

BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application)
of Kingwood Solar I LLC, for a)
Certificate of Environmental) Case No. 21-0117-EL-BGN
Compatibility and Public Need)

**DIRECT TESTIMONY OF JAMES JOSEPH KRAJICEK ON BEHALF OF
CITIZENS FOR GREENE ACRES, INC., JENIFER ADAMS, P. CHANCE
BALDWIN, JACOB CHURCH, VERITY DIGEL, JED HANNA, KRAJICEK
FAMILY TRUST, JAMES JOSEPH KRAJICEK, KAREN LANDON, NICOLE
MARVIN, CHAD MOSSING, KAREN MOSSING, NICHOLAS PITSTICK, KYLE
SHELTON, MARLIN VANGSNESS, JEAN WEYANDT, AND JERALD WEYANDT**

Q.1. Please state your name and home address.

A.1. James Joseph Krajicek, 2369 Tarbox-Cemetery Road, Cedarville, Ohio 45314.

Q.2. On whose behalf are you offering testimony in this case?

A.2. I am offering testimony on behalf of Intervenor Citizens for Greene Acres, Inc., Jenifer Adams, P. Chance Baldwin, Jacob Church, Verity Digel, Jed Hanna, Krajicek Family Trust, James Joseph Krajicek, Karen Landon, Nicole Marvin, Chad Mossing, Karen Mossing, Nicholas Pitstick, Kyle Shelton, Marlin Vangsness, Jean Weyandt, and Jerald Weyandt. My testimony will refer to the Citizens for Greene Acres, Inc. as "CGA."

Q.3. Are you a member of CGA?

A.3. Yes.

Q.4. Do you hold any leadership positions in CGA?

A.4. Yes. I am the Vice President of the organization and serve as one of its four directors.

Q.5. What is your occupation?

A.5. My primary occupation is farming. I also own some rental properties, have an excavation business, and install surface waterways in farm fields.

Q.6. How long have you been a farmer?

A.6. I have farmed for 40 years. I started farming by working on my grandparents' farm at the age of 15.

Q.7. Have you received any honors related to agriculture?

A.7. Yes, I was named by the Greene County Soil and Water Conservation District as the Conservationist of the Year on two occasions for my agricultural conservation practices, such as no till farming practices and constructing surface waterways that reduce soil erosion. I also have been named by the Greene County Cattlemen's Association as the Cattleman of the Year.

Q.8. Are you a member of any agricultural trade associations?

A.8. Yes, I am a member of the Ohio Farm Bureau Federation, the Ohio Soybean Association, and the Corn & Wheat Growers Association.

Q.9. Do you participate in any programs for the conservation of farmland?

A.9. I participate in the Conservation Stewardship Program administered by the Farm Service Agency of the federal government. I have provided the Tecumseh Land Trust with an easement on my home farm that requires the land to remain only in agricultural use in perpetuity. I have enrolled some of my land in the federal Conservation Reserve Program administered by the Soil and Water Conservation District. This land is set aside from crop production in order maintain vegetative buffer strips there to minimize the runoff of soil and nutrients into surface waterways, including a buffer strip located next to John Bryan State Park and another buffer strip located next to Camp Clifton, a local 4-H camp.

Q.10. What, if any, experience do you have in the installation of surface waterways?

1 A.10. I have constructed about 50 to 100 surface waterways on farm land over a period of 40
2 years. I install waterways in accordance with specifications designed by the Soil and
3 Water Conservation District.

4 **Q.11. Are you familiar with the location of the Project Area for the Kingwood Solar**
5 **Project?**

6 A.11. Yes, I have seen the map in the application for the Kingwood Solar Project.

7 **Q.12. Do you own any land adjacent to the Project?**

8 A.12. My wife Deborah Krajicek and I own a parcel of 47 acres through our trust, the Krajicek
9 Family Trust, which is located along Larkins Road and which is adjacent to the Project
10 Area. Deborah and I are the trustees and beneficiaries of this trust, which the remainder
11 of my testimony will refer to as the "Trust." The parcel number for this land is
12 F17000100250006700. Deborah and I own another parcel of approximately six acres
13 through the Trust that is located at 1451 Bradfute Road and that is adjacent to the Project
14 Area. The parcel number for this land is D08000100020000100.

