

Before the Senate Utilities Committee
Presented by Zack Pistora, Kansas Sierra Club
Written-only Opponent Testimony on SB 353
February 10th, 2022



Chairman Thompson and Honorable Members of the Committee,

Thank you for the opportunity to provide oppositional testimony on SB 353, known as the *Industrial Turbine Health and Safety Standards Act*. This legislation establishes new setback distances for wind farms, as well as establishes regulation requirements dealing with noise, light, risk of ice throw, aviation, decommissioning, fire protection, and much more for wind facilities. While the intention to protect Kansans from any dangers associated with industrialized energy systems is worth discussion and exploration, the Kansas Sierra Club feels that current practices and procedures for wind development are wholly adequate in ensuring the health and safety of Kansans.

Furthermore, it is very important that we have this discussion in the larger context of our State's energy system and our future, as there are health and safety risks and impacts associated with our other energy generating sources as well. We also need additional study on these issues before we enact broad policy measures. In short, we feel **SB 353 goes too far in regulation and is likely to discourage much-needed Kansas-based wind development.**

Ultimately, SB 353 would likely sour future opportunities to achieve the overwhelmingly positive benefits wind energy provides for individual property owners, local and state economies, electric rates, our energy system, and our environmental well-being for Kansas. Thus, we oppose SB 353.

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:

Our Kansas Chapter has long realized that the placement of wind farms in some areas of Kansas may be concerning. 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 SB 353 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 SB 353 puts forward setback requirements on wind facilities way beyond our policy's 2000-foot setback distance, we feel that SB 353 goes too heavy in regulating and restricting wind development for Kansas.

In our view, in their development of over 40 wind farms in Kansas, the wind industry has done well in being responsible, transparent, inclusive, and fair in their siting and operations. In doing so, Kansas is actualizing its opportunity to capitalize upon the economic, environmental, and community advantages of wind and contribute to our nation's energy supply, while maintaining good community partnership and environmental stewardship at the local level. With current siting regulations and the wind sector's good practices, Kansas has been able to attract *billions* of dollars in economic investment and create thousands of direct and indirect 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. We are not aware of any major issues with regards to public health and safety in the 20 years of wind development in Kansas. Nor have we received any major complaints over the two decades from our members or supporters on wind siting. If landowners or communities are indeed worried about industrial encroachment, the Kansas Chapter, as a grassroots nonprofit, commits to being a fair broker between concerned Kansans, energy companies, and the natural environment to resolve issues.

If the Legislature wishes to examine appropriate health and safety protections for Kansans regarding energy generation, the Kansas Sierra Club would encourage lawmakers to discuss the energy system as a whole and reconcile the worse health and safety risks and impacts from burning fossil fuels.

Perhaps SB 353 and similar legislation could be discussed as part of a broader dialogue on the energy future of Kansas, and not through a political tug-of-war on individual policy pieces. Kansas has not opted to create a state energy plan as more than forty states have, despite a recent recommendation of the energy consultant London Economics. Therefore, if lawmakers feel further discussion regarding SB 353 is warranted, then we would suggest the Legislature pursue a state energy plan task force (like HB 2381) rather than enact SB 353.

Finally, the Kansas Sierra Club encourages all lawmakers and concerned Kansans to realize that renewable power represents an advantageous and *necessary* enterprise for our state. Our state's current role in cultivating clean, renewable energy is of importance and benefit on all levels.

Integrating wind energy as now our most dominant source of electricity has really strengthened our energy system with long-lasting, clean, renewable, low-cost electricity. We must embrace our opportunity to do what we can to help urgently transition our state and nation's energy portfolio to mitigate the severe impacts of climate change that have become ever so clear and dangerous, especially to our agricultural industry. The Legislature would be foolish to enact surgical, state mandates like SB 353 to obstruct the good that comes with clean energy development and climate action.

While the Kansas Sierra Club holds dear the preservation of health and safety of Kansans, SB 353 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.