

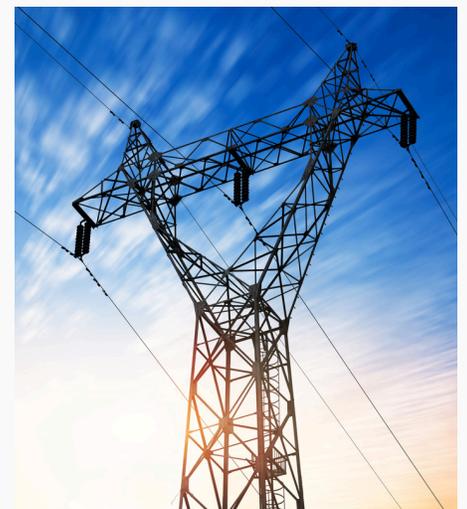


## **KANSAS ENERGY UPDATE**

Kansas is experiencing unprecedented growth in renewable energy production, and buildout of electric transmission infrastructure. Many factors at the state, federal, and global level, are contributing to this growth. This means that Kansas landowners are facing great opportunities and challenges relating to renewable energy leases and transmission line easements.

## **WIND AND SOLAR LEASING**

While landowner sentiment toward renewable energy leases might vary, KFB policy is largely supportive of landowner rights to voluntarily enter into such contracts. There is a preference, however, that prime agricultural soils be avoided in commercial solar installations. For landowners considering entering into a wind or solar lease, we have some great resources on our website that can provide guidance, but our best advice is to seek counsel from a private attorney to review the lease and help negotiate with the leasing agent. Wind leases can supplement income from agricultural operations without much interference to the operation, while solar leases replace agricultural income. In most cases, solar leases make the land unusable for agricultural production during the lease term, with some exceptions for grazing sheep, or vegetable production. Even in those cases, however, the lease must provide for those agricultural uses. One of the areas of the largest potential growth in renewable projects is southwest Kansas, near Ford County, and it is related to the Grain Belt Express transmission line - read on to learn more.



### **FIND THESE HELPFUL RESOURCES ON THE LEGAL FOUNDATION'S WEBSITE:**

- Transmission line checklist for landowners
- Resources on wind and solar leasing
- Links to learn more about the Grain Belt Express
- Information about decommissioning of electric energy generation projects
- Links to current statutes applicable to renewable energy and transmission

## TRANSMISSION BUILDOUT

In addition to regional and federal transmission authorities, the Kansas Corporation Commission (KCC) has authority in Kansas to oversee the determination of necessity and reasonableness of the location of a proposed electric transmission line. (K.S.A. 66-1,178.) During its oversight process associated with a recent transmission line siting case (see [☞ KCC docket 23-NETE-585-STG](#) for the Wolf Creek to Blackberry Project), the KCC received feedback, including from its staff, that the KCC should study its line siting oversight process. In response, the KCC opened a docket ([☞ KCC docket 24-GIME-102-GIE](#)) to investigate the principles and priorities of proposed transmission lines for future line siting proceedings. The scope of this investigation will likely be limited to establishing guidelines of land use parameters and construction practices that should be considered in determining the reasonableness of a proposed route. KFB has intervened in the matter and will continue to follow it and engage with comments when given the opportunity.

We are awaiting a line siting application related to collector lines for the Grain Belt Express, which is anticipated at the end of May. The Grain Belt Express is an 800-mile, high voltage direct current (HVDC) transmission line, that plans to deliver 5,000 megawatts of power (largely from newly-constructed renewable sources) from southwest Kansas to customers in Missouri and states farther east. To put that in perspective, at the beginning of 2023, the whole state of Kansas had almost 8,250 megawatts of installed wind energy generating capacity. The collector lines will gather power from many renewable energy generating projects, and take it to the Grain Belt Express, for the energy to be exported from the state. The Grain Belt Express project was granted a [☞ certificate of convenience](#) from the KCC that included the concept of collector lines, but the siting process for the collector lines must still take place. It is anticipated that Invenergy, the owner of the Grain Belt Express, will have authority to use eminent domain to acquire easement rights for the collector lines once it has completed the KCC line siting process. Other transmission lines that will take energy from generation projects to the collector lines (often referred to as “gen-tie lines”) must be acquired through voluntary contracts, as there is no eminent domain authority for them. It is important to understand the differences in these lines when contracting with Invenergy and other energy companies.

## HOW TO ENGAGE

Wind and solar developments face only minimal regulation at the state level. County governments have the ability to regulate electric energy generation from wind and solar, as well as new electric transmission installations, but often do not undertake such regulations. One way landowners can get involved to protect their interests is by engaging in or with their county government, on local planning and zoning boards and commissions. About one-half of Kansas counties have zoning regulations, and many of the zoned counties lack robust wind or solar regulations that can guide where renewable energy development should occur, and what reassurances and practices should be in place when a project is decommissioned. Working with your county government to get reasonable regulations in place can help ensure that renewable energy growth can continue in a responsible manner, consistent with local goals and plans. Visit the [☞ Resources page](#) on our website for more guidance on county solar regulations.

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