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Proposed wind park's fate rests in hands of Commonwealth Court

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BEAR CREEK TWP. — The future usage of county-owned land is in the hands of the Commonwealth Court, even as the company that wants to build a 34-turbine wind farm on the county's Theta land won an appeal in Luzerne County Court for part of its plan this past week.

Luzerne County Judge Michael Conahan sided with Energy Unlimited on Wednesday in its appeal to overturn a supervisors' 2-1 November vote that rejected the back nine turbines of a proposed Penobscot Mountain Wind Farm near Crystal Lake. Commonwealth Court heard arguments Dec. 11, for plans of the front 25 turbines, but the three-judge panel has yet to reach a decision.

Conahan's decision Wednesday holds little weight until Commonwealth Court reaches its decision, as plans for the additional nine turbines are dependent on the front 25 turbines. Energy Unlimited submitted the two plans separately because of zoning issues.

Township supervisors, meanwhile, "will wait and see what Commonwealth Court does" before deciding whether to appeal Conahan's decision, supervisor chairwoman Ruth Koval said.

"I'm assuming we would appeal it, but we're still waiting for the decision on the 25 wind turbines," she said. "I'll have to see how the other supervisors feel."

In August, Conahan also reversed the supervisors 2-1 vote to deny the plan for 25 turbines, which led to the township's appeal to Commonwealth Court. Supervisor Gary Slusser dissented in both votes on the turbines.

Solicitor William Vinsko argued to the Commonwealth Court that Energy Unlimited amended its plans for the front 25 wind turbines in the process of applying for zoning and supervisors' approval.

"What was submitted (initially) really was a sketch plan," Vinsko told the judges. "The new plan that was submitted had many changes, many modifications."

Energy Unlimited's attorney Earnest Preate said the company has met all of the township's requirements.

Environmental groups, such as Save Crystal Lake, led by Henry Smith, say the wind park would ruin a watershed area and hurt one of "Northeast Pennsylvania's treasures." Luzerne County purchased the 4,000-acre Theta land, where the turbines would be placed, in 2004 for \$4 million for conservation and recreation.

For the supervisors, Koval said, the issue isn't the turbines but that the company follow zoning rules.

"All we're trying to do is have a plan that they're trying to stick with," she said. "We want them to come to an agreement with what they're actually going to do. I'm certainly not against wind power."

Michael Race, Harrisburg Bureau Chief, contributed to this report.