



House Committee on Energy, Utilities & Telecommunications

Opposition to HB 2273

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Spencer Jenkins | Development
NextEra Energy Resources
spencer.jenkins@nexteraenergy.com
☎ 561.694.3386
📞 561.529.7928

Chairman Seiwert, Vice Chairman Schreiber, Ranking Minority Member Kuether, and members of the Committee: thank you for the opportunity to provide testimony to your committee on behalf of NextEra Energy Resources.

My name is Spencer Jenkins and I am a developer for NextEra Energy Resources here in Kansas. Affiliates of NextEra Energy Resources develop, own, and operate approximately 19,060 MW of capacity including wind, solar, and energy storage. We own and operate 120 wind energy projects in 21 states, with more than 13,000 net MW of capacity. In Kansas, we own and operate 7 wind energy projects. The first wind project, Gray County, was built in 2001. We have always viewed Kansas as a great place to do business and to date we have invested nearly \$2 Billion in the state.

NextEra Energy Resources opposes HB. 2273. The bill will derail wind energy development in Kansas, an industry that has brought billions of dollars in investment and thousands of jobs to the state. The language of this bill demonstrates a disregard for carefully implemented existing planning and zoning processes and prevents local jurisdictions from exercising their rights to site projects in a manner that they deem best for their community. Perhaps most problematic, the bill deprives landowners of their rights to use their property as they see fit and to gain a drought-resistant stream of income from the productive use of their land. It is also important to note that had this bill previously been in place, none of our projects would have been possible nor the \$2 billion dollar investment that came with them.

As a developer who has worked with landowners throughout the state, it is our privilege to stand up for the landowners in Kansas. Each wind energy project that we develop requires a local partnership. This partnership is between ourselves the developer and those who own the ground we build upon – the landowner. Our projects in Kansas represent nearly 1000 individual participating landowners and approximately \$8.5 million in payments made to these individual landowners each year. The items included in this bill would have prevented this partnership and the opportunity for landowners to earn income off the ground they work and own. Our most recently built wind facility, Pratt Wind, LLC, will produce approximately \$1.5 million in annual payments to landowners in Pratt County. Thus, the bill, which would foreclose any future wind energy investment in the state of Kansas, is a misguided effort by a few to sacrifice the benefit of many.

Next, I provide several concrete examples of why the bill is overreaching and designed to prevent further wind development in Kansas. For example, the bill's redefining of the term "airport" and setback distances demonstrates how this bill is an instrument to end wind energy investment and deny landowners' income.

We have encountered the tactic reflected in HB2273 in other states. The tactic involves anyone with enough driveway, land, or pond surface area to claim they are building an airport in attempt to kill a wind project regardless of the proposed airport's filing status with the Federal Aviation Administration ("FAA"). This tactic, using "shamports," is a sham advanced by individuals with no intention of operating an airport, because they can simply claim that their driveway is actually an airstrip and in doing so impose burdensome setback requirements, the effect being that a landowner can effectively exert their personal land use decisions on all of their neighbors within miles of their property. Thus, the setback of 15,840 ft. from airports should be rejected, as this setback is appropriately regulated by the FAA.

For setback distances, the bill includes 7,920 ft from a residential property or public buildings. The objective basis for this number is unclear and not founded in science, while NextEra Energy Resources internal setback standard of 1,400 ft. is based on measurements of sound pressure levels that have been proven to be safe through multiple independent and peer-reviewed studies. The bill also includes 1,500 ft setback from the property line, while our internal standard is 550 ft

from the property line. Again, it is unclear as to where 1,500 feet came from – our internal standard is based on safety to the public in the highly unlikely event that a turbine fails and falls to the ground. Rather than impose state-mandated setbacks that are not based on scientific evidence, in Kansas local officials are in a better position to make the clearest and best understanding of what setbacks are best for their community.

. The 15,840 ft setback is also proposed to apply to local, state, and federal parks, public hunting areas, and public parks. Setbacks from state parks and refuges are defined by the Kansas Department of Wildlife, Parks and Tourism, while setbacks from national parks and refuges are defined by the US National Parks Service. Implementing an additional layer of governmental oversight would add an administrative burden that is unnecessary and inefficient.

