

**Ohio House  
Energy and Natural Resources Committee  
Opponent Testimony  
House Bill 401**

**Leo Almeida, The Nature Conservancy in Ohio  
December 3, 2019**

---

Chairman Vitale, Vice Chair Kick, Ranking Member Denson, and members of the House Energy and Natural Resources Committee, I am Leo Almeida, Senior Policy Associate for The Nature Conservancy in Ohio. Thank you for the opportunity to provide testimony in opposition to HB 401.

The Nature Conservancy is a non-partisan, science-based organization that seeks to conserve the lands and waters on which all life depends. We work collaboratively with businesses, farmers, sportsmen groups, government and local communities to develop pragmatic, market-based solutions to conservation challenges, including air pollution. More than 65,000 Ohioans are Nature Conservancy supporters.

Prior to 2014, Ohio law included a requirement that a wind turbine be setback from a habitable, residential structure a total distance of 1,125 feet plus the length of the turbine's blade. A change in the setback requirement in 2014 kept the same distance but changed the required setback to be measured from the property line instead of a habitable, residential structure. The Ohio Power Siting Board already has the authority to require greater setbacks on a case-by-case basis, which indicates our existing approval process anticipated needing greater flexibility and suggesting that the new setback is an unnecessary regulatory burden on business. This more restrictive setback has been a major obstacle for Ohioans who want to lease their land for wind energy development, especially farmers seeking to diversify their income sources on their property with new windfarm developments, leaving millions of dollars in future potential investments to seek other markets outside of Ohio. The construction of new windfarms would generate many new job opportunities in the state and, long-term, the presence of existing windfarms provides local tax revenue.

HB 401 would add yet another obstacle for Ohio farmers and wind energy development in Ohio by enabling a referendum of certificates issued by the Ohio Power Siting Board. Approving the addition of this referendum process makes it clear that Ohio's policy is to make it even more difficult to site new windfarms in Ohio by adding yet another barrier to development. This seems to contradict the momentum in the General Assembly to reduce regulations and streamline permitting to improve our business climate and relieve the regulatory burden that businesses face.

In July 2017, The Nature Conservancy commissioned a poll conducted by Public Opinion Strategies, on the attitudes of registered voters in Ohio toward clean energy. The poll interviewed 813 voters. The poll results showed that a vast majority of Ohio voters support clean energy policies. Nearly nine out of ten of those interviewed would tell an elected official to support policies that encourage renewable energy development in Ohio.

When asked specifically about wind energy, 77 percent of voters said that more emphasis should be placed on the development on wind energy. In addition, 86 percent of voters support creating more reasonable setback limits for the placement of new wind turbines to attract new development to Ohio. There have been many similar polls conducted since we commissioned our poll in 2017. These additional polls have had similar results and show a trend of positive support for renewable energy development and the policies that support it.

The need for the economic benefits of renewable energy are more evident than ever before as Ohio farmers are experiencing a tough year with low crop yields due to numerous rain events during the beginning of the planting season. As reported by *Energy News* in an article published on October 31, 2019, “Unusually wet weather made it a bad year for many Ohio farmers, but those with wind turbines on their land had a welcome and predictable source of additional income to make up for some of the losses.” Not only can farmers harvest the wind during years of low crop yields, but wind turbines can provide additional income during the good years too because farmers can grow crops right up to the base of a wind turbine.

Wind siting has become a very controversial issue in Northwest Ohio. All energy sources have pros and cons, and all of them have a footprint and a way of altering the landscape of the area where they are developed. I grew up in Northwest Ohio and I am very familiar with the rural landscape that so many value in that area of our state. I understand how those members of the community feel because I always disliked having to look at a nuclear power plant as part of the Lake Erie shore line. While adding wind turbines to this area might change the landscape, it is important to remember that compared to other energy sources, it is much easier to remove wind turbines from the landscape after they have been decommissioned. In Southeast Ohio, there are numerous abandoned coal mines and plants as well as oil and gas drilling sites. Not only have those energy sources changed the landscape of Southeast Ohio, the people who live there didn't have the opportunity to put these siting decisions up for a referendum. Instead of passing this bill that will create a statewide policy to address a local matter, we should look at improving the opportunities for Ohioans to participate in the existing Ohio Power Siting Board process. We believe it is important that people have their voice heard on all energy siting issues, not just those that relate to wind turbines.

Removing roadblocks to renewable energy development like the proposed referendum process sends a clear message to businesses and investors that Ohio is open for business and supports all forms of lower carbon and renewable energy growth. Replacing the current wind turbine setback with a more reasonable distance requirement in compliance with all recommended safety measures, will serve to address local resident concerns about safety, provide farmers



with additional income options, and will create opportunities for attracting new investments to the state that will create jobs and provide Ohioans with cleaner sources of energy.

For these reasons, The Nature Conservancy opposes HB 401 as it is unnecessary to protect health and the environment, moves our state backwards while other surrounding states are moving forward to embrace all forms of renewable and low carbon sources of power, and hurts business growth. Additionally, we will lose the investments in our state by passing another bill creating more regulatory hurdles for business growth, reduce the opportunities to site cleaner sources of power in Ohio, and lose another opportunity to develop a comprehensive energy plan that responds to the statewide desire to increase use of renewable energy. We need a well-balanced approach that adds protection for human health and safety while making it possible for new commercial windfarms to be located in Ohio.

Thank you again for the opportunity to provide testimony in opposition to HB 401. I am happy to answer any questions you might have.

Leo Almeida  
Senior Policy Associate  
The Nature Conservancy in Ohio  
6375 Riverside Drive, Suite 100  
Dublin, OH 43017  
(614) 717-2770  
[Leonardo.Almeida@tnc.org](mailto:Leonardo.Almeida@tnc.org)