

Date: January 16, 2025

Re: Joint Hearing on The Grain Belt Express

**To: House Committee on Energy, Utilities and Telecommunications, Chairman Delperdang
House Committee on Water, Chairman Minnix**

From: Wendee Grady, Kansas Farm Bureau

Chairmen Delperdang and Minnix and Committee members, thank you for the opportunity to provide testimony on electric transmission line issues today. My name is Wendee Grady and I work as the Assistant General Counsel and Director of the Legal Foundation at Kansas Farm Bureau (KFB). I am submitting this testimony on behalf of KFB members. KFB is the state's largest general farm organization, representing more than 30,000 farm and ranch families through our 105 county Farm Bureau Associations.

Kansas Farm Bureau has long been an organization that supports private property rights. Our policy also supports growth in electrical generation capacity and transmission buildout to keep pace with the growing demand for electricity. To that end, KFB has been actively involved in legislation and rulemaking at the state and federal levels at the intersection of our members' private property rights and public utilities, specifically transmission lines. In my role at KFB, I have had the opportunity to present at and participate in more than a dozen meetings across the state, largely focused on landowner education about National Interest Electric Transmission Corridors (NIETCs),¹ and the Grain Belt Express (GBX). While the focus of those meetings largely revolved around separating fact from fiction,² the meetings gave me the opportunity to hear from hundreds of landowners on these issues. Through those meetings, along with KFB's grassroots policy-making process, and other outreach opportunities, it has become apparent to me that landowner sentiment is growing less favorable toward renewable energy and transmission. This has also become apparent in our policy book, which has in recent years, shifted away from blanket support for renewable energy and transmission, to a more balanced position that

¹ KFB is pleased that the Department of Energy removed both of the proposed NIETCs that would have impacted Kansas from further consideration. American Farm Bureau Federation (AFBF) policy, by which KFB is bound, opposes the use of NIETCs to facilitate condemnation of agricultural land, open space, and conservation or preservation easements. AFBF policy also opposes federal backstop authority final approval provided by the Federal Energy Regulatory Commission (FERC) with regards to high voltage transmission lines.

² See e.g. *Inside Ag from Kansas Farm Bureau - S3 Ep 82: Ntn'l Interest Electric Transmission Corridors in Kan.*, for an abbreviated version of the type of information provided in these meetings, available at: <https://www.youtube.com/watch?v=ibg4m17iEMQ> (last accessed Jan 13, 2025). For more on KFB's education and advocacy efforts on electric transmission, visit KFB's Legal Foundation website at <https://www.kfb.org/Article/Electric-Transmission-Current-Topics> (last accessed Jan. 13, 2025).

supports renewable energy and transmission, while making efforts to protect landowner rights for those directly or indirectly impacted by renewable projects and transmission lines.

In response to member concerns on energy issues in recent years, KFB's Board of Directors created an Energy Working Group to study energy issues and recommend policy changes to address concerns. As a result of that group's work, nearly 20 policy changes and additions were adopted by our members a year ago, and we have been hard at work trying to get those policies implemented to help protect landowners and agricultural land. To that end, KFB intervened in the KCC's line-siting investigation that studied the principles and priorities of proposed transmission lines for future line siting proceedings.³ You may recall that this line-siting investigation was largely the result of a single line-siting application for the Wolf Creek to Blackberry project. In that matter, the transmission developer failed to seek early and meaningful landowner input on routing the line. Additionally, the parties felt boxed in by prior approvals from the Southwest Power Pool (SPP) relating to the line. Ultimately the Blackberry to Wolf Creek line was approved by the Commission in a split decision, but KCC staff recommended a study of the line-siting process and the Commission opened the investigation. In the line-siting investigation, we advocated for requiring a code of conduct to improve interactions between transmission companies and landowners, as well as agricultural impact mitigation protocols to protect agricultural land, in future line-siting matters. Similar types of protocols have been adopted in other states⁴ and we modeled our recommendations largely off of what GBX adopted for the HVDC line in Missouri,⁵ and what GBX agreed to in the AC Collector Lines line-siting docket in Kansas.⁶ KCC staff has supported our recommendation for the mandate of protocols, along with the Commission's oversight of the same, though with less prescriptive guidance about the content of the protocols than what we recommended.⁷

Landowner Protocols and Company Code of Conduct

Our members believe the protocols could greatly improve the line-siting process. For example, the code of conduct would require truth and transparency in dealing with landowners ... basic standards that often are not met. The code of conduct would also require the opportunity for involvement by potentially impacted landowners early in the routing process through public and private meetings, as

³ See *In the Matter of the Investigation into the Principles and Priorities to be Established for Evaluating the Reasonableness of the Location of a Proposed Transmission Line in Future Line Siting Proceedings*, Docket No. 24-GIME-102-GIE, docket available at <https://estar.kcc.ks.gov/estar/portal/kcc/PSC/DocketDetails.aspx?DocketId=011c7db2-df90-43c2-8d25-00e38bbfc176> (last accessed Jan. 13, 2025).

