

Testimony submitted for Senate Bill No. 279
Senate Utilities Committee hearing held on March 22, 2021

by Beverly Gibson Kavouras of McPherson County

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Chairman Thompson and members of the Senate Utilities Committee:

Proponent Testimony SB 279

Thank you for inviting and welcoming us to provide testimony on SB 279 on this important day.

I was born and raised on a farm in McPherson County. My parents were farmers, as were the two generations before them. I've lived in Kansas most of my life. Land and land use issues have always been important and interesting to me.

McPherson County is a zoned county and has a Board of Planning, Zoning and Appeals. Our county has had regulations regarding wind energy since roughly 2006 when the wind generation land rush began in our state. We have had four major international companies try to establish commercial, industrial, wind generation plants in the area that we live in. The companies were from the U.S., France, Spain and Italy. The largest two projects leased roughly 44,000 acres each back in 2016 -2017 when a moratorium was in place!

One company alone was planning 208, 600' industrial turbines in the northeast quarter of our county. It is the most beautiful part of the county and is home to Kansas Department of Wildlife Parks & Tourism's managed properties; Maxwell State Lake and Game Preserve, Prairie Trail Scenic Byway, and the area has many different species of wildlife. One wind company even leased land right next to these KDWPT properties, ignoring the three mile setback recommendations by the department.

Our county has, as have other counties in our state, major airways for military training routes with classified issues that conflict with 600' turbines.

After two years of discussion, communication, education, study and action taken by our CRALU group, the Board of County Commissioners and our Board of Planning, Zoning and Appeals, a total prohibition of industrial wind projects in our county was enacted in December of 2020.

I've learned that wind companies prey on unzoned counties and they also prey on land owners who own land near transmission lines. Reno County would be a good example of this.

After studying this bill I believe it would be a good start to what unzoned counties need in our state. Currently, they live in the wild, wild west with no law and order.

The following list outlines my questions, concerns and possible amendments to this bill. I view this bill as a beginning. I hope that each of you on this committee will listen to your constituents, answer their questions, and then refine this bill. We know there will be opposition from others, most who stand to gain financially. We aren't earning any money from this, they are. Please remember that as you consider the following.

- Home Rule: Would elected county commissioners have the final say in these issues? Could counties make the regulations stronger if they wanted to? Would they still be able to prohibit or ban these projects, based on the needs and concerns in their county? See page two, items 30-38.

“Shall” approve or “must” approve? Would protest petitions still be in affect for non-participating landowners?

- Department of Defense: Need their approval up front before leasing begins. There are many classified considerations that neither wind companies nor elected officials would be privileged to.
- Failed Wind Projects: Add fines for companies who do not terminate leases when their projects fail. In our county, this was promised in a letter to lease holders. The termination of leases at the Register of Deed’s office was to be completed in August of 2020. Nothing has been done to date.
- Financial Analysis: Need an independent cost-benefit analysis. Since many of the early projects have lifetime tax abatements, and the rest have abatements for 10 years at both the county and state level, where is the financial benefit to our state to host these projects? This report should be made public. There are obvious reasons why we are being inundated by wind, solar and transmission projects. Our state seems to be a total pushover and something tells me, we are not the winners here.
- Accounting from Wind Companies: Need a quarterly accounting from companies, that is distributed to all lease holders, each county and to the State of Kansas of their output/production for the period. How are the spoils divided amongst those who host turbines? Also need an annual report from every project.
- Counties Caught in the Crosshairs: Would these regulations protect counties who have, under pressure and intimidation, approved project applications but have not yet been built?
- Transparency: Need a mechanism for the projects to become public before any leasing begins. Have hearings and checked boxes before any land leasing can begin.

In closing:

Ultimately, it is the responsibility of all elected officials in the state of Kansas to protect the safety and welfare of its citizens from harm. Right now, that is not being done and citizens are left on their own to fight something so big and so massive that they do not even know where to start. For most, by the time they find out what has been going on, it is already too late. They’ve already been stormed by savvy companies who are used to getting their way.

The barn door has been left open for nearly 20 years in our state with the exception of the Flint Hills ban. It is time to close and guard the door until there are protections in place for every citizen. SB 279 could possibly do that.

HB 2381- which would establish a state energy plan task force was advancing in this 2021 session. It is my understanding however, that this bill has failed for this year but would probably be reintroduced next year.

SB 279, after refinement, is needed until a comprehensive task force has done its work over the next few years. All of the people in our state who have fought these projects already know that renewable energy companies are good at checking off boxes and providing bought and paid for studies that provide false assurance. They are experts at circumventing any road block and manipulating agreements with legal jargon in contracts. We need openness, honesty and integrity! We do not need behind closed door bribes, threats, bullying and intimidation of our elected and non-elected officials.

When I listened to testimony regarding HB 2381, Kimberly Svaty of The Advanced Power Alliance stated that “Kansas wind provided more than 43.3% of Kansas’s electric power needs in 2020”. Why would we want to add more unreliable, unrenovable, unrecycleable, intermittent energy to our Kansas grid in light of what happened recently in Texas? We need more reliable energy, not more unreliable energy. Also, why are Kansans forced to foot the bill to transmit wind energy from our state to other states across the nation?

I think the wisest decision would be for our beloved state of Kansas to shut the door for now by imposing a moratorium on all uncommenced construction of wind and solar projects until an energy task force has completed its duties.

No reasonable, rational person would conclude that two to four hundred 600’ turning, noisy, damaging, commercial, industrial wind turbines fit the following description of our zoned A-1 district, and yet, we’ve suffered from the onslaught of these commercial companies for nearly two decades now. Enough is enough.

McPherson County Kansas Zoning District Definition

A-1 Agriculture District

This district is established to:

- (1) PRESERVE productive farm and ranch land;**
- (2) Permit LIMITED nonagricultural uses and low-density dwellings WHICH WOULD NOT BE INCOMPATIBLE to the rural area and required minimum public services; and**
- (3) encourage compact development of urban areas**

- *I have compiled a timeline of the history of Commercial Wind Energy Projects in McPherson County that encompasses what has happened in our county from 2005 to the present. I would share that, upon request, with anyone who may be interested.*
- *Feel free to contact me if you need the DOD contact person’s information.*

Thank you,

Beverly Gibson Kavouras
McPherson County