



Kansas Natural Resource Council

Spring 2006 Journal

Power Plant Siting Law Needed

By Jim Mason

KNRC Secretary & Webmaster

In 2000 the Kansas legislature was all agog about merchant power plants – electric generating units that export their product outside the state. They sought to enable construction of them by passing a bill, Sub. SB 423, that eliminated state oversight of siting for any non-nuclear powered facility. This unfortunate piece of legislation placed, by default, all the responsibilities for the siting decisions regarding these large projects on local planning and zoning entities, an utterly inappropriate abdication of what should rightfully be a state decision.



The problems associated with siting power plants are not limited to the potential effects on people, communities and the environment. As an example, recently the power company

Aquila has found itself in the position of possibly having to tear down and remove a completed power plant in Cass County Missouri because it was improperly sited. All this financial and legal mayhem could have been avoided with proper statewide siting requirements.

In February, KNRC initiated a collaborative process with other Kansas Green organizations to call for an about-face to the policy adopted in 2000. The result is the following Joint Statement, which was sent to

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decision-makers in the Kansas legislature and the Executive Branch on March 21. We plan to pursue this issue on into next year's legislative session.

Joint Statement from Kansas environmental groups to Kansas decision-makers regarding power plant siting laws:

Currently, over 3,500 megawatts of new coal-fired electric power plants are being planned that will have an impact on the people and the environment of Kansas. They are proposed to be located at four locations across the state and one site immediately across the Missouri River, midway between Leavenworth and Atchison. We believe Kansas citizens, Kansas communities and the Kansas environment are being unnecessarily placed at risk because adequate consideration is not being given to the environmental effects of where these facilities will be located and pollutants such as airborne mercury that will come from these facilities. The siting of these facilities has statewide effects and therefore the primary responsibility for making these siting decisions should reside with the state and not be delegated to local units of government.

In addition, there are many "wind farm" projects in various planning and development stages across the state. While only a small proportion of the wind farm proposals may actually move forward to become a reality, and though the "Heart of the Flint Hills" has been declared off limits to wind farms, these proposals still create environmental impact concerns associated with siting them.

We the undersigned organizations, representing a wide range of environmentalists, hunters, anglers and concerned citizens, call for the Kansas legislature to enact effective, uniform, statewide siting requirements for new electric power generation facilities of any type. These siting requirements should protect public health, preserve communities and protect sensitive natural areas such as wildlife refuges, large wetlands, native prairies and major bird migration corridors. These requirements should be regarded as a baseline, and local units of government should have the power to set stricter siting requirements than this baseline.

Until such improvements are made, we call on the Kansas Department of Health and Environment, the Kansas Corporation Commission and the Kansas Department of Wildlife and Parks to make every effort to protect the natural resources of our state by using their existing review powers in the current permitting processes.

To date, the following organizations have endorsed this statement. Other organizations are encouraged to join with us in seeking a rational approach to energy policy in Kansas.

- Kansas Natural Resource Council
- Kansas Chapter of the Sierra Club
- Kansas Wildlife Federation
- Friends of the Kaw
- Wichita Audubon Society
- Jayhawk Audubon Society
- Burroughs Audubon Society of Greater Kansas City
- Northern Flint Hills Audubon Society

From The President **By Bob Haughwout**

This year has flown by. The legislative session seemed to go quickly – until they returned for the “veto” session. The Board has been busy as well – and we did “veto” something ourselves. In your renewal letter, I mentioned a 25th Anniversary dinner on June 17th. On reflection, the Board has decided that day would be better spent planning for the next 25 years rather than just remembering the past 25 years. While our memories sustain us, we must begin thinking ahead on a grander scale if KNRC is to grow and prosper.

We have been working on several fronts throughout the year but energy seems to be dominating the field. Since KNRC grew out of a commitment to safe, reliable, sustainable energy for Kansans, it only seems natural that we put our main focus once more on that topic. To that end, the Board decided that June 17th could be better spent planning in detail our energy related goals, objectives and projects for the next several years.