⁴ See e.g. The Illinois Department of Agriculture, Bureau of Land and Water Resources, negotiates Agricultural Impact Mitigation Agreements with energy companies prior to construction of projects. Standard forms of those agreements, including forms for Electric Lines, can be found at: <https://agr.illinois.gov/resources/aima.html> (last accessed Jan. 13, 2025).

⁵ See the Missouri protocols on the Grain Belt Express website, available at: <https://grainbeltexpress.com/landowners/#landowner-resources> (last accessed Jan 13, 2025).

⁶ See *In the Matter of the Application of Grain Belt Express, LLC for a Siting Permit for the Construction of Two 345 kV Transmission Lines and Associated Facilities through Gray, Meade, and Ford Counties, Kansas*, Docket No. 24-GBEE-790-STG, *Rebuttal Testimony of Brad Fine In Response to Public Comment on Behalf of Grain Belt Express LLC*, Aug 14, 2024, at Exhibit BF-5, available at: <https://estar.kcc.ks.gov/estar/ViewFile.aspx/S202408141628477214.pdf?Id=1c7dd836-4882-4633-921a-f2da84945925> (last accessed Jan. 13, 2025).

⁷ Docket 24-GIME-102-GIE, *Notice of Filing of Staff's Third Report and Recommendation*, p. 14-15, available at <https://estar.kcc.ks.gov/estar/ViewFile.aspx/S202412131641221257.pdf?Id=9086fe99-87de-4972-9416-db8638c51d16> (last accessed Jan. 13, 2025).

well as continued communications between the parties. For instance, the KCC line-siting investigation will likely result in more fair and standard routing principles to be utilized by transmission developers, but those standards will not result in complete avoidance of private land. Inevitably there will be homes, businesses, and farmland in the path of new transmission projects in Kansas. In that case, the protocols would simply require the transmission developer to create a process by which they will review and consider micro-siting requests by landowners. The code of conduct would also require more standardized landowner compensation methods, where landowners have the opportunity to choose from a one-time payment or annual payments, and easement payments are made at an amount greater than fair market value if eminent domain authority exists. Additionally, the state's line-siting process is pretty shallow in its directives for health and safety studies for transmission lines, and the code of conduct would address that by requiring transmission companies to adopt company setback standards from residences and agricultural structures that are based on scientifically-proven health and safety information. These are just some examples of the requirements we proposed be addressed in landowner protocols and company codes of conduct.

Agricultural Impact Mitigation Protocols

The agricultural impact mitigation protocols we proposed would set standards for the protection and restoration of agricultural lands during the construction and maintenance of transmission facilities. For instance, the protocols would require companies to utilize soil protection measures like decompaction, fertilization, and erosion prevention, relying on scientific standards to guide their work. The protocols would also require transmission companies to control noxious weeds and to address impacts to agricultural improvements like drainage tiles, terraces, and irrigation systems. The protocols would also direct transmission companies to employ a person (or persons) with agricultural education and/or experience to serve as a point of contact for landowners when they deem agricultural impact mitigation measures to be inadequate.

While our efforts in the line-siting investigation are limited to establishing standards for landowner and agricultural impact mitigation protocols in the electric transmission matters, we think they could similarly be beneficial in the context of energy generation and storage.

Growth In Electric Generation and Transmission Requires Action

With the anticipated imminent growth in renewable energy generation and electric transmission in Kansas, now is a critical time to do what we can to protect landowner rights and the land. Based on the SPP's 2024 Integrated Transmission Planning process, there were 80 new transmission projects proposed, with over 2,000 miles of new and rebuilt extra high voltage transmission, and nearly 1,000 miles of new and rebuilt high voltage transmission.⁸ Kansas would be impacted by hundreds of miles of new and rebuilt transmission lines under that plan. Additionally, while renewable energy production is

⁸ *SPP 2024 Integrated Transmission Planning Assessment Report*, Oct 7, 2024, available at <https://spp.org/documents/72605/2024%20itp%20report%20draft%20v0.6.pdf> (last accessed Jan 10, 2025); see also *SPP Reliability* presentation from October 2024, available at https://www.kcc.ks.gov/images/PDFs/presentations-and-legislative-testimony/2024_Grady_JointCommitteeonKansasSecurity_ResourceAdequacy.pdf, beginning at slide 20 (last access Jan. 10, 2025).

growing across the state, the amount of renewable energy needed to supply just the GBX would grow the current renewable energy generation in the state by roughly two-thirds.

While there may have been a lack of significant participation by the SPP in the KCC line-siting investigation, we are hopeful that the outcome will be a more clearly-defined line-siting process that will result in more consistent/comparable bids for projects identified by the SPP. Moreover, new standards for landowner interactions and the treatment of agricultural lands will require transmission companies doing business in Kansas to do it the right way, respecting landowners and the land.

Conclusion

I want to sincerely thank you for allowing KFB to provide testimony in today's hearing. Our state-wide membership and grassroots policy process have given us opportunities to hear what concerns landowners have on current energy issues, and to see changes in landowner sentiment toward renewable energy and electric transmission over time. Our policy strikes a good balance between support for renewable energy generation and growth in electric transmission, against the protection of landowners' private property rights. One way we are working to implement that balance is by advocating for landowner and agricultural impact mitigation protocols that help level the playing field between energy companies and landowners, as well as protect agricultural land.