

June 3, 2008, 11:07PM

## S. Texas wind farm case on hold

Judge studying arguments filed by King Ranch and environmentalists

By **GARY SCHARRER**

Copyright 2008 Houston Chronicle Austin Bureau

AUSTIN — A federal court judge said Tuesday he needs time to sort through a complicated legal challenge brought by the King Ranch and several environmental groups that want to stop a massive wind farm near the South Texas Gulf Coast.

U.S. District Judge Lee Yeakel will have to decide if a mid-1990s federal Coastal Zone Management Act requires the state to conduct public hearings before a wind farm can be approved — if it affects private property and if the environmental groups have a right to sue.

"We are a private company building a private project on private property without federal funds," said lawyer Tom Watkins, representing Babcock & Brown, an Australian company building one of the projects.

Watkins suggested to Yeakel that operators of the King Ranch simply "don't want a wind farm put in next to them."

Two large wind energy projects are under construction on the 400,000-acre Kenedy Ranch, consisting of hundreds of 400-foot-tall, propeller-driven turbines that could produce enough electricity to power 180,000 homes.

Babcock and Brown wants to build an \$800 million Gulf Wind project on property owned by the John G. and Marie Stella Kenedy Memorial Foundation. The other is a \$400 million project by PPM Energy on property owned by the John G. Kenedy Jr. Charitable Trust.

The wind farm is under attack by the Coastal Habitat Alliance, which includes the King Ranch, the American Bird Conservancy, the Lower Laguna Madre Foundation and the Coastal Bend Audubon Society.

Environmentalists claim the wind propellers will harm migrating birds and the project will ruin a vulnerable area surrounding the Laguna Madre.

The Coastal Zone Management Plan created a partnership between the state and federal governments, and Texas can't shirk its duty to regulate such projects as the proposed wind farm, said Houston lawyer Jim Blackburn, who represents the Coastal Habitat Alliance.

Without public participation in hearings on the wind farm projects, "we believe our property rights were taken away," Blackburn said.

Lawyers for the wind farm developers said wind farms are not like electric utilities, which are subject to regulation.

[gscharrer@express-news.net](mailto:gscharrer@express-news.net)

Advertisement

