

Amicus Brief



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Support for the Plaintiffs in this Case



The Melia Family

Generational Family Farmers Ford County, KS

I'm Jean Ann Melia. Douglas is my son. Our land started in 1884 as being homesteaded. I'm concerned about the overall effect on ground. My granddaughter and grandson would be sixth generation if they so choose to farm. And we would like to preserve it for them. We do have some. So some wind turbines on our property. That doesn't concern

me personally as much as the solar does...the Boot Hill project is going to come up to my property line. If anybody had asked me about leasing, I would have told them no. But I am concerned that in the future they're going to want to expand it and they will just take the ground.

My name is Douglas Melia. I am this generation. Ford County. We planted our our family, planted our first wheat crop in 1884. Have been harvesting continuously on the same piece of property since then. In the Ford community, we currently have our farm headquarters is south of Dodge City. We do have some wind turbines on property that we own. We have the transmission line for solar and wind projects that run across our property. It causes all kinds of headaches when it's time to take care of the land. They never talk to us when they site that stuff. They just put it wherever they want, and we have to deal with farming around it, taking care of the land, the best that we can.

We are going to be adjacent across the fence line from the Boot Hill solar project. This has never been done. Nobody has any idea what the effects are going to be. We know that it's going to affect the wildlife. It's going to affect our county.

I also serve as the treasurer for the local township. They're giving tax abatements. Nobody can tell us whether or not, or how the land is going to be taxed. We're taking prime irrigated crop land, dry land, out of production for the solar project. So now how do we maintain the services for the rest of the township? In theory, our tax base is going to be eroded. They keep telling us, well, they're going to pay tax, there's still going to be taxes paid on that. But the question is, based on what? It's not irrigated ground anymore. It's not dry land crop land anymore. It's not even pasture ground. What is the taxing structure going to be? How does it affect us? Are we going to have to raise taxes on everybody else, all the other property owners in the township, so that we can continue to maintain the roads? We're going to have additional required maintenance for the roads, because there's going to be all the additional traffic. We have that right now with the wind, with the wind turbines that are in the area. We are still trying to get some of those roads back in shape, and it's been three years from when they came in and and did what they did to the roads so they could bring their equipment in. We're

dealing, right now, on our own property with wind turbines that have already failed three years in, so they're having to come back in. We are just finally kind of getting the ground back into condition, and now they're turning around and causing damage to that land again so that they can repair the wind turbines. We signed a lease, so we can't stop it.

Carla Melia. When this whole thing started with solar, when Boot Hill solar project came to fruition and came onto our radar we started asking questions and really trying to understand what it was and what it encompassed. We wrote letters to the editors, we wrote letters to county commissioners, and we went to the county commissioner meetings and we were told, *"yeah, I got your email notated"*. Don't you have wind turbines on your farm? On your ground? I was like, yes, we do, but we can farm around the wind turbines.

We were told *"your neighbors are doing it, so either..."* and I'm paraphrasing, *"...either shut up and sign or shut up and look at them on the neighbor's property"*. So they were coming and whether we wanted them or not. When we started raising issues, they said, *"...we had a meeting and several months ago, why didn't you guys speak your piece then?"* Well, we were steamrolled at that meeting. It was presented as it's already been approved. You don't have a voice. We asked, the zoning director, based on our county's bylaws why they didn't post signs saying this is this solar project is in consideration. I never saw one single sign. And when I asked her, she's like, *"...oh, I don't have time to do put up signs of that magnitude. I don't have time"*.

Douglas Melia. As far as what's on record, whether it was left in the county commission minutes for dialog, I talked to the landowner. I talked to the tenant, the the ground where one of the tenants were the solar farm, Boot Hill Solar is going. I specifically asked him, I said, did they ever post signs for a zoning change, because I there's times I don't go that way. In the summertime I don't don't drive by that property as much as I do in the winter time. In the wintertime, it's on our way to school. I specifically ask him and he said no. He said there was never anything done in regards to posting of zoning change.

They have time to go out and put a rezoning signs up for other things, like every single little used car lot or or something like that. They have time to do that. But something of this magnitude, no signs to notify us. To me, it felt like they were trying to sneak it in.

