

Molly Wingrove

From: Rep. Helena Scott (District 7)
Sent: Monday, October 16, 2023 2:11 PM
To: Molly Wingrove
Subject: FW: HB 5120-5123

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Hi Molly,

Here is another email we got in relation to not being able to speak at the committee meeting last Wednesday. Wanted to pass along just in case.

Thanks!

Jess

From: Robert Scott <robwill1331@gmail.com>
Sent: Monday, October 16, 2023 9:53 AM
To: Rep. Helena Scott (District 7) <HelenaScott@house.mi.gov>
Cc: Rep. Joey Andrews (District 38) <JoeyAndrews@house.mi.gov>; Rep. Joseph A. Aragona (District 60) <JosephAragona@house.mi.gov>; Rep. Brian BeGole (District 71) <BrianBeGole@house.mi.gov>; Rep. Erin Byrnes (District 15) <ErinByrnes@house.mi.gov>; Rep. Jaime Churches (District 27) <JaimeChurches@house.mi.gov>; Rep. Kevin Coleman (District 25) <KevinColeman@house.mi.gov>; Rep. Jaime Greene (District 65) <JaimeGreene@house.mi.gov>; Rep. Jenn Hill (District 109) <JennHill@house.mi.gov>; Rep. Sharon MacDonell (District 56) <SharonMacDonell@house.mi.gov>; Rep. Mike McFall (District 8) <MikeMcFall@house.mi.gov>; Rep. Cynthia Neeley (District 70) <CynthiaNeeley@house.mi.gov>; Rep. Pat Outman (District 91) <PatOutman@house.mi.gov>; Rep. Dave Prestin (District 108) <DavePrestin@house.mi.gov>; Rep. Kathy Schmaltz (District 46) <KathySchmaltz@house.mi.gov>; Rep. Pauline Wendzel (District 39) <PaulineWendzel@house.mi.gov>; Rep. Karen Whitsett (District 4) <KarenWhitsett@house.mi.gov>
Subject: HB 5120-5123

Rep. Helena Scott
Chair
Michigan House Committee on Energy, Communications, and Technology

RE: HB 5120-HB 5123

Rep. Scott,

I was one of those who attended the meeting of the House Committee on Energy, Communications, and Technology on October 11, 2023, but was unable to speak given time constraints. As background, I was a real estate development attorney with the Miller Johnson law firm in Grand Rapids for most of my 40-year career, but am now retired. My wife and I live in Plainfield Township on the northeast side of Grand Rapids. For the past 20 years, we have owned a cottage on a lake in Montcalm County. It is for that reason we have been actively involved for almost three years in the effort to protect Montcalm County from Apex Clean Energy's plan to develop an industrial scale wind project across nine of our townships. As part of that effort, I assisted in the evaluation and drafting of numerous wind ordinances with a view to protect the interests of the local residents.

I have reviewed House Bills 5120-5123 in some detail. From what I have seen, these bills are a wind and solar developer's dream—freedom to do almost everything they want with little or no accountability to the residents who live in the area of their projects. Here is an example of what I mean by that.

HB 5120 does not limit the height of wind turbines as long as the height does not exceed the height allowed by the Federal Aviation Administration—which really means no height limit at all. Apex's proposal for Montcalm County calls for wind turbines that are 677 feet tall. The tallest building in Michigan, the 73 story Detroit Marriot at the Renaissance Center, is just 50 feet taller at 727 feet. Wind turbines of that height are also taller than the tallest buildings in 31 of our 50 states. And if wind turbine manufacturers make them taller, the wind companies will use those. Currently, some offshore wind turbines are just under 900 feet tall.

Now, just imagine 60 or more wind turbines 677 feet tall blanketing a single township—almost two for each of the township's 36 sections. Pictured below is a map taken from the United States Wind Turbine Data Base. The red dots show the approximate locations of 106 of the 136 wind turbines that were constructed by Apex Clean Energy in Isabella County, Michigan, as part of its Isabella Wind project. That project was completed and sold to DTE Energy in 2021. Outlined in red on the map is Nottawa Township located north and west of Mt. Pleasant. There are 66 wind turbines in Nottawa Township alone. Each of those wind turbines is just under 600 feet tall. The second photo is taken from the west shore of Coldwater Lake, which is located in the southwest corner of Nottawa Township, and depicts a portion of the Isabella Wind project from that perspective. The nearest of the pictured wind turbines is more than a mile away.

The Isabella Wind project was built under the terms of the Isabella County wind ordinance that provides for minimum wind turbine setbacks quite similar to those proposed in HB 5120: a) setbacks from non-participating property lines of no less than one times the tower/tip height (HB 5120 requires setbacks of no less than 1.1 times the tower/tip height); b) setbacks from public roads of no less than 400 feet or 1.5 times the tower/tip height (HB 5120 requires setbacks of no less than 1.1 times the tower/tip height); and c) setbacks from the nearest residence, school, hospital, church or public library, or any other occupied buildings, of no less than two times the tower/tip height (HB 5120 requires setbacks of no less than 2.1 times the tower/tip height). The Isabella County wind ordinance also provides for a maximum sound level of 50 decibels averaged (HB 5120 allows up to 55 decibels averaged) and shadow flicker of up to 30 hours per year (HB 5120 allows the same).

Conclusion: If it is passed and becomes law, HB 5120 will allow industrial wind projects in every township in Michigan that are virtually identical to what now exists in Nottawa Township. And, with just a bit more spacing, the wind turbines could be even taller.

The residents of Nottawa Township had little or no say in the approval of the Isabella Wind project since they are subject to Isabella County zoning. The county's wind ordinance was adopted in 2017 when no one in the township was really paying attention—other than those who had already leased their properties to Apex. By the time the residents in general knew about the project, it was far too late to do anything meaningful. Similarly, even with the public meeting, notice, and "contested case" requirements under HB 5120, local residents will be able to do very little in the face of a proposed wind project other than voice their objections. All decisions will be made by the staff of the Michigan Public Service Commission who will have no accountability to local residents.

The Isabella Wind project as a whole has a rated capacity of 383 megawatts. Doing the math, that means that the 66 wind turbines in Nottawa township have a capacity of approximately 182 megawatts on an intermittent basis. But since wind turbines are only about 30% efficient, those 66 wind turbines can only be expected to generate about 56 megawatts of electrical energy. The Consumers Energy J. H. Campbell coal plant in Ottawa County, which is scheduled to be closed in the near future, has a continuous capacity of 1460 megawatts. If Consumers Energy replaced just that plant with wind energy (rather than solar energy as planned), they would have to create some 26 townships that look like Nottawa Township. The J. H. Campbell plant covers some 2000 acres. There are approximately 600,000 acres (936 square miles) in 26 townships.

Certainly, all of Michigan's coal plants need to be replaced, but wind energy is not the answer. There has to be a better way.

Thank you for your consideration.

Robert Scott

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