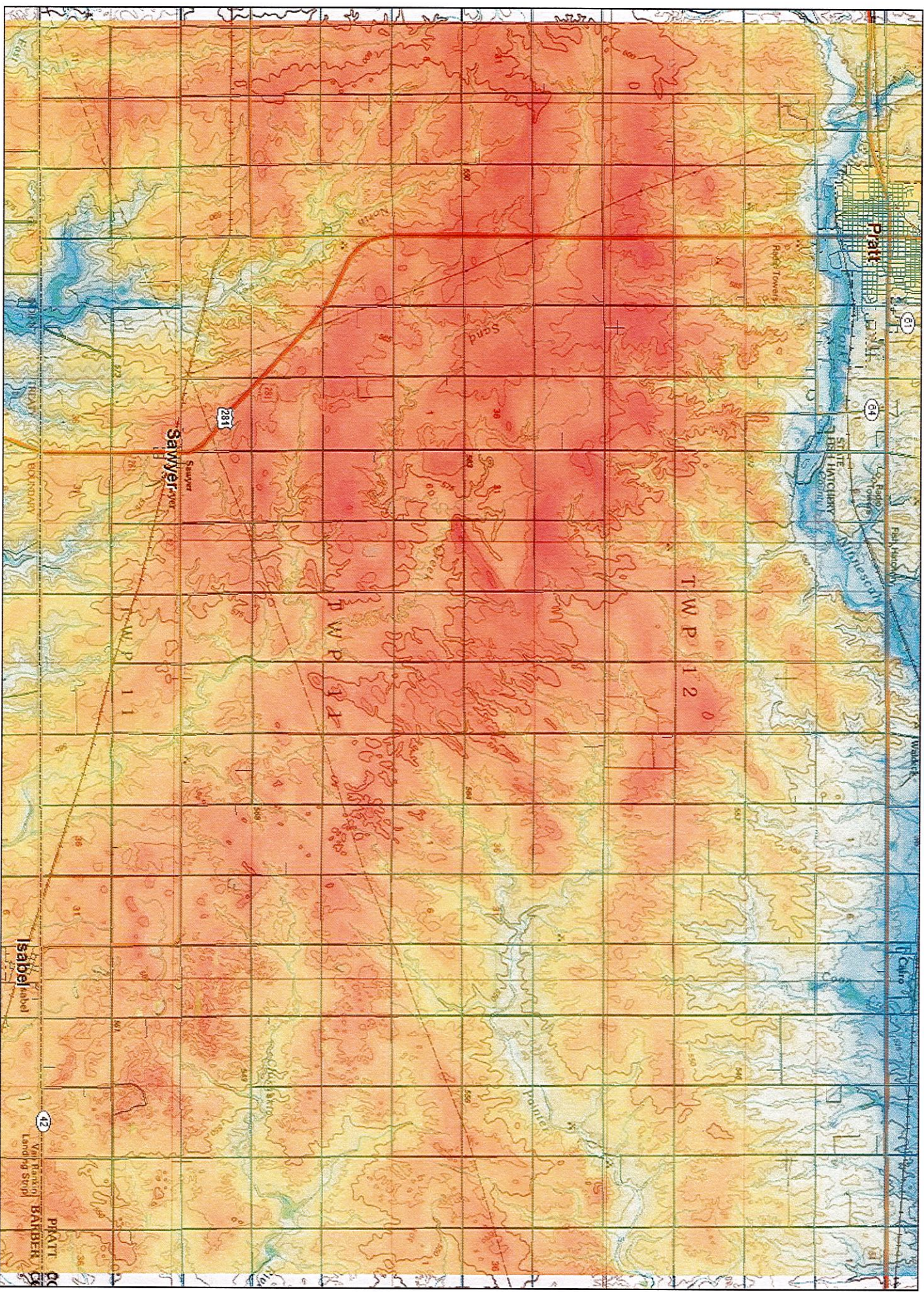
I have provided an illustrated example of how setbacks are used to create the final design of a wind facility, including positioning individual turbines into what we call a turbine array. As you can see, the amount of land available for turbine placement is drastically reduced by the time all current appropriate setbacks are applied. As you can also see, with the setbacks proposed in this bill this project would have never been possible.

