

Pratt County Board of County Commissioners (BOCC)

February 19th, 2019

To: Chairman Seiwert and Members of the Committee on Energy, Utilities, & Telecommunications
From: Glenna L. Borho, Pratt County Commissioner

Re: Testimony in Opposition to HB 2273 (The wind generation permit and property protection act)

Thank you for the opportunity to provide testimony on HB 2273. Undoubtedly, the advances in wind energy within Kansas have had a tremendous economic impact on the entire state. We in Pratt County have been fortunate enough to have had two wind farms built within the county. I have served on the Pratt BOCC through most of the process from start to finish with both farms and have had nothing but positive interactions with NextEra Energy Resources (NEER). The first farm began producing electricity in December of 2016 and the second project went online December of 2018.

From the very start of the process NextEra was open, honest, and communicated frequently with the BOCC and sent letters to over 2,300 landowners to help them understand what was being proposed, how they could be involved, answer questions that had been brought up, and were extremely professional in dealing with some of the misconceptions about wind energy that were brought up through public meetings. NEER communicated with the Planning and Zoning Board, and then after the Planning and Zoning Board made their recommendation, NEER communicated with the BOCC to make sure we were always informed and also had open lines of communications with our residents. We required NEER through a road use agreement to repair all roads back to pre-construction condition or better. If we ever had any concern with any aspect of the process or with any of their employees during construction they immediately addressed all issues. The financial benefits of the wind farms will total approximately \$50 million dollars over the expected 30 year life of the project for Pratt County through a Pratt County Contribution Agreement.

Pratt County has some of the strictest setbacks in the nation for wind energy development which were created locally and have worked for wind energy development. There is no need for any stricter standards. In Pratt County regulations require that no turbine shall be located closer than 1.1 times the total height of the turbine from a public road right of way; no turbines shall be located closer than 500 feet or 1.1 times the total height of the turbine, whichever is greater, from lot lines of any property not included in the special use boundary without express written permission of all owners of any such property filed with the Special Use application (SUA); no turbine shall be located closer than 2,500 feet from an active residential building unless all owners of any residential building grant written permission for the placement of a turbine at a shorter distance of not less than 1,000 feet. Additionally, within an eight-mile radius of the Pratt Municipal Airport no communication structure or commercial wind energy project shall exceed 200 feet in height. We also have policies in place that state that there are to be no lights on the towers other than those required by the minimum standards of the Federal Aviation Administration (FAA) and that no high intensity or strobes or white lights shall be permitted at nighttime unless it is an infrared heating device used to protect the wind monitoring equipment.

HB 2273 unnecessarily usurps the local control of local Boards of County Commissioners who have been elected to represent the citizens of the county and best know what is appropriate for their county. Setbacks are a local issue and any alteration of these local decisions could negatively impact the development of wind energy in Kansas. I want to call particular attention to page 2 line 9 number 3 where it states that

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“not less than 20 times system height or 15,840 feet, whichever is greater, from any local, state or federal wildlife refuge, public hunting area or public park.” Pratt is the home of the Kansas Department of Wildlife Parks and Tourism and other notable wildlife resource areas. This provision is incredibly onerous. Additionally, including public hunting areas make the bill entirely inappropriate. Walk-in hunting contracted with local land owners by the Kansas Department of Wildlife Parks and Tourism varies every year. With real estate changes and walk-in hunting enrollment changes it would be impossible to keep track of when trying to develop projects.

Requiring written agreements from all property owners within setback distances would also be nearly impossible within a reasonable period of time. There are many absentee landowners, land which is in trusts, and landowners who would be very difficult to engage in a response. This bill is unrealistic in terms of how development actually occurs. One owner’s land should not be controlled by a non-participating neighbor in wind farm development. Let local BOCC rule upon local issues and work through the development of a wind farm in the same way we would any local development project.

Through the development of both of the wind farms in Pratt County within the last five years we have been able to successfully use the current local planning and zoning and BOCC process to protect citizens’ property rights while promoting economic development through the development of wind. This bill is not only unnecessary, but it will make it more difficult to develop alternative energy projects in the future. Although, there has been a lot of discussion about how to assist rural Kansas grow, this bill does the exact opposite of that and would create unnecessary hurdles for progress.

If you have any questions that I may be of assistance please do not hesitate to contact me at your convenience.

Sincerely,

Glenna L. Borho

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