We have been working with other environmental organizations to strengthen the State’s policy on siting new power plants – unfortunately reported in several newspapers as KNRC being against new power plants. Once more, environmentalists were painted as the “no” voice. Our goal is to put forward an effective alternative and position KNRC as the “yes” environmental voice. That effective alternative is community based renewable energy – a means of bringing control of energy back to the people who pay for it not the corporations that make money off of unsustainable energy alternatives.

To that end, the Board invites all members to join us on June 17th at the Emporia Public Library in downtown Emporia, to work out in detail our strategy and projects to make this a successful campaign. Bring your favorite dish to share and we will enjoy a pot luck lunch as we work out the details. The meeting will start at 9:30am and end no later than 4:00pm. If you can’t make the meeting, please send me, or any Board member, an email with your thoughts on KNRC’s energy strategy. I look forward to seeing you in Emporia on June 17!

Mostly Good News On The Kaw

By Dave Murphy
KNRC Board Member

The proposed cofferdam in Johnson County

On January 6 of this year, KNRC submitted comments to the Corps of Engineers regarding our concerns about a cofferdam on the Kansas River that had been proposed by Johnson County's primary water provider, Water One of Johnson County. The proposed cofferdam would be immediately above the existing weir, which has been a very popular spot for fishermen and whitewater boaters, but has also been a blockade to the movement of the endangered pallid sturgeon. The new structure, as proposed, would have been extremely dangerous for recreational boaters, it would have reduced the area's value as a recreational and food resource, and would have added an additional blockade for the pallid sturgeon.

On April 18 we received a phone call from Mr. Joshua Marx at the Corps of Engineers office in Kansas City regarding the redesign of that cofferdam. Specifically, Mr. Marx asked if we would withdraw our request for a public hearing if the Corps required Water One to address all of our concerns in their final plan. Those concerns and solutions include:

- A fish passage of no greater slope than 18-1 (as recommended by KDWP)
- A safe portage, with good footing that will be built and maintained for paddlers
- A place to land and tie up fishing boats
- Maintain the existing jetty for the passage of recreational paddle craft

We agreed that if the Corps required these design components in the plan, we would withdraw our request for a public hearing. Our next step is to review the new plans and to negotiate any changes that are needed to meet the requirements of our oral agreement with the Corps. It may be premature, but this looks like a big win for everyone, including KNRC, fishermen, boaters, the people of Johnson County, and the water district.

On a somewhat separate and still happy matter, we are pleased to spread the rumor that the Kansas Department of Wildlife and Parks is

working to obtain adjacent land that would provide public access. Go KDWP!

Dredging

On March 1 of this year, we submitted our objection to yet another dredge on the Kansas River. Victory Sand and Gravel had submitted a request to the Corps for a dredging permit on a new, previously undredged segment of the river. The Corps had previously kicked them off the river due to the excessive riverbed degradation caused by their dredging.

At the same time as this was going on, all of the dredgers on the river have been operating on extended permits because the Corps has not been willing to decide if and how they are going to issue the permits in the future.

Also at the same time, and after years of turning their backs on the issue, the state of Kansas has finally taken some interest in the abnormal degradation of the Kansas River's riverbed. The Kansas Water Office has assembled a panel to conduct a "**Kansas River Corridor Study**" for the purpose of determining what factors are contributing to channel degradation in the Kansas River and to make recommendations to protect and improve the quality of the water supplies of the state in coordination with the development of the other resources of the state.

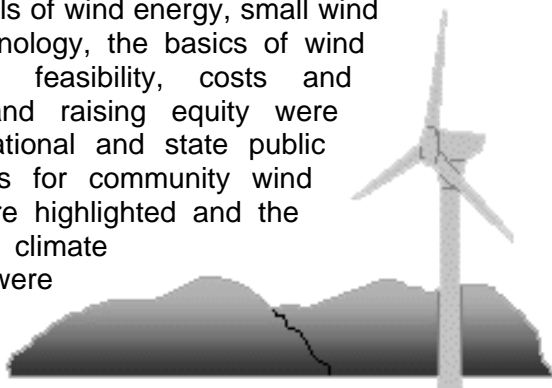
The Corps is currently working to complete their most recent survey of current riverbed degradation so that the new data can be used to guide them and the Kansas River Corridor Study to their respective decisions. The completed survey is expected this summer and we hope the recommendations that come out of the Kansas River Corridor Study will accurately reflect the awful damage that dredging has imposed on our river, our communities, and on the future of this invaluable natural resource.