To give another perspective, with the setbacks proposed an opposing landowner or homeowner would have the ability to dictate what a neighbor a full section and a half away from them can or cannot do with their land. Additionally, with the property line setback, a landowner or homeowner can dictate what a neighbor with a full section of ground can or cannot do with their land. While our projects are built on partnerships between ourselves and participating landowners, we understand that there are landowners and homeowners who wish not to participate in a project. In those situations, we work to address the concerns of those individuals.

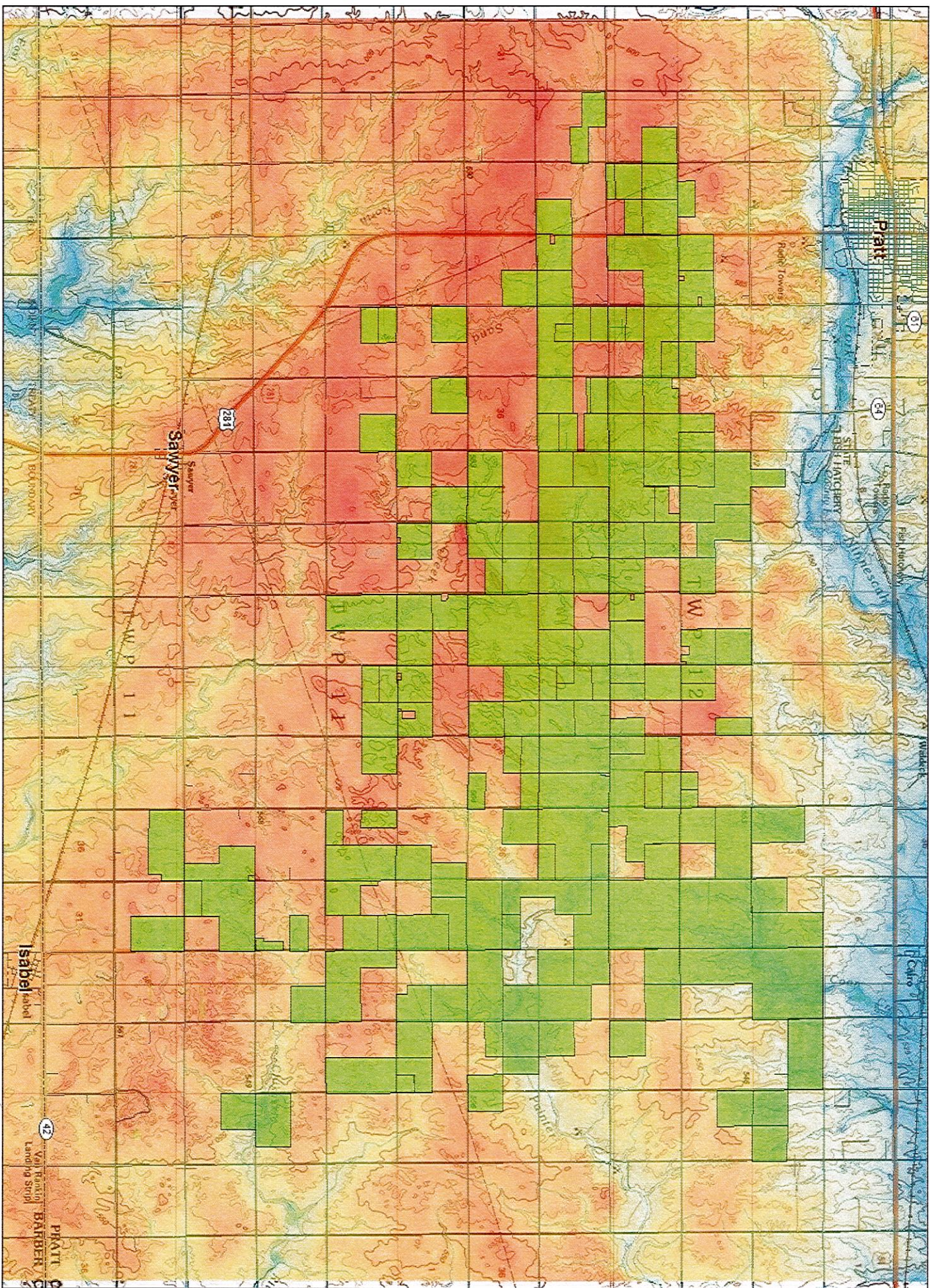
Finally, I wanted to address the myth that wind facilities lower property values. We have encountered no substantive evidence that this is true and in fact often see the opposite. Landowners are receiving recurring income, roads and infrastructure are upgraded, and the local economy sees a boost from wind energy projects. The claim that property values are threatened by the development of wind energy projects is something that has falsely been fostered and fueled by opposition groups on social media.

