

Before the House Energy, Utilities, and Telecommunications Committee
Presented by Zack Pistora, Kansas Sierra Club
Opponent Testimony on HB 2273
February 21, 2019



Chairman Seiwert and Honorable Members of the Committee,

Thank you for the opportunity to provide oppositional testimony on HB 2273, known as the *Wind Generation Permit and Property Protection Act*. This legislation aims to provide new setback distances for wind facilities. The Sierra Club, including the Kansas Chapter, has been very proactive and sensitive to wind siting impacts for decades now. It is with deep respect for both human and environmental conditions that we offer the following comments:

The Sierra Club recognizes that social and environmental impacts of wind generation require serious consideration, including certain distinctions for areas concerned with aviation, critical wildlife habitat, iconic lands, and home residences.

Our Kansas Chapter has long realized that the placement of wind farms in some areas may be controversial. That is why we developed a fair and sensible position in 2010 that provides for respect for landowners' property rights, public safety, and environmental sustainability. To that point, we emphasize "*nothing humans do is without environmental consequences... as more sites are proposed for development, we need appropriate safeguards to ensure wind farms do not cause undue harm...*"

Our Sierra Club organization, nationally, echoes the same sentiment, "*The Sierra Club recognizes that all forms of power generation entail environmental tradeoffs, and that there are drawbacks to wind development. The most contentious issues include visual and wildlife impacts...*" Still, "*the Sierra Club believes that in most instances, many of the negative impacts of wind can be managed... we believe that with adequate site planning the benefits of wind power in reducing the threat of global warming and pollution will substantially outweigh wind's negative impacts.*" [As stated in the Sierra Club's national wind siting advisory]

Our 2010 position, along with our policy guidance nationally, provides for key safeguards, including some of which the spirit of HB 2273 invokes:

1. Turbines should be set back at least 2000 feet from residences unless permission is given by the resident for a shorter distance.
2. Federal aviation rules require specific lighting on turbines; this lighting should always be minimized for aesthetic reasons, unless specific lighting is shown to reduce bird or bat mortality.
3. Wind farms should be kept five miles away from significant water bird resting sites along flyways/migration routes and set back 8 to 10 miles away from officially designated scenic byways.
4. Generally, the Sierra Club opposes development in protected areas, such as national and state parks, wilderness areas and wildlife refuges, and areas of cultural significance or sacred lands. Specifically, special areas like the iconic "Heart of the Flint Hills" and critical habitat areas like Cheyenne Bottoms and Quivira National Wildlife Refuge should be prohibited from wind development.
5. Wind developers should embrace minimal impact practices, especially upon the land and surrounding neighbors with respect to noise. We expect wind developers to have a responsibility to be good neighbors and work to collectively solve problems with the public.
6. We believe that the local political process is an appropriate venue for resolving wind siting issues.

However, because HB 2273 puts forward setback requirements on wind facilities way beyond our policy's 2000 ft setback distance, we feel that HB 2273 goes too far in restricting wind development for Kansas.

In our view, the wind industry has overall done very well in being responsible, transparent, inclusive, and fair in their siting and operation of their roughly two dozen wind farms in Kansas. For the most part, the state of Kansas has begun to actualize its opportunity to benefit economically and environmentally in contributing to our nation's energy supply, while maintaining good community partnership and environmental stewardship at the local level. With current siting and the wind sector's good practices, Kansas has been able to attract *billions* of dollars in economic investment and create over 5000 jobs in the last decade. In doing so, rural Kansans and their communities have collectively gleaned millions of dollars in direct lease payments and local donations from wind companies, without selling out the values or land that Kansas holds dear.

We feel that local government guidelines and stakeholder negotiations suffice for wind siting at this time. That said, if the Legislature indeed deems a state law to be necessary, the Kansas Sierra Club would support a state wind siting policy that aligns more closely with a 2000 foot setback, per our 2010 position. Regardless, the Kansas Chapter, as a grassroots nonprofit, plans to continue its proactive work as being a fair broker between concerned Kansans, energy companies, and the natural environment.

If the Legislature wishes to examine appropriate setback distances regarding industrial development, the Kansas Sierra Club encourages lawmakers to instead consider setbacks for commercial enterprises that have much more negative environmental impacts.

We certainly agree that quality of life concerns and property rights/protections are important considerations for Kansas government. In fact, the Kansas Sierra Club has advocated for increased property rights protections for a long time, especially when it comes to industrial practices and the resulting pollution and hardship put upon ordinary Kansans. The Legislature ought to prioritize these property protections instead:

- Property damages caused by earthquakes induced by oil and gas industry's wastewater disposal.
- Odor, air quality, noise, and sight protections from other industrial ventures, such as large animal feedlots or barns, oil refineries, chemical/industrial plants, fracking rigs, and more.
- Landowner safeguards from toxic chemical drift from pesticides onto neighbors' land and crops.
- The prospect of up to 333,000 chickens at 1320ft away from a home or 100 ft away from a property line.
- Maintaining the private property right of landowner conservation easements.
- Allowing individuals to capture solar energy without unfair, expensive utility charges.

Above all, the Kansas Sierra Club encourages all lawmakers and concerned Kansans to realize that wind power represents an advantageous and *necessary* enterprise for our state. Our state's current role in cultivating clean, renewable energy is of both national and global importance in terms of carbon-free electricity production and mitigating global warming.

We face a dire reality of extreme weather and climate volatility escalated by human-sourced greenhouse gas pollution. We must embrace our unique opportunity, nay- *obligation* to do what we can to help urgently transition our nation's energy portfolio. While the impacts of climate change become ever so clear and dangerous, we must step up and make tough sacrifices. Not since World War II has it been so crucial for the USA to help save the world.

While the Kansas Sierra Club holds dear the preservation of land, safety, and natural aesthetics of Kansas, HB 2273 (in current form) goes too far in placing onerous limits on vital wind development, that Kansas, the United States of America, and the world so desperately needs.

Thank you,

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The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.