The Corps has informed us that once the corridor study is finalized, they will make a decision if and how to issue the dredge permits and they will issue or not issue, as the case may be, all permits at the same time without further opportunities for comment.

We will post any new developments regarding this issue on the KNRC website (www.knrc.ws).

Wind Conference Points Out Opportunity for Kansas

KNRC Board member Margaret Thomas attended the Windustry Community Wind Energy conference March 7-8, 2006 in Des Moines. This conference provided information and technical assistance on community-scale wind energy development to rural landowners, elected officials, rural utilities, and rural communities. The conference was organized in two tracks: for community/home users of turbines and for farmers and ranchers. Fundamentals of wind energy, small wind turbine technology, the basics of wind assessment, feasibility, costs and financing, and raising equity were covered. National and state public policy needs for community wind projects were highlighted and the realities of climate change were presented.



Most of the participants by far were from Iowa and Minnesota; North Dakota, Wisconsin and Colorado made up the next largest groups. Amazingly, almost no one from Kansas attended. The Kansas Farm Bureau was the only other Kansas organization represented there. Community-scale wind projects have great potential to address our electricity needs in Kansas and offer a very attractive alternative to the central station coal plants being proposed by the major utilities.

KNRC would like to partner with other groups and individuals to host a mini-conference on this topic in Kansas to explore how Kansas could replicate the successes Iowa and Minnesota have had with community wind projects. If you are interested in helping arrange such a conference or know of other potential sponsors, please contact Margaret Thomas at: mgt84roe@aol.com

If there is an "X" on the first line of your address on this issue of the Journal, you are a current member. If not, please take a minute and send in your check. Please note our new dues structure on P. 7 and thank you for your support!

2006 Legislature Misses the Point on Energy

by Jim Mason
KNRC Secretary & Webmaster

As a society, if we focus narrowly on increasing production of energy and ignore conservation and renewable energy sources, we are making a huge mistake.

First of all, they aren't making any more coal, oil or natural gas. With gasoline selling for \$2.50 a gallon and up and the cost of coal escalating rapidly, you would think the notion of running out of fossil fuels would begin to motivate our decision-makers to look for alternatives to our fossil fuel addiction, rather than putting the "pedal to the metal". But that does not seem to be the case. Several bills that would have enabled utilities to invest in conservation, rather than merely building more power plants, never made it through the process.

There does not seem to be a sufficient appreciation for the Main Street benefits of conservation. Everybody seems to think it is merely about turning back the thermostat. On the contrary, moving aggressively on conservation will produce jobs and economic benefits all across the state. SOMEBODY has to sell all the insulation, modern doors and windows, new furnaces and air conditioners and SOMEBODY has to install this stuff. That means jobs and \$\$ turnover in the local economy. Afterwards, as homeowners and businesses are saving money on their utility bills, they can spend it elsewhere or invest it; i.e., more \$\$ turnover in local economies.

Right now, with the federal tax credits that are in effect for this year and next under the 2005 Energy Policy Act (EPACT), is a golden opportunity to leverage investments in conservation and renewable energy sources. Homeowners and businesses would no doubt be more inclined to use of the federal tax credits if state incentives were added to the mix.

A simple review of the math points out the key role conservation **must** play in addressing our energy future. The following article has been widely reprinted. It needs to be on the bulletin board of every elected official.

**DOING THE MATH ON FUEL CONSUMPTION:
EXPONENTIAL GROWTH & OIL - THE
MIRAGE OF A GROWING FUEL SUPPLY**

By Evar D. Nering, emeritus professor of mathematics at Arizona State University
June 4, 2001

When I discussed the exponential function in the first-semester calculus classes that I taught, I invariably used consumption of a nonrenewable natural resource as an example. Since we are now engaged in a national debate about energy policy, it may be useful to talk about the mathematics involved in making a rational decision about resource use.

