

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

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Chairman Thompson and members of the Senate Utilities Committee:
Proponent Testimony SB 279

I am Marion County Resident and former Marion county commissioner. I served on the Board of County Commissioners from January 2017 thru December 2020. I appear on my own behalf and I am a proponent of this bill, after suggested amendments listed below.

I want to thank the chair and all the members on this committee for taking time to hear my testimony on this especially important matter of wind generation permit and property protection act.

It was during my four-year service on the Board of County Commissioners that two wind projects came to Marion County. The first was initially Diamond Vista Wind Project/Tradewinds Energy, which was then sold to Enel Green Power, an Italian company. This wind project has been in full operation since October of 2019. Marion County entered into a road maintenance agreement with this wind project and to this day, despite multiple meetings and legal negotiations, we have not been able to secure any payment or reimbursement for all the roads damaged by this project.

The second wind project company is known as Expedition Wind, based in Minnesota. In July of 2018 Marion county commissioners approved a conditional use permit (CUP), by a 2-1 vote, to construct this wind project in the southern part Marion County. To the best of my knowledge, no construction permits have been secured at this time.

I believe SB 279 addresses solutions to a majority of the many damaging issues wind energy companies bring to unsuspecting, rural Kansas taxpayers and counties.

However, one particularly important issue which is not included in this bill is to “define the boundaries” of leased lands. In Marion County, Expedition Wind successfully gerrymandered an estimated project notification buffer area inside the leased lands, with the intent to prevent non-participating citizens their rights to a fair protest of the project. This gerrymandered notification buffer created a second boundary on the same leased land, which sparked a group of citizens to file a lawsuit against the county for allowing this unheard-of gerrymandering to take place. When the citizens filed their suit against the county, Expedition wind as an *intervener* to the case filed a counter suit of \$35,000,000.00 against these citizens who were trying to protect their homes, families, and property. ***There can only be “one” property boundary for each property leased. Legal property lines of each leased parcel of land must be the only boundaries within the project area.***

I believe it is also necessary when there is more than one applicant, developer, firm, partnership, corporation, LLC, Association, etc. holds leases within a proposed project area that the following rules apply: at the time of any filing all such entities or persons must be disclosed with name, address, and phone numbers. Marion County is currently in a lawsuit filed by Mr. Roger Buller of Stonebridge

Investments, LLC who apparently is an additional developer/investor for a portion of the same leased lands in the proposed Expedition wind project, which Marion County was unaware of this developer until sometime around March of 2020. Mr. Buller is claiming \$75,000.00 in real damages.

Finally, my four-year experience trying to work with wind projects at a County level with nothing more than a few extremely vague and woefully out of date state statues for guidance has not only left my county, but many others at the mercy of big wind. The effects and destruction by wind projects, to property, county budgets and people's lives are gut-wrenching at best. Therefore, I implore this committee to please pass this SENATE BILL No. 279 with the above recommended amendments to the bill.

Thank you!

Dianne Novak