



## Renewable Failure: Wind Giant Enel Forced to Remove Wind Farm in Oklahoma

The Italy-based green energy giant Enel is being forced to remove an already constructed wind farm in Oklahoma after a federal trade judge sided with the Osage Nation in an over-decade-long dispute over the building of the project. U.S. Court of International Trade Judge Jennifer Choe-Groves ordered the removal of the wind farm because of Enel's failure to obtain a mining lease from the Osage Tribe.

Choe-Groves' ruling granted the Osage Nation's Minerals Council permanent injunctive relief, which calls for "ejection of the wind turbine farm for continuing trespass." In 2017, an appellate court ruled that the construction of the wind farm constituted mining and required Enel to acquire a lease from the Minerals Council, which the sustainable-energy giant failed to do.

And now Enel is forced to remove the 84 giant wind turbines spread over 8,400 acres, along with all the transmission lines, weather towers, and any other "sustainable" sundries the company has left behind.

"The developers failed to acquire a mining lease during or after construction, as well as after issuance of the 10th Circuit Court of Appeals' decision holding that a mining lease was required," Choe-Groves stated.

The Osage Nation legally owns all mineral rights to the land under the terms of the Osage Allotment Act of 1906. The wind farm's presence would prohibit the tribe from searching for oil, natural gas, or any other mineral that might be found on the property.

"On the record before the Court, it is clear the Defendants are actively avoiding the leasing requirement," Choe-Groves added. "Permitting such behavior would create the prospect for future interference with the Osage Minerals Council's authority by Defendants or others wishing to develop the mineral lease."

Choe-Groves further concluded that Enel's refusal to obtain a mining lease was a challenge to the Osage Nation's sovereignty.

"The Court concludes that Defendants' past and continued refusal to obtain a lease constitutes interference with the sovereignty of the Osage Nation and is sufficient to constitute irreparable injury," the judge said.



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Written by [James Murphy](#) on December 28, 2023

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The removal of the Osage Wind project is estimated to cost Enel somewhere in the neighborhood of \$300 million — and that’s before a trial for monetary damages to the tribe, which is expected to occur next year.

The legal battle over the wind farm began in 2011 and took a lot of resources from the tribe, explained Everett Waller, the chairman of the Osage Minerals Council.

“I hope no other tribe has to do what we had to do,” Waller said. “This is a win not only for the Osage Minerals Council; this is a win for Indian Country.”

“There are a lot of smaller tribes that couldn’t have battled this long, but that’s why we’re Osages,” Waller said. “We’re here, and this is our homeland, and we are going to protect it at all costs.”

The climate alarmist crowd probably assumes that Native American tribes, being “people of color” and a “marginalized group,” are allies in their all-out push for “sustainable” energy. But this story illustrates that such an idea is not necessarily true.

“Many ‘climate justice’ advocates are from wealthy cities,” said Mark Nelson, founder and managing director of Radiant Energy Group, in a [post](#) on X. “They often assume that respecting indigenous people and developing renewable energy works well together, if they even know the two issues interact at all.”

“But renewables require vast areas for even small amounts of power, and are often only worth building if you build new transmission infrastructure and get cheap land concessions,” Nelson added. “In cases now unfolding in law courts around the world, indigenous groups are suing for the removal or the cancellation of wind energy projects they say infringe on their rights.”

It’s yet another illustration of why wind and solar are simply not reasonable alternatives to fossil fuels. Not only are both unreliable as they are subject to the whims of Mother Nature to work at all, but both require huge amounts of land to produce any amount of meaningful power. The fact that they are eyesores, which people simply don’t want to look at, doesn’t help either.



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