

Testimony for Senate Bill 325

Don Lueger; St. Benedict, Kansas; Landowner, Retired

Chairwoman McGinn and members of the Senate Committee on Local Government (Proponent Testimony SB325).

My name is Don Lueger. I am speaking to you today as an ag landowner, and on behalf of the NEK Northeast Kansas Concerned Citizens group of 800 people. I live in the country near the little community of St. Benedict in Nemaha County, Kansas. St. Mary's Catholic church, located in St. Benedict, is on both the Kansas and National Registers of Historic Places, and is also recognized as one of the 8 Wonders of Kansas Art. I can't imagine a multitude of 500 ft. tall industrial wind turbines surrounding this beautiful church and small community! But it is quite possible. You see, there is already ground leased for industrial wind turbines within one mile of St. Benedict. And this is exactly what happened to Corning, KS. Corning is located in the southern half of Nemaha County. NextEra's Soldier Creek Wind project of 120 turbines surrounds Corning. Fifty of those turbines are within 3 miles of Corning – in all directions. Fifty turbines. Five hundred feet tall. This capitol building is 326 feet tall. Fifty turbines five hundred feet tall within 3 miles! And by the way, they keep building them taller.

Corning tried to take action to keep turbines outside the 3 miles around their town. They tried, but they were beat down by big wind. And it has torn their community apart. Hopefully you have heard or will hear their story. It's simply disgusting what happened to them.

But let me give you some statistics about the Soldier Creek industrial wind project. As I've said already, that project has 120 industrial wind turbines. That project encompasses approximately 96,000 acres, or 150 sections of ground. There are approximately 192 different leased (participating) landowners, and approximately 176 different non participating landowners. There were 103 participating residences, and 143 non-participating residences within the wind project footprint. These numbers do not include the communities of Corning and Goff and the one mile around them. In simple terms, 60% of the people who live in the rural areas included in the Soldier Creek industrial wind project are non-participants. Let me say that again, 60% of the people who live in the project are non-participants. When the County Commissioners finally produced documents about the Soldier Creek project, in about ten days' time, there were around 1,350 signed petitions requesting minimum setbacks from non-participating residences and property lines, or an outright prohibition of industrial wind. Later that month, in April of 2019, the Commissioners conducted two public hearings regarding this project. There were very large crowds at both hearings. About 85% of those commenting spoke in opposition to industrial wind turbines, or wanted significant setbacks if the project was allowed to move forward. You had to be deaf, blind, or just plain stupid to not recognize the opposition was huge. Despite this opposition, the then sitting Commissioners continued to move forward and approved the project.

Were there folks who wanted the wind turbines? Of course. Were there folks who didn't want the wind turbines? Absolutely. In our case, it didn't matter that the majority didn't want them. Why do I say that? Because Nemaha County didn't have zoning. Without zoning, it is basically left up to three people to decide – the Commissioners.

Three people. Two of those commissioners were soundly defeated at the last election – primarily because they did not listen to the people. But it was too late. Contrary to the wishes of a large number of people, the County now has 120 industrial wind turbines. In addition, wind companies continue to sign some landowners in hopes of cramming through another project.

Does this Bill require a County to adopt zoning if they don't want to? No. Does it keep a County from adopting zoning? No. Local control is important. The control still resides with the County.

Industrial wind turbine or industrial solar projects are simply just that – INDUSTRIAL. Calling them wind farms or solar farms is B.S. They are INDUSTRIAL!

That is basically what this Bill does – acknowledges them as Industrial. If a County, after going through the processes of hearing from their citizens, welcomes industrial wind or solar projects, or welcomes them under certain conditions, then they can do so. Nothing stops them from doing so. If a county does not want industrial wind or solar projects, then they don't have to adopt zoning to prohibit them.

The Kansas Livestock Association recently stated their position on behalf of their 5,600 members:

Members approved amendments to the property rights and wind energy resolution. The revisions support legislation to protect the property rights of landowners adjoining, but not participating in, wind farm developments;

I'll let you confirm that position with the KLA.

I am an agricultural landowner in Nemaha County. I witnessed first hand what happened in Nemaha County with the approval of a 120 industrial wind turbine project in the southern half of our county. My son is hoping/planning to build a house on a quarter section of land we own. To think that a 500 foot turbine could be constructed 600 feet from our property line and 2,000 feet from a new home is frightening. To think that placing a turbine that close isn't infringing on our property rights is ludicrous! **Something has got to change!**

Thank you for the opportunity to speak on SB 325. For the many non-participants who want their property rights protected, and basically have virtually no way to have their voice heard, please give this bill further consideration.