

Private Property Rights

At public hearings about industrial wind projects, the issue of private property rights periodically comes up. Like many aspects of this issue, this is a decoy: purposefully inserted by the wind developer. Put another way, private property rights claims are a purposeful distraction from the real subject at hand: the net community consequences from the proposed wind project.

We live in a democratic country that has a long history of protecting private property rights, so essentially none of us are against private property rights.

But what are “Private Property Rights”? In short they are the property owner’s right to do what they are legally allowed to do with their property — *as long as their actions have no material adverse impact on their neighbors, or the rest of the community.*

A parallel concept is that you have a right to extend your fist — yet that right ends at the beginning of another person’s nose. In other words, *your “right” ends when it infringes on another person’s rights.*

This is also the principle behind zoning, which is in effect in many parts of the country. Without zoning, an adult club could open up next to a school, or a gas station built in a residential neighborhood. “[Zoning](#) protects the rights of property owners while also protecting the general welfare of the community.”

So how does this all apply to a person who wants to allow industrial wind turbines to be on their property?

That individual’s private property rights are important and should be carefully considered. However, as stated before, their rights have **limits**. For example, they do **not** have the right to be a knowing causal agent:

- 1 - of adverse health effects to their neighbors,
- 2 - of devaluing proximate homes,
- 3 - of crop yield reductions to area farms,
- 4 - of harm to wildlife and livestock of the community,
- 5 - of degrading the ecosystem in the area,
- 6 - of causing pollution and other interference with aquifers,
- 7 - of reducing hunting in the lands near a wind project,
- 8 - of reducing tourism to the area,
- 9 - of interfering with regional weather and navigation radar, or
- 10- of raised electricity rates in the region.

Speaking of “rights” what about the fundamental right other residential property owners and their families have of the *peaceful use and enjoyment of their home*? Who is protecting that? Should a neighbor who wants to make a quick buck really have the right to undermine their neighbors’ peaceful use and enjoyment of their homes?

It’s likely that turbine leaseholders are unaware of the magnitude and severity of these issues, because they certainly wouldn’t have been told about them by the wind developer, or by our local legislators, or by state agencies.

However we have studies that document about each and every one of these problems from independent experts — i.e. people who have no dog in the fight.

Now it’s likely that landowners (and their developer partner) will arbitrarily deny that these consequences can happen. Well, if they are so sure, then the solution is easy: *for them to provide a written, legal, financially-backed guarantee against all of these matters.*

An alternative equitable and simpler resolution is to have a well-written wind law that protects the rights of those who are not in this for personal financial gain.

For example, the wind law should include a Property Value Guarantee to protect the most valuable asset or citizens near this industrial project: **their home.**

It is the statutory obligation for our local legislators to protect the health, safety and welfare of the citizens in this community, so they are well within their rights to pass such a guarantee. If it turns out that the wind developer’s claims are right (that there is no devaluation), the cost to them will be trivial. So it’s fair to all.

Without a proper wind law what we have is a situation where the *profits are privatized* (e.g. to select landowners and the developer) but *the costs are born by the community.*

That is not fair or reasonable from any perspective.

John Droz, jr. Physicist & Environmental Advocate
aaprjohn@northnet.org WiseEnergy.org 1/29/20