In my classes, I described the following hypothetical situation. We have a 100-year supply of a resource, say oil - that is, the oil would last 100 years if it were consumed at its current rate. But the oil is consumed at a rate that grows by 5 percent each year. How long would it last under these circumstances? This is an easy calculation; the answer is about 36 years.

Oh, but let's say we underestimated the supply, and we actually have a 1,000-year supply. At the same annual 5 percent growth rate in use, how long will this last? The answer is about 79 years.

Then let us say we make a striking discovery of more oil yet - a bonanza - and we now have a 10,000-year supply. At our same rate of growing use, how long would it last? Answer: 125 years.

Estimates vary for how long currently known oil reserves will last, though they are usually considerably less than 100 years. But the point of this analysis is that it really doesn't matter what the estimates are. There is no way that a supply-side attack on America's energy problem can work.

The exponential function describes the behavior of any quantity whose rate of change is proportional to its size. Compound interest is the most commonly encountered example - it would produce exponential growth if the interest were calculated at a continuing rate. I have heard public statements that use "exponential" as

though it describes a large or sudden increase. But exponential growth does not have to be large, and it is never sudden. Rather, it is inexorable.

Calculations also show that if consumption of an energy resource is allowed to grow at a steady 5 percent annual rate, a full doubling of the available supply will not be as effective as reducing that growth rate by half - to 2.5 percent. Doubling the size of the oil reserve will add at most 14 years to the life expectancy of the resource if we continue to use it at the currently increasing rate, no matter how large it is currently. On the other hand, halving the growth of consumption will almost double the life expectancy of the supply, no matter what it is.

This mathematical reality seems to have escaped the politicians pushing to solve our energy problem by simply increasing supply. Building more power plants and drilling for more oil is exactly the wrong thing to do, because it will encourage more use. If we want to avoid dire consequences, we need to find the political will to reduce the growth in energy consumption to zero - or even begin to consume less.

I must emphasize that reducing the growth rate is not what most people are talking about now when they advocate conservation; the steps they recommend are just Band-Aids. If we increase the gas mileage of our automobiles and then drive more miles, for example, that will not reduce the growth rate.

Reducing the growth of consumption means living closer to where we work or play. It means telecommuting. It means controlling population growth. It means shifting to renewable energy sources.

It is not, perhaps, necessary to cut our use of oil, but it is essential that we cut the rate of increase at which we consume it. To do otherwise is to leave our descendants in an impoverished world.

The concept of "Peak Oil" is critical to understanding our current situation. U.S. oil production has been in decline since the early 1970s and world oil production may be at its peak right now. Preparing for a world where oil is scarce rather than abundant should be on top

of the to-do pile for those who make our governmental policies. The sooner we face up to this central reality of our time, the better off we will be. The following quote from someone who had no small experience with energy only illustrates how far behind the curve we are.

“I'd put my money on solar energy... I hope we don't have to wait til oil and coal run out before we tackle that.”
—**Thomas Edison**, in conversation with Henry Ford and Harvey Firestone,
March 1931

Energy, Environmental Impacts and Sustainability

More than 60 people participated in the January 2006 class/workshop on Energy, Environmental Impacts and Sustainability at Kansas State University, which KNRC cosponsored. There is increasing interest in renewable energy in Kansas. Wind energy and ethanol production are receiving the most attention. The western third of Kansas has the potential to convert significant amounts of wind energy to electrical energy at attractive prices compared to the current prices for motor fuels. The event was captured on DVDs, and it is now available for academic credit or continuing education from the KSU Division of Continuing Education. Check www.dce.ksu.edu or email Ellen Stauffer for more info: ellen@ksu.edu.

Digital versions of the presentations made at the workshop may be found at:
www.engg.ksu.edu/CHSR/events/che650/200601/

For further information on the workshop, please contact Larry E. Erickson
e-mail: lerick@ksu.edu
phone: 785-532-4313

Recap of the 2006 Legislature by Jim Mason KNRC Secretary & Webmaster

As a KNRC member, you may elect to receive our KLUE report on the legislature by email during the legislative session. Those of you who did receive weekly updates on the 41 different bills and resolutions relating to the environment of Kansas we were tracking this session. Most of those did not pass - which was often a good thing - but there were some which deserved a better fate.

