

**Testimony of J.R. Carlson**  
**Executive Director**  
**The Kansas Natural Resource Coalition**  
**SB 425 - Conservation Easements & Local Government**  
**Thursday, February 18, 2016**

Thank you Mr. Chairman and Members of the Senate Committee on Natural Resources.

My name is Jim Carlson, and I appear before the committee as Executive Director of the Kansas Natural Resource Coalition (KNRC).

As local government, KNRC Counties have the responsibility to ensure the health, welfare, and safety of our citizens. This includes enactment of standards to regulate land use, zoning, and establishment of programs to manage solid waste, control noxious plants, and address environmental nuisances.

My testimony seeks to distinguish between what constitutes a public interest and the perspective that land owners have unlimited rights to enter into agreements or make any land-use decision they wish.

The tension here is between landholders who desire to make permanent decisions affecting communities and the question of whether local governments have a legitimate role to protect of *all* citizens.

Perhaps the best way to explore this is through example.

Suppose I want to build a lake around a spring that flows from my property, so I construct a dam - after all, I do own the land - its *mine*! Now, suppose my downstream neighbors don't particularly like what they call "*Carlson's Dam Project*," a view that from their perspective could seem reasonable, as my behavior will reduce the quality of *their* land, diminish downstream wildlife, impact their ability to fish, and ultimately lower *their* property values.

By their very design, Conservation Easements impose management restrictions, remove productive lands from county tax roles, inhibit mineral access, disrupt property access, and reduce property values. In the case of species re-introductions, Conservation Easements inadvertently encumber neighboring land by enabling migration of endangered species to adjacent properties - animals simply don't respect property boundaries.

It is the ability of Conservation Easements to reduce property values and lower the tax base that places them in a unique category - and we believe individual local governments should have the authority to regulate their use.

Which brings me to my next point.

This Legislation does not *require* counties to participate, it simply gives them the opportunity to decide for themselves if they wish to enact local, land-use and notification standards regulating Conservation Easements.

In closing, KNRC believes SB 425 provides more control for property owners because it brings decision-making to where it should be: The *local* level. We also believe SB 425 is good for property owners as it allows the opportunity for direct, participatory involvement at the County level.

Because SB 425 enables all landholders to be protected, brings decision-making to the local level, and allows for participatory government, we encourage its timely passage.