As such, NextEra Energy Resources asks that you vote against House Bill No. 2273, as it inappropriately attempts to preempt local zoning and planning of the development of wind projects that can greatly benefit these communities and landowners. Thank you very much for your time today.

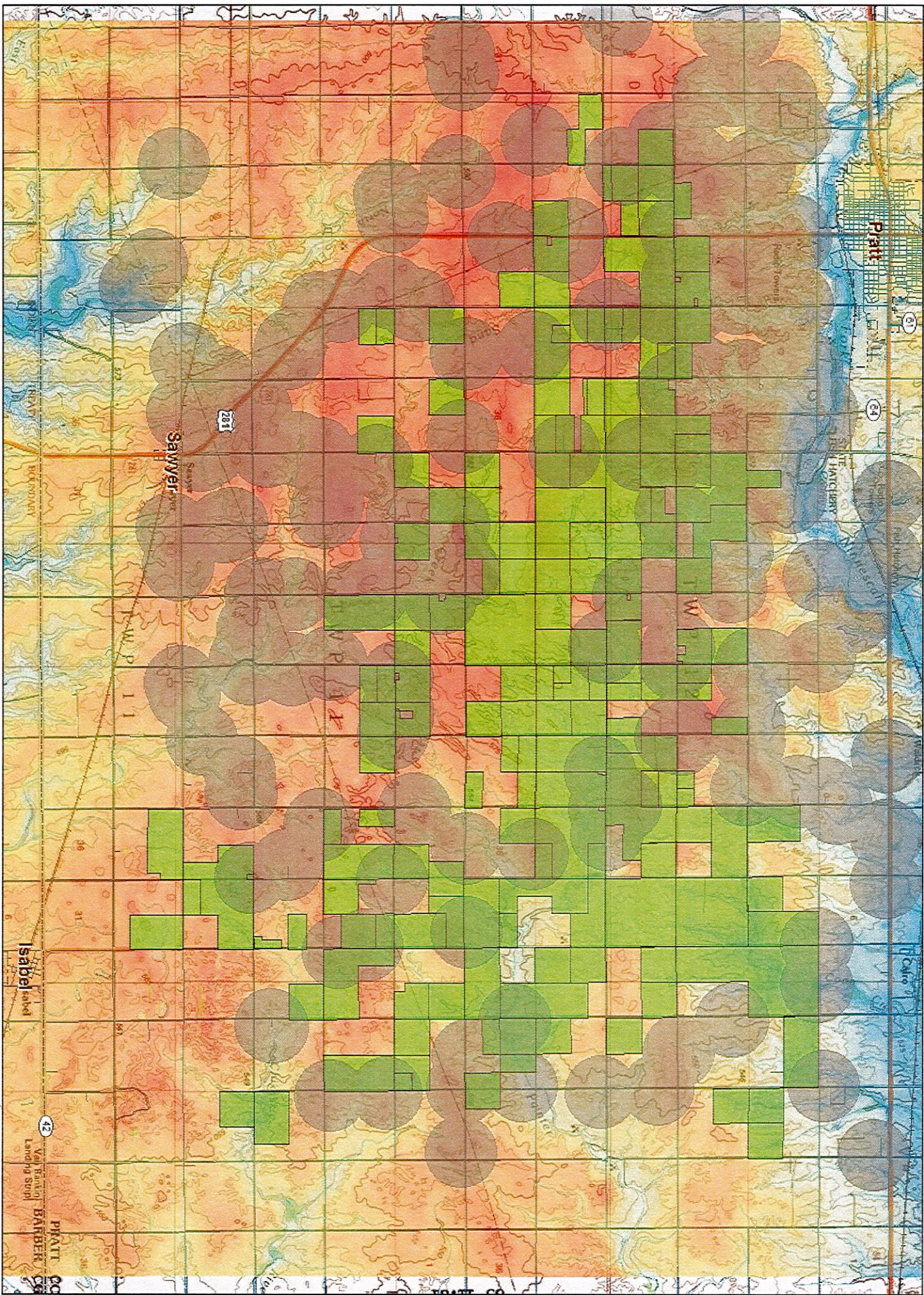
Wind Resource



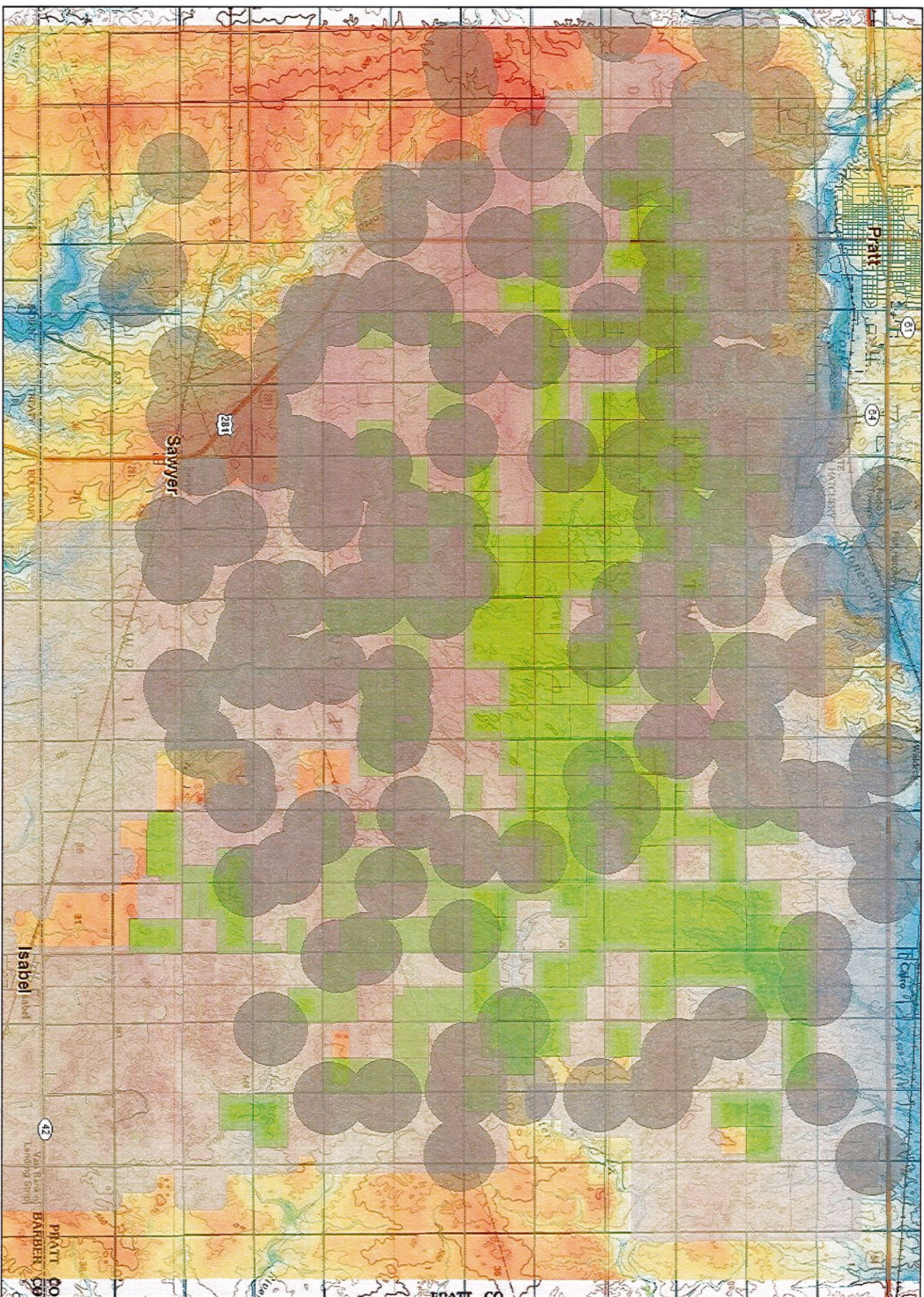
Landowner Participation



