



FOR IMMEDIATE RELEASE
December 4 2007

MEDIA CONTACT
Elyse Yates
512-288-4054
elyse@iandocom.com

CHA FILES TWO SUITS TO ENSURE LEGALLY REQUIRED OVERSIGHT OF WIND ENERGY DEVELOPMENT ON TEXAS GULF COAST

Land Commissioner Jerry Patterson Named as Defendant

(December 4, 2007 – Austin) The Coastal Habitat Alliance (CHA) today filed lawsuits in federal and state court to obtain regulatory review of an industrial wind power project planned for Kenedy County on the Gulf Coast.

The federal suit challenges the State's decision to allow the developments to be built without required environmental review and public input. Both the Federal Coastal Zone Management Act of 1972 and the Texas Coastal Management Program require permitting of any energy generation facility on the coast, including wind farms.

"The State of Texas has a legal responsibility to look at the potential threat posed by this construction project and the Coastal Habitat Alliance has every right to participate in the process," said Coastal Habitat Alliance founder Jim Blackburn. "Federal law and the PUC's own statutes demand it."

The federal lawsuit seeks declaratory judgment and, if needed, an injunction against Texas Land Commissioner Jerry Patterson, the Texas Public Utility Commissioners and the developers of the proposed wind project under the Coastal Zone Management Act (CZMA). The CZMA protects the Nation's sensitive coastal regions such as the Texas Gulf Coast where the wind project is proposed. Under the CZMA, states that submit coastal management programs to protect the coastal region are eligible to receive federal money if the program meets the federal criteria. Texas submitted its coastal management program in 1995 and began receiving federal funding in 1996 to implement a variety of projects to protect the Gulf Coast.

The CZMA explicitly requires states to conduct thorough environmental analyses of all energy facilities built on the coast, including wind projects. In this case, however, Commissioner Patterson, the Public Utility Commission, and the developers have repeatedly refused to conduct the required environmental reviews – and refuse all public participation – despite immense impact on wetlands, habitat, endangered species and migratory birds.

“The law is very clear on this issue. The Coastal Zone Management Act mandates that Texas must conduct environmental assessments of all energy projects, including wind, in order to receive federal money. We know no good explanation for Commissioner Patterson’s refusal to notify the federal government of changes in Texas energy,” stated Blackburn. “In any event, wind energy facilities should not be constructed on the Texas Coast without regulatory oversight.

Furthermore, the suit claims that Land Commissioner Jerry Patterson withheld crucial information from the federal government and the public when in 2006 he advised the federal government of changes in the Texas Coastal Management Program from 1997 to 2004. To implement deregulation in 1999, the Texas Legislature removed one source of permitting authority of the Public Utility Commission over electric generating facilities. However, Commissioner Patterson never submitted these legislative changes to the federal government, which would be required for Texas to change its Coastal Management Program. and federal law also requires public participation before federal approval of such a major change. Given the federal mandates for environmental protection, including specific mandates for review of new energy facilities, this proposed project cannot be permitted to be built with no oversight whatsoever.

The federal suit seeks a declaratory judgment that no wind energy facility can be built within the Texas coastal zone without a permit as is represented in the current federally-approved state Coastal Management Program.

The second lawsuit, filed in Texas state court, claims that the Public Utility Commission illegally denied the Coastal Habitat Alliance’s request for intervenor status in the Commission’s permit hearings for the wind project’s transmission line. The state suit argues that Texas law provides for intervention by property owners and environmental groups such as the CHA’s members, who each have recreational, environmental, and economic interests that will be harmed by the proposed projects.

As recognized by the Texas Department of Parks and Wildlife, the affected area has been described in the scientific literature as ‘the last great habitat’ due to the large expanses of undeveloped land in one of the most biologically diverse areas in the nation. Without the relief sought in these suits, there will be no review by the State of Texas over a massive project comprising over 600 turbines, each 400 feet tall, impacting tens of thousands of coastal acres.

Links to TCMP

<http://www.glo.state.tx.us/coastal/cmpdoc/contents.html>

About CHA

The Coastal Habitat Alliance was formed in June 2007 to protect the unique wildlife and habitat of the Texas Gulf Coast. Alliance members argue that the massive, 400-foot towers and 20 miles of roads and infrastructure required by the proposed wind energy projects will severely threaten migratory birds and endangered species that rely on the coastal habitat. The Alliance is requesting that the federal court block the proposed wind projects until a thorough environmental review with genuine public input is performed. For further information, please visit www.coastalhabitatalliance.org