

Testimony submitted for Senate Bill 323
The Kansas Energy Lease Disclosure Act
Senate Utilities Committee hearing to be held on January 26, 2022 at 1:30 p.m. in Room 548-S

by Beverly Gibson Kavouras of McPherson County
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Chairman Thompson, members of the Senate Utilities Committee, all elected officials in the Kansas Legislature and Governor:
Proponent Testimony SB323

Thank you for inviting and welcoming us to provide testimony on SB323.

I was born and raised on a farm in McPherson County. My parents were farmers, as were the two generations before them. Aside from spending 10 years moving from place to place with my Air Force, fighter pilot husband, I've lived in Kansas all of my life and own several parcels of land. McPherson County is zoned and has a Board of Planning, Zoning and Appeals. We have had five 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 the years of 2016 -2019. Roughly 100,000 acres have been leased in McPherson County over the years. That is 156 SECTIONS of land! All five projects have failed in our county and were never built.

One company alone was planning 208, 600 foot 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 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 military training routes with classified issues that conflict with 600 foot turbines.

After two years of communication, education, research and action taken by our CRALU group, our Board of County Commissioners implemented a total prohibition or ban of industrial wind projects in December of 2020. As of December 2021, McPherson County has a ban on industrial solar projects for two years.

A special concern is the fact that wind companies prey on unzoned counties and land owners who own land near transmission lines. Often times the companies lease the land, make deals with local officials and are ready to start building before any of the non-participating land owners and citizens of the county are even aware of what is happening in their own county.

After studying this bill I believe it would be a good start to what all counties need in our state in order to protect land owners who are considering signing a commercial, industrial wind or solar lease.

The following list outlines my questions, concerns and possible amendments to this bill. I view this bill as only a beginning to proper regulations that need to be implemented. We know there will be opposition from others; most who stand to gain financially. Please remember that as you consider the following.

- Transparency: Need a mechanism for the projects to become public before any leasing begins and before any meteorology towers can be approved and built. We need hearings and requirements met before any land leasing or building is allowed to commence.
- 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. This process has not yet been completed nearly a year and a half later. Landowners need to have clear title restored to their land.

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 to their own devices to fight something so big and 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, wealthy 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. SB323 removes some of the very aggressive tactics that companies use to take advantage of uninformed land owners. Some who are elderly have no idea what they are signing. All they see are the dollar signs.

The citizens of Kansas who have fought these projects already know that renewable energy companies are good at providing bought and paid for studies that provide false assurance. The companies and their bank of lawyers 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 Kansas landowners and our elected and non-elected officials. **Government should protect people and regulate corporations, not protect corporations and regulate people!**

When I listened to testimony regarding HB 2381 last year, 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, unrenowable, unrecycleable, intermittent energy to our Kansas grid in light of what happened in February of 2021 in Texas, Kansas and other parts of the midsection of our country? 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? Every single Kansan is currently suffering from sky rocketing energy costs and this is bound to continue without regulating corporations.

I think the wisest decision would be for our state of Kansas to shut the door for now by imposing a moratorium on all uncommenced construction of industrial wind, solar, and transmission line projects until an energy task force has been formed and has completed its studies and recommendations.

Finally, no reasonable and rational person would conclude that two to four hundred 600 foot turning, noisy, damaging, sleep depriving, 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 thank you and I give my support to SB323.

Beverly Gibson Kavouras
McPherson County