One significant loss was the failure of **SB 467**, which would have greatly improved landfill siting requirements. This bill was the product of a working group convened by the solid waste section of the Kansas Department of Health & Environment. KNRC was a participant in those discussions. The bill never made it out of the Senate Natural Resources committee this year. Hopefully, it will have better luck in 2007.

Another bill that had no traction this year was **HB 2783**, which would have repealed our century-old laws regarding prairie dogs and replaced them with a new management paradigm that would allow for peaceful coexistence rather than outright war. Currently, prairie dogs are treated similar to a noxious weed. If they are present, a landowner can be compelled by local authorities to eradicate them regardless of whether s/he wants to do so or not. Kansas is long overdue to change how we deal with this keystone species of the shortgrass prairie. Again, hopefully such a bill will fare better in the future.

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There were a number of bills introduced this year that would have enabled development of renewable energy sources and implementation of conservation improvements to existing structures. Unfortunately, the major electric utilities in this state largely control the agenda in this area, and they don't like competition nor do they seem to be willing to consider investing in "negawatts" instead of merely building more large central station coal plants. Net metering? – Nah. Renewable energy portfolio for state agencies? – Nah. Tax breaks for landlords to improve the energy efficiency of rental units? – Nah. Empowering cities and small colleges to create their own generating co-ops? – **Double Nah**. Require all new coal plants to remove at least 80% of the mercury from their stack emissions? – **NO WAY!**

Another setback was the defeat of **HB 2642**, the Kansas Energy Policy Act, which would have created a Kansas Energy Advisory Group to make 5-year plans for state energy policy and submit annual reports to the legislature and the Governor. It made it out of committee but was voted down on the floor of the House 61-64 on February 23. This bill was a product of last year's interim Special Joint Committee on Energy, and since this was such a close vote, maybe this has a chance of passage in the future.

Here are some of the more noteworthy bills that passed this session.

- **SB 361 and 362** were a pair of bills introduced at the behest of Sunflower Electric that will curtail the appeals process for air quality rulings (361) and eliminate the need for them to pay \$100,000 per year in tipping fees for the fly ash from the coal plant near Holcomb in southwest Kansas (362). Both these were opposed by KNRC as blatant special interest bills for an industry that can easily defend itself in court and doesn't need any more tax breaks.
- **HB 2710** creates a water rights transition assistance program (Water TAP) to permanently retire water rights in "high priority" areas of western Kansas where the aquifer is overstressed. This will provide one more tool for the state to use to address longterm declines in the High Plains aquifer.

- The one decent energy bill that managed to sneak through somehow was **HB 2602**, which enables small colleges to contract for energy conservation audits and improvements.

One bill that passed and is still waiting action by the Governor as of May 19 is **Substitute SB 303**. This bill combined a slew of energy-related bills into one measure. It includes the language from bills that would have promoted Integrated Gasification Combined Cycle (IGCC) coal plants and cellulosic ethanol plants, but also includes tax breaks and other inducements for petroleum refinery retrofits, pipeline construction, new nuclear plants and plants to manufacture nitrogen fertilizer via coal gasification. Had the IGCC bill and the cellulosic ethanol bills been considered on their own, they would have been worthy of support, but this whole "shotgun" approach towards stimulation of production by any and all means perfectly illustrates how the legislature is unable to see the merits of conservation and can only see fit to support increased production.

KNRC will be monitoring the legislature for you in 2007. If you have email and want to receive the KLUE report, drop a note to jmason15@cox.net

Dues Increase

The dues structure for the KNRC has remained basically unchanged since its inception 25 years ago. The KNRC Board voted in 2005 to make modest increases in them. Here is the new dues structure.

- Student/ Senior \$25
- Individual \$30
- Family \$40
- Organization/Institutional \$60
- Contributing \$100
- Supporting \$250
- Sustaining \$500

The KNRC Journal is a publication of the Kansas Natural Resource Council, a non-profit 501(c)3 organization whose purpose is to advocate for the protection, preservation and restoration of the Kansas environment in order to ensure the health and quality of life for all Kansas. KNRC is funded by memberships, donations and grants. All donations are tax-deductible.

Jim Mason - Editor

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