15 **Q.13. What is the land use of this 47-acre parcel?**

16 A.13. This parcel is a field used to grow grain crops.

17 **Q.14. Does this field have any surface waterways?**

18 A.14. Several years ago, I constructed a new surface waterway through this field to convey
19 water across the field into a 36-inch wide culvert under a road.

20 **Q.15. What are the sources of the water flowing through this surface waterway?**

21 A.15. The waterway drains water from my field and from approximately 80 acres in two fields
22 upgradient from my field that are designated to hold solar panels in the Project Area.

23 **Q.16. Please generally describe the design of this surface waterway.**

1 A.16. I followed the specifications for surface waterways provided by the Soil and Water
2 Conservation District. The waterway is 40 feet wide and is planted with sod to prevent
3 soil erosion.

4 **Q.17. Why is this waterway designed to be 40 feet wide?**

5 A.17. Surface waterways in farm fields are ordinarily designed to be 30 feet wide. However,
6 the amount of water flowing from the fields in the Project Area necessitates a 40-foot
7 wide channel in order to convey the water without flooding the crops in my field.

8 **Q.18. Where does the water conveyed by this surface waterway go after it leaves your**
9 **field?**

10 A.18. The water flows through the culvert under a road and then into a surface waterway that
11 crosses the residential property of Gary and Susan Fischer and then crosses the residential
12 property of Susan and James Reed.

13 **Q.19. Of the people named in your previous answer, are any of them members of CGA?**

14 A.19. Yes, all of them are members.

15 **Q.20. If the volume or the velocity of water runoff from the Project Area into this**
16 **waterway increases, what effect if any would that increase have on your field?**

17 A.20. During larger rainfalls, such as a two-inch rainfall that falls in a short period of time, the
18 culvert cannot handle all of the water flowing through the waterway. This causes water
19 to rise and flow over the road. It also causes the water level to rise in and back up in my
20 waterway and to overflow the waterway's channel into my field. An increase in the
21 volume or velocity of water from the Project Area would increase the frequency of the
22 events in which water backs up behind the culvert, overflows the waterway's channel,
23 floods the crops in my field, and flows over the road.

Q.21. What happens to the Fishers and the Reeds if water from the surface waterway flows over the road?

A.21. As I have witnessed on some occasions, the water floods their yards.

Q.22. Do you farm any other land adjacent to the Project Area?

A.22. Yes, I rent four parcels of crop land from the McKinneys, who are members of CGA.

Q.23. Do any of these fields have any surface waterways?

A.23. Yes, I installed a surface waterway through one of these fields.

Q.24. What are the sources of the water flowing through this surface waterway?

A.24. The waterway drains water from my field of 150 acres and from an additional 65 acres upgradient from my field that is designated to hold solar panels in the Project Area.

Q.25. Please generally describe the design of this surface waterway.

A.25. I followed the specifications for surface waterways provided by the Soil and Water Conservation District. The waterway is 40 feet wide and is planted in sod to prevent soil erosion.

Q.26. Why is this waterway designed to be 40 feet wide?

A.26. The amount of water flowing from the land in the Project Area necessitates a 40-foot wide channel in order to convey the water without flooding the crops in my field.

Q.27. Where does the water conveyed by this surface waterway go after it leaves your field?

A.27. The surface waterway continues onto the farm land of two farmers downstream and then discharges the flow into Clark Run Creek.

Q.28. What is the land use of your six-acre parcel that is adjacent to the Project Area?

1 A.28. This parcel holds several historic structures on a landscape of mowed grass, including a
2 farm house with stone walls that was built in 1809, a granary, and four concrete grain
3 silos. At the time the Trust purchased this parcel in 2019, the parcel also contained a post
4 beam barn that had been constructed around the 1850s. The attached Exhibit A copied
5 from the website of the Greene County Auditor accurately depicts this site prior to the
6 time that I removed the barn. True and accurate copies of additional photographs of the
7 site's historic buildings, which I took, are attached as Exhibits B (the house), C (the
8 barn), D (inside the house), and E (inside the barn).

