**[If Neighbor's Wind Turbine Flings Ice Chunks In Your Yard Is It Trespassing?](https://www.michigancapitolconfidential.com/if-neighbors-wind-turbine-flings-ice-chunks-in-your-yard-is-it-trespassing)**

**Michigan wind farm critic calls allowing the loss of use 'trespass zoning'**

By [Tom Gantert](https://www.michigancapitolconfidential.com/bio.aspx?ID=597) | April 12, 2017



Kevon Martis has been the leading activist working to halt the expansion of wind turbine developments in Michigan.

The Riga Township man who founded the grass roots [Interstate Informed Citizens Coalition](http://iiccusa.org/%22%20%5Ct%20%22) has coined a new phrase to describe one of the reasons he cares — “trespass zoning.”

The concept is that the industrial wind farms’ towers and spinning turbines require such large safety zones and noise setbacks that these extend onto neighbors’ property. Turbine blades can reach up to 600 feet above the ground with tips moving at 180 miles per hour. Since the uses of the property within a safety zone are limited — no children’s swing sets, for example — the intrusion is a property value-reducing trespass.

Martis said that wind farm promoters lobby local townships for zoning setbacks that only consider a turbine’s proximity to an actual residence. This means neighbors can lose the ability to use large portions of their land if a wind turbine is nearby “You did not give your consent to that and you didn’t get compensated for lost property,” Martis said about neighbors of property owners who have signed tower leases with wind turbine companies. “What they’ve done is make it legal to trespass on my private property.”

There are an estimated 887 wind turbines in Michigan, with the vast majority located in the northern part of the Thumb region. Last December, the Legislature enacted a new [state law](http://www.michiganvotes.org/2015-SB-437%22%20%5Ct%20%22) that increases an existing renewable electricity source mandate from 10 percent to 14 percent. Now there are plans to erect hundreds of other industrial wind turbines in rural Michigan counties.

NextEra Energy, a Florida-based company that constructs and operates wind farms, has filed lawsuits across the country in disputes with municipalities over where towers can be erected. In Michigan, the company [sued](http://www.michigansthumb.com/news/article/NextEra-sues-township-over-wind-farm-10955035.php%22%20%5Ct%20%22) Tuscola County’s Almer Township in February.

The effects of wind turbines on surrounding properties has been part of a national discussion.

“The noise, especially for people at all sensitive to infrasound and low-frequency noise, would make it unpleasant and even impossible to walk the dog, garden, camp, play, barbecue — anything one expects to enjoy doing on one’s own property without hindrance,” said Eric Rosenbloom, president of National Wind Watch, a Vermont-based group critical of the wind industry. “And if you’ve signed any easement or ‘good neighbor’ agreement, you can’t plant trees or build anything much larger than a lawn shed.”

One safety issue centers around ice forming on spinning turbine blades.

A [report](https://powergen.gepower.com/content/dam/gepower-pgdp/global/en_US/documents/technical/ger/ger-4262-ice-shedding-ice-throw-risk-mitigation.pdf%22%20%5Ct%20%22) issued by General Electric in 2006 warned about “ice shedding” and “ice throw.” It states: “Any ice that is accumulated may be shed from the turbine due to both gravity and the mechanical forces of the rotating blades.”

A wind industry opponent called the [Industrial Wind Action Group Corp.](http://www.windaction.org/about%22%20%5Ct%20%22) has posted [testimony](http://www.windaction.org/posts/36424-testimony-of-will-staats%22%20%5Cl%20%22.WO1QrPnyvIX%22%20%5Ct%20%22) on its website from Will Staats, a wildlife biologist for the New Hampshire Fish and Game Department. In his testimony to a New Hampshire Senate committee, Staats explained the dangers of ice that come from wind turbines.

He said, “The danger of ice throw cannot be overemphasized. I have often worked near these turbines on our research projects in the winter and witnessed the large divots in the snow where ice has been flung from the turning blades. I have seen the steel stairs leading to the doors of turbines bowed and broken by ice falling from the nacelle. And, on one terrifying occasion, my truck was struck by flying ice that, had it hit me or anyone else close by, could have killed or caused serious injury. One operator of a wind installation told me these machines will throw a 400-pound chunk of ice 1,000 feet.”

In a phone interview this week, Staats said he has seen large chunks of ice debris on the ground that had been thrown from wind turbines into the woods.

The American Wind Energy Association declined to comment for this story. But the organization produced a [fact sheet](http://www.pawindenergynow.org/wind/MythsvsFacts-FactSheet.pdf%22%20%5Ct%20%22) on wind power myths and said the statement that wind turbines are not safe due to flying or discharged ice is a myth.

“Fact: Ice throw, while it can occur under certain conditions, is of little danger,” the fact sheet says. “Setbacks typically used to minimize noise are sufficient to protect against danger to the public. In addition, ice buildup slows a turbine’s rotation and will be sensed by a turbine’s control system, causing the turbine to shut down.”

Media reports have underplayed the potential impact of wind turbines on a community. For example, the Detroit Free Press ran a [story](http://www.freep.com/story/news/local/michigan/2016/08/20/michigan-wind-turbines-money-and-myths/89041958/%22%20%5Ct%20%22) about myths on wind energy.

From the Free Press article:

“Question: How many acres will the turbines take up?”

“While the project spans 20,000 acres across four townships, a single turbine physically sits on one acre of land. However, they are nearly 500 feet tall.”

Wind industry opponent and some experts, though, say the impact of a turbine on surrounding property extends beyond the one-acre plot of land that it sits upon.