

March 7, 2021

The Honorable Mike Thompson
Room 225-E, Kansas State Capitol
300 SW Tenth Avenue
Topeka, KS 66612-1504

RE: Senate Bill 279

Dear Senator Thompson:

My name is Micah Kee and my wife, Sonya, and I are writing in support of Senate Bill 279 (the “Wind Generation Permit and Property Protection Act”), specifically the provisions:

- Establishing setbacks from the property line(s) of non-participating landowners
- Notifying the general public and property owners within the limits of a proposed development
- Establishing a wind turbine density limit
- Prioritizing (participating and non-participating) landowner rights

We also urge you to consider amending the act to address/discourage the abuse of Executive Session by County Commissioners to avoid and/or delay public disclosure and discussion of the details of proposed industrial wind turbine projects.

My wife and I are blessed with the choice and the means to live anywhere in the United States and a little more than ten years ago we decided to move to Frankfort (Marshall County) from Atlanta, GA: to be close to Sonya’s extended family, to raise our daughters in a “small town” environment, and to enjoy all the intangible benefits of living in the “great wide open.” We bought a small farm and built a house on top of a hill with magnificent miles-away views in every direction. We have been very active in our community and have thoroughly enjoyed living here until finding out a year ago that a small group of landowners and our County Commissioners were very quietly working to bring a large (100+ turbines) industrial wind development to the County. While not opposed to diverse sources of energy, we also did not move to Kansas to live with or next to an industrial turbine operation.

Since news of the project became public, our neighbors can’t or won’t talk about the development project due to gag orders signed with the energy company; our Commissioners’ have waffled between telling us that, “our hands are tied,” or to

“shut up and deal with it;” and the energy company has told us, “you (non-participating landowners) have no legal rights or standing to object to our business plans.”

Indeed, we have learned that the energy company(ies) has federal and state laws written to benefit it, as well as legal counsel to ensure those laws are interpreted in its favor. The County has turbine-company-approved legal counsel to “negotiate” on its behalf. And participating landowners have access to counsel to negotiate the highest payments possible in exchange for the use of their land. If – as it is in our case – all the County Commissioners are not only in favor of but advocating for the turbine project, then non-participating landowners have absolutely no recourse. The deck is literally stacked against us.

Senate Bill 279 provides a remedy to this situation in that it sets reasonable limits on the infringement of non-participating landowner’s property; it requires reasonable effort be taken to educate landowners on the real and potential impacts of an industrial wind development; it protects against the overdevelopment of a county and its resources; and it forces the project into the public realm so that all voters have a voice while that voice might still make a difference.

We urge you to vote FOR this legislation.

Regards,

Micah & Sonya Kee
Frankfort, KS