

Elk River Wind

Developer: Iberdrola Renewables

Location: Grant County, Kansas

Prepared July, 2008

For updates, see www.macalester.edu/windvisual

BACKGROUND

The Elk River Wind Project is located south of Beaumont, Kansas in Butler County, 45 miles west of Wichita. According to the 2000 census, Butler County has a population density of 44 people per square mile and a median household income of \$45,000. Beaumont has a population of just eighty people. The Flint Hills area of Kansas is also home to the largest remaining tallgrass prairie in the US, which stretches from northern Kansas to northern Oklahoma. The Flint Hills prairie is largely used for ranching and the project area is private land owned by four landowners.

In 2001, Greenlight Energy of South Carolina and HMM Energy Resources of California joined in a partnership to develop the second large scale wind farm in Kansas. The companies planned to site one hundred General Electric 1.5 MW turbines on nearly 8,000 acres. After the sale of the project to PPM Energy (now Iberdrola Renewables), approval from the Butler County Commission, and a number of lawsuits, the Elk River Project was completed in 2005.

POLICY CONTEXT

Kansas is home to many coal plants, with over 75% of its electricity derived from coal. However, in 2007 and 2008, Kansas Governor Kathleen Sebelius vetoed three times a bill to allow two to three proposed coal plants, saying that wind energy should be used to meet new electricity demand. Governor Sebelius has proposed a voluntary 20% wind by 2020 goal with



the backing of many of the state's utilities.

Kansas has no major siting or environmental regulations affecting wind farms. The state has passed incentives for wind development, including a law that exempts renewable energy from property taxes. After a number of proposals for wind development in the Flint Hills region, Governor Sebelius established the Wind and Prairie Task Force, with the mission of developing guidelines for wind development in the Flint Hills region. The guidelines were released in June of 2004, creating a "Heart of the Flint Hills" area where wind development would be strongly discouraged. The Elk River project was not affected by this designation; the wind farm was just a few miles south of Highway 400 where the "Heart" begins. Wind siting bills have been proposed multiple times in the Kansas legislature, with strong support from legislators with ties to the coal industry. The Heart of the Flint Hills designation effectively affirmed the construction of the Elk River project.

Wind development in Kansas must be approved by local governments, including the Planning Commission and the County Commission. The public has the chance to comment on proposed projects at the County Commission hearing. Butler County also created wind guidelines in late 2003 that required height and noise restrictions, more public input, environmental and human impact reports. However, these guidelines were created after the Elk River project began and did not apply to this project.

PUBLIC RESPONSE

Greenlight Energy and HMM Energy Resources initially proposed the Elk River Wind Project in 2002. Opposition formed early when the Butler County Commission voted 3-2 in favor of the project in early January 2003. The proposal was immediately opposed by nearby landowner David Murfin on procedural grounds. Murfin's lawyer, Pat Hughes, claimed that Murfin was not notified of official meetings and that Commissioner Bill Shriver was biased because he planned to lease his land to a

OTHER WIND PROJECTS IN EASTERN KANSAS:

Project	Location	Developer	Turbines	Status
Smoky Hills I	Saline	TradeWind Energy	56	Operating
Meridian Way	Cloud	Horizon Wind	67	Construction
Smoky Hills II	Saline	TradeWind Energy	99	Constuction
Caney River	Elk	TradeWind Energy	~100	Permitting
Elk River II	Elk and Cowley	BP Alternative Energy	167	Permitting
Eagle Rock	McPherson	Gamesa Energy	67-100	Permitting
Deer Creek	Anderson	TradeWind Energy	67-100	Proposed



Photo of Elk River Wind.

different wind developer on a separate project. Another nearby landowner, Steve Trent, a falcon trainer, joined in Murfin's case. In November 2003, a Butler County district judge ruled in favor of the plaintiffs, ruling that the County Commission's decision was too heavily based on the money the county would receive from the payment in lieu of taxes (PILOT). Butler County, Butler school districts, and the local community college were to receive a shared \$175,000 per year for the next ten years. The judge called for the County Commission to review the Elk River project again.

Greater public opposition began forming in early 2003. As discussion began to stir around the Planning Commission's approval of the farm, residents were divided on whether the project should be approved or not. By March of 2003, Jim Hoy, an English professor at Emporia State University, and Larry Patton, the Dean of Humanities and Fine Arts at Butler County Community College formed Protect the Flint Hills. Their opposition to the project was heavily centered on the aesthetic impact of the wind farm on the scenic Flint Hills, and to a lesser degree, economic and wildlife concerns.

In addition to Protect the Flint Hills, the Flint Hills Prairie Heritage Foundation formed out of concern over the environmental and visual impacts of wind projects in the Flint Hills. About forty individuals made up the foundation, with much overlap with conservation groups like Audubon of Kansas and the Nature Conservancy. The primary wildlife concern was the impact on the prairie chicken, which were said to stop nesting near wind farms, as well as the greater impact on the Flint Hills ecosystem. The FHPHF was based out of Manhattan, Kansas, 120 miles north of Beaumont.

A few strong proponents also emerged in the Flint Hills case. Pete Ferrell is a rancher whose property hosts fifty of the turbines. Ferrell often cites the turbines as a savior to the cattle ranching business and a cultural extension of the windmill his great-grandparents used to pump water on the same property. Ferrell now tours Kansas promoting wind power. The Kansas Sierra Club also came out in support of the project. In 2005, the group did a study on the visual impacts of meeting the Governor's 20% wind goal. Even if all new capacity was located in the Flint Hills, claimed the Sierra Club, only 0.7% of the Flint Hills scenic land area and 2%

of the wildlife area would be impacted. The study did not assess how many acres would be affected by the view of the turbines. The Sierra Club also supported Governor Sebelius' "Heart of the Flint Hills" designation.

Despite the mirth of opposition, the County Commission re-approved the project in late 2003, this time without taking the PILOT into account. However, in early 2005, the Flint Hills Tallgrass Prairie Heritage Foundation sued the Butler County Commission in a federal court over the potential environmental impacts of the Elk River project. This suit was thrown out because it failed to make a proper legal claim. Just three days later, a group of landowners sued the County Commission over the county's right-of-way to construct transmission lines that would cross their property, as well as a call for an increase in decommissioning funds. This suit was also dismissed in May 2005.

Construction on the Elk River project was completed in late 2005. Most local opposition to the project died down, and British Petroleum, who purchased Greenlight Energy, proposed a 200-250 MW expansion in 2007. However, the Elk River project has become infamous among wind opposition groups worldwide. An anonymous "before and after" aerial photo of the project circulates on many anti-wind websites. This image juxtaposes a pre-project scenic, green pastoral landscape with a post-project image of a landscape dominated by wind turbines that stretch as far as the eye can see.

SUMMARY

While there seems to be community support or acquiescence for the Elk River Wind Project now that it is built, it is worrisome that the Kansas wind siting policy calls for little public input in the process and minimal concern for recording visual and environmental impacts. Although Flint Hills span more than six million acres, this 8,000 acre wind development was seen as a significant mar on the landscape. The Flint Hills have considerable scenic and cultural significance to many people, ranging from ranchers to conservationists to the Governor herself. The lack of policy in Kansas has set the stage for contentious energy politics that will likely continue until some agreement is made.

For more information on this case, and on others, go to

www.maclester.edu/windvisual

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