh lives 1.8 miles away, according to the suit. Maisano said that any allegation that a wind-power project will be an “eyesore” is “generally a claim that is without merit.” He declined to say if he would want such a project built within two miles of his home. “I’m not living next to one, so I’m not going to answer hypothetical questions for you just for the sake of answering them,” he said.

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