I did attend the zoning board meeting for the Boot Hill Solar. There were people who spoke against it. I did not because I did not realize exactly what was going on. But it was also presented at that point in time that it was it was already finalized, basically the zoning board gave their stamp of approval and they moved on. There were people that spoke opposed to it. And they were basically, ignored. Opposition was noted and they moved on.

Carla Melia. So with this thousand acre solar project coming in, unfortunately I feel like it is opening a can of worms that more is going to come in. It's just they're just going to keep shoving it down our throats. How is the ground going to be maintained. Who are they going to hire to come in and provide weed control, proper weed control? What pesticide and herbicide are they going to use? We we spray on our farm, we use pesticides, herbicides, insecticides. But we're we're extremely conservative and very knowledgeable about what we use. And when we use it. Is the wind in the right direction? Are the winds too high? What conditions are required so we don't have drift effect our neighbor's? What if their applications drift onto growing crops? I don't see care being taken by somebody that's not from here, or has no background for understanding proper use.

These panels, what's the long term impact? How much are they going to reflect onto our ground? Are they going to burn our ground? They say that they won't because there's a protective coating on the top of them? Well, show me...they've never been able to show us the studies that assure us that we're not going to have any reflective burning/heat. With so much heat, is it going to spark a fire? We have a lot of grass around here and a lot of wind. So if the solar project sparked a fire or the battery storage catches fire, it's not going to be put out easily. The closest fire station is many miles away. And are our local firefighters equipped to be able to put out battery storage fires or solar panel fires?

And are the solar panels going to use irrigation water? Are they going to be using the the water from our circles. Our ground is also so close to the Arkansas River, which is where everybody pulls their water from. What about the runoff? Its a whole thing, a whole environmental issue that we don't feel like has ever been adequately addressed. I submitted a freedom of information request, requesting their environmental survey over a year ago. And that's never been satisfied. It's never been answered.

Douglas Melia. Another thought that we have, is will it affect our weather patterns? It's already challenging enough in southwest Kansas to grow with our lack of rainfall. Is this going to create additional heat? We don't know. Nothing has been done on this scale. They tell us the solar panels are hail resistant. I have yet to see anything that is hail resistant. If you crack those solar panels you're opening up those panels to potentially leak out whatever they have inside them. We have been through a hail storm of that magnitude, broke large numbers of solar panels when we were in Colorado Springs on Peterson Air Force Base, and they were two years replacing all those solar panels that were on top of all of the on-base housing. It took them two years to replace those panels. That opens up a whole nother can of worms, that was a relatively small area in relationship to what they're talking about doing here.

We hire airplanes to come in and spray our crops they fly over the wind turbines, and it is very hard to navigate, I mean, those pilots are pretty impressive, they have spines of steel. You're going to get more drift from when they are applying, because when you have power lines in the area, there's times the pilots have to go over those. There's places that they will fly underneath them. But I have also seen them spray over the top. So you're going to get a lot more drift because they cannot do their job effectively. As more and more transmission lines are added, it is going to affect the ability to spray. Not only will there be more drift, potentially, it will also lead to more economic impact because our crops cannot be treated the way they need to be treated. We take the hit because we can't forward the bill on to the transmission company.

Carla Melia. We keep talking about clean energy, green energy, whatever moniker it has. Where does it go? Because it sure does not stay in Ford County, it doesn't. There's nothing. We produce it here but there is zero benefit, other than to the developers who are taking farmland acres at a time. They keep taking it and keep taking it. Killing the American farmer is what they're doing, they're ruining it for all of us here. And our next generation of farmers, there will be nothing left for them to farm.

Jean Ann Melia. We have had five generations that have farmed ground in Ford County. The next generation is there, and I may not live to see it, but I want it to be a possibility that if the next generation wants to farm, that is still a viable option for them.

We've been farming for a long time. As I've said before, if they keep taking more and more of our farm ground there's not going to be anything left, and what's going to be left is even questionable for viability because of what these solar panels and wind turbines and transmission lines create. I just hope and pray that you really consider the long term impacts of what these supposed green energy projects do to our way of life and our family's way of life, and our livestock and everything in between, because it certainly crushing us.

It would be nice to to have somebody there that is an advocate to see the whole picture instead of just a incentive for a tax abatement.