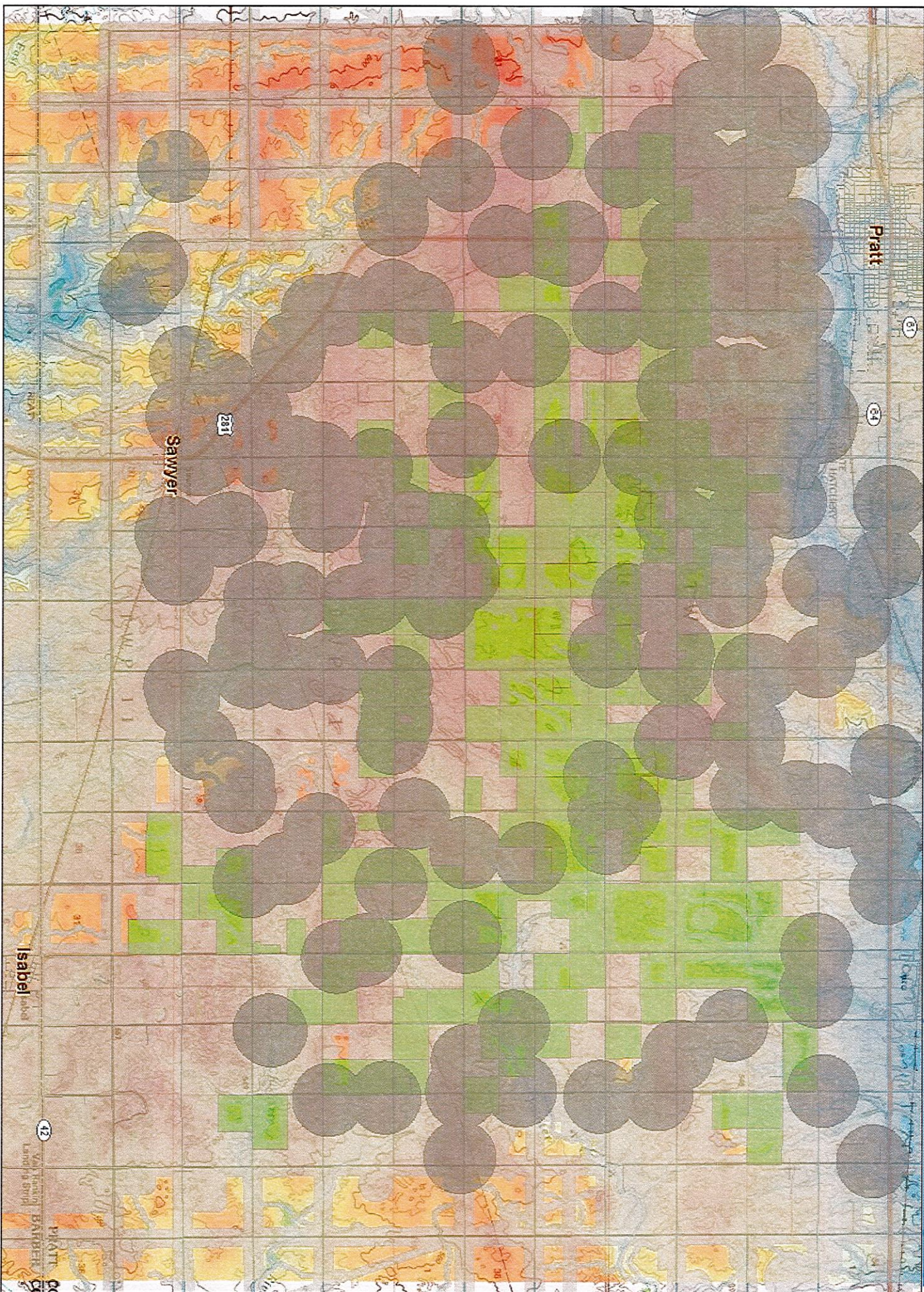
Setbacks from Residences



Setbacks from Non-Participating Property



Other Setbacks (Environmental, Cultural, Utility Crossings)



Available Land for Turbines

