

**Testimony of Ondre Rexford – Meade County Landowner
Provided to the Kansas Senate Natural Resource Committee
Hearing on SB425 – AN ACT amending K.S.A. 58-3811
Thursday, February 18, 2016**

Thank you, Chairman Powell and Members of the Committee, my name is Ondre Rexford. I am a Meade County Landowner and 5th generation farmer. I am continuing my family's tradition to work, protect, and improve our private property, while providing, not just for our family but many others.

I appear today as a proponent of SB 425.

One of many reasons for my support of SB 425 is to protect future generations' opportunities to manage the resources of Kansas to their highest and best use, while still conserving those resources.

My family and I – as the 3rd generation restricted by a Perpetual Conservation Easement on our land - are a glaring example of the consequences to future generations resulting from Perpetual Conservation Easements.

In 2011, following the 2010 loss of my grandmother and then my father to cancer, I was traveling back-and-forth to Montezuma from North Carolina to help out with the family farm.

During that time, my 94-year-old, legally blind grandfather, Chester Rexford, who was unable to pass a driver's test or even read his own mail, asked me to drive him to the local NRCS office to sign some papers. When I asked him what he needed to sign, he told me he did not really understand it completely but that it was a "whale of a lot of money" and the NRCS personnel said funding was limited and delaying participation might mean it would not be available, if others signed into the program before he decided and he would miss out on the opportunity. He explained to me that the land would be committed for his lifetime – not the life of the land. My grandfather believed this program was like other programs he had participated in over the years, such as the Conservation Reserve Program (CRP) and Walk-in Hunting that required re-enrollment periodically. He had no understanding whatsoever that this commitment would FOREVER limit his family's use of the land and become a financial loss.

When my grandfather and I arrived at the NRCS office, the papers were not explained to him, he was just instructed where to sign. His vision was so impaired by Macular Degeneration that it was necessary to point out the signature line in order for him to sign. He was never instructed that these were legally binding FOREVER and if he did not understand them, he should seek independent legal advice. The deed states, "This instrument was drafted by the Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C." without any disclosure that the grantor – my grandfather in this case – should seek legal representation for his interests.

I believe, NRCS leadership personnel are exploiting the trusted relationships the local office staff have developed with farmers and ranchers and that local staff do not understand the long-term ramifications of the Conservation Easement Programs much better than those they are enrolling. I feel certain, had my grandfather been approached by non-local NRCS personnel, he would have been far more cautious of enrolling in the program without a full understanding.

As a result of the easement, the only use we have of the property is to lease it for hunting. The hunting lease covers less than ½ of the annual property tax bill - provided we can keep it leased. The lease is in question, as a result of the NRCS excavation, which destroyed the native habitat and leaves us uncertain the lease will continue. Even with the lease, we incur a greater than 50% net loss; without the lease it will be 100% net loss each year in taxes paid. Essentially, we are allowed the 'privilege' to pay taxes.

I ask, if the program were transparent, does it seem reasonable that anyone would knowingly agree