

But in early 2012, the Plaintiffs and their associates who own wind rights dismissed their case rather than take it to trial. Thus after almost 10 years the case was completely resolved. It represents a major victory for conservation, and for preservation of the Flint Hills, which are the last major remnant of what was once a vast sea of Tallgrass Prairie in the central United States.

What are the lessons to be learned? First, to take advantage of the decision a county must have zoning regulations. Next, those regulations must include a comprehensive plan which emphasizes the need to protect and preserve the rural character of the county, and the aesthetic values of the landscape. These were critical factors relied on by the Court in upholding the Wabaunsee County regulations. Finally, a county commission adopting such a prohibition needs to make factual findings, with the assistance of its attorney, which support the plan and the prohibition.

At this point, the outlook for the Flint Hills is favorable. Governor Brownback, like his predecessor Governor Sebelius, has lent the weight of his office to protect the Flint Hills from industrial windpower development. He has actually expanded the informally-protected area established by her.

Meanwhile, wind developers have begun to look farther west in Kansas, where extensively cultivated landscapes are candidates for siting of commercial windpower projects without destroying ecological values associated with native prairies and wetlands (assuming they are avoided). Finally, Congress has balked at extending the production tax credit (PTC), which is an enormous cost to taxpayers. At some point this major subsidy may be pared back in recognition of budget limitations. Developers consider the tax credits essential to the viability of commercial wind developments. All in all, even in those counties which lack zoning, the outlook at this point is positive for those of us who seek to limit industrial wind farms in the Flint Hills.

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Wonderful Things Happen in the Flint Hills

The Flint Hills of Kansas have long been a priority conservation focus for Audubon in Kansas. In 1989 Audubon initiated the proposal that led to the Congressional passage of the Act that established the **Tallgrass Prairie National Preserve** in 1996. Two key elements were a purchase agreement on the 10,984-acre Z-Bar Ranch held by Audubon and a shared vision with local community leaders. Building appreciation for the natural and pastoral values of this landscape, and the remaining Tallgrass Prairie, was our foremost objective of this new unit of the National Park Service system. That was also AOK's objective when preparing the *Tallgrass "Prairie Parkway" Wildlife and Natural Heritage Trail* brochure, which is still available in quantities from our office.

This year two facilities opened that will dramatically enhance education, appreciation and enjoyment of this unique area. The impressive **Flint Hills Discovery Center** opened in Manhattan in April, and the National Park Service opened the preserve's Visitor Center near the historic ranchstead north of Strong City in July. Earlier in June, Emily Hunter and all the other incredible folks involved pulled off the eighth annual **Symphony in the Flint Hills** – an event that attracts more than 6,000 attendees and volunteers to experience these prairie hills for an afternoon of educational events and an evening of music. AOK has been honored to be supportive with flora and fauna field trips, and to simply join in the day's hospitality.

Last year, as detailed in the Fall/Winter edition of *PRAIRIE WINGS*, Governor Sam Brownback designated the **Tallgrass Heartland**, as a substantial part of the Flint Hills that should not become marred by industrial windpower developments. He also initiated a Flint Hills Visioning Summit held in the Ritchie Lodge at Camp Wood YMCA on a picture-perfect day in May 2011, followed by a second summit this past January in Topeka. These events gave a big boost to the work of the **Flint Hills Tourism Coalition**, and helped to bring many additional stakeholders together for one celebratory and networking event.

It is heartening that so many individuals and organizations are enthusiastic about the Flint Hills. They share the hope that most of the scenic, ecological and cultural qualities will be retained for future enjoyment of residents (ranch and farm landowners and their neighbors in area communities) and visitors alike. AOK continues to advocate for an additional complementary recognition: that at least a portion of the Flint Hills – an area approximately the size of Vermont – be designated as a **National Heritage Area**. This would simply underscore the cultural importance of the area, as well as encourage greater appreciation for the area's history and heritage. It is a history of splendid stewardship by generations that have largely kept their heritage intact. There are currently 49 national heritage areas in the country.

Photos by Ron Klataske