9 **Q.29. What plans did you make for this parcel after its purchase?**

10 A.29. Deborah and I had plans to renovate the historic structures on this land and to use them
11 and the grounds as a venue for activities such as weddings, business meetings,
12 agritourism events, and parties. We also were evaluating the potential development of a
13 microbrewery at the site that would utilize the granary. We hired a contractor skilled in
14 historic preservation to dismantle the barn and transport its hand-hewed timbers and
15 wooden boards to an off-site location for restoration, with the intent of returning the
16 barn's components to this parcel and reassembling it. A photograph of this
17 deconstruction is contained in the attached Exhibit F. The photograph also shows the
18 grain storage silos standing at the site. The restoration of the building components has
19 been completed, and we have paid about \$20,000 to dismantle, transport, and restore the
20 components.

21 **Q.30. Do you still have plans to transition this parcel into a venue for social and business**
22 **events?**

1 A.30. If the Kingwood Solar Project is constructed, we intend to abandon these plans. This
2 parcel is on an elevated area overlooking the Project Area in two directions, which will
3 spoil the views from the venue's location. From the elevated area on which the buildings
4 are located, I have an unobstructed view of fields in which the construction of solar
5 panels is planned in the Project Area. This is particularly true of the field in the Project
6 Area that is about 400 feet to the northeast from the historic house on this parcel. The
7 photographs in Exhibit G shows the view from next to the house of that field, which is
8 just across the road depicted in those pictures. Due to the proximity of the Project Area
9 to this parcel, Deborah and I have placed a hold on the return and reassembly of the barn
10 and on the restoration of the house, granary, and grain silos.

11 **Q.31. Did you know about Kingwood Solar's plans to construct a solar project in the area**
12 **before you purchased the six-acre parcel in 2019?**

13 A.31. Kingwood Solar's representatives had previously visited me in 2016 and early 2017 and
14 asked me to sign up some of my farm land for participation in the solar project. In the
15 intervening period of time, I did not hear any more discussion in the community about the
16 solar project, so I believed the project had been abandoned. In addition, the six-acre
17 parcel is adjacent to the western portion of the Project Area and my land that Kingwood
18 Solar wanted to include in the Project is adjacent to the western portion of the Project
19 Area. Due to the substantial distance between my land and the six-acre parcel from my
20 land near the eastern portion that Kingwood Solar wanted to include in the Project, so I
21 had no reason to believe that the six-acre parcel would be near the Project Area even if
22 the Project proceeded.

1 **Q.32. Have you signed up any of your land for participation in the Kingwood Solar**
2 **Project?**

3 A.32. No.

4 **Q.33. Why not?**

5 A.33. My reasons for not participating in the Project included my desire to preserve prime farm
6 land for agriculture, my wish to preserve the option for one of my grandchildren to build
7 a new house on a small wooded area on this parcel without being exposed to views of
8 solar panels, and my fear that solar panels on my land might devalue my neighbors'
9 properties.

10 **Q.34. What was the nature of your experiences with Kingwood Solar's representatives?**

11 A.34. Kingwood Solar's representatives applied high pressure tactics against me in attempts to
12 badger me into signing my land up for participation in the Project. For example,
13 Kingwood Solar representative John Soininen said to me that my resistance to signing up
14 my land was harming my neighbors who had signed up their land for the Project and that
15 I was killing my children by not doing my part to promote a solar project that would
16 reduce air pollution emissions. He also said that I might as well sign up my land for the
17 Project, because the Project was going forward whether or not I participated in the
18 Project.

19 **Q.35. What observations have you made about the persons, if any, who will lose income if**
20 **farm fields in the Project Area are converted into solar panel fields?**

21 A.35. Because I farm land next to the Project Area, because I can see the farming practices in
22 the Project Area from the public roads, because I am familiar with farming practices in
23 general. and because I compete with other farmers for opportunities to rent farm land in

1 the area, I am aware that a number of persons will lose income if farm fields in the
2 Project Area are converted into solar fields. These farm fields are currently growing
3 grain crops. As any farmer knows, the reduction of crop land decreases the amount of
4 grain seed that would otherwise be purchased and decreases the amount of harvested
5 grain that would be supplied to businesses that purchase the grain grown in these fields. I
6 also know persons who contract with the farmers in the Project Area to apply fertilizers
7 and herbicides on the crop fields in the Project Area, and who will lose that business if
8 the crops in the Project Area are replaced with solar panels. Because I rent farm land in
9 the area in competition with other farmers who rent land, I know the identity of farmers
10 who rent land in the Project Area from landowners who have signed up that land for the
11 Project; those farmers will lose the opportunities to grow crops on that land. I also know
12 of farmers that do custom work in the project area, who will lose the income from that
13 work if the land is used for this Project.

14 **Q.36. How would you describe the topography and land use of the land in and around the**
15 **Project Area?**

16 A.36. As anyone can see from my land and from the public roads in and around the Project
17 Area, the land in the Project Area has a rolling topography with small pockets of hilly
18 land that are higher than the surrounding land. Many of the homes in and adjacent to the
19 Project Area are built on elevated land overlooking the surrounding crop fields. It has
20 been common to build houses on elevated land in this area for a number of reasons,
21 including that soils on hills are less productive soil for growing crops, the houses stay dry
22 because precipitation flows off the hills, and elevated land offers better views of
23 surrounding territory.

1 **Q.37. How would you describe the capability of the land in the Project Area to grow**
2 **crops?**

3 A.37. As an experienced farmer, I can recognize the quality of crop land by observing the
4 characteristics of its soils and crops. Soil with higher fertility is blacker than less fertile
5 soil, which has less organic material mixed into the soil particles. Rainfall washes
6 organic material off of higher land onto lower land, making the lower land more fertile
7 and the higher land less fertile. The crops on less fertile soil have fewer soybean pods,
8 smaller corn ears, and shorter stalks. Crops on less fertile soil wither and become yellow
9 more quickly in dry weather and their green colors are not as dark in all weather
10 conditions. Based on my observations from the public roads in and around the Project
11 Area, I can see that most of the land in the crop fields in the Project Area is of average or
12 above average quality for growing crops with the exception of some land owned by John
13 Kyle, whose farm contains hillier land with below average quality for growing crops
14 along with other land that is of average quality. According to the U.S. Department of
15 Agriculture, Greene County had the sixth highest average corn yield per acre in Ohio in
16 2020.

17 **Q.38. Do you have any experience with the effects of tornadoes in or near the Project Area?**

18 A.38. Yes. As a young boy, I saw the destruction from a tornado or tornadoes in or near the
19 Project Area in 1974. This destruction included the leveling of my grandparents' barn
20 and the killing of livestock. I also witnessed the destruction in the Project Area caused
21 by a tornado in 2018. That tornado destroyed a number of buildings in the Project Area.

22 **Q.39. Does this conclude your direct testimony?**

23 A.39. Yes.
24

EXHIBIT A

 Print Photo

**Building Photo for KRAJICEK JAMES J & DEBORAH A CO TRUSTEES
(D08000100020000100)**



D08000100020000100 03/31/2018

EXHIBIT B



EXHIBIT C



EXHIBIT D



EXHIBIT E



EXHIBIT F



EXHIBIT G



1 **CERTIFICATE OF SERVICE**

2
3 I hereby certify that, on February 28, 2022, a copy of the foregoing written direct
4 testimony was served by electronic mail on the following: Jodi Bair at
5 Jodi.Bair@ohioattorneygeneral.gov; Daniel A. Brown at dbrown@brownlawdayton.com; Kevin
6 Dunn at kdd@planklaw.com; John Hart at jehartlaw@gmail.com; Werner Margard III at
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12 amilam@ofbf.org; and Leah F. [Curtis](mailto:Curtis@ofbf.com) at lcurtis@ofbf.com.

13 /s/ Jack A. Van Kley
14 Jack A. Van Kley
15

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Summary: Testimony of J. Joseph Krajicek electronically filed by Mr. Jack A. Van Kley on behalf of Citizens for Greene Acres, Inc. and Adams, Jenifer and Baldwin, P.Chance and Church, Jacob and Digel, Verity and Hanna, Jed and Krajicek Family Trust and Krajicek, James Joseph and Landon, Karen and Marvin, Nicole and Mossing, Chad and Mossing, Karen and Pitstick, Nicholas and Shelton, Kyle and Vangsness, Marlin and Weyandt, Jean and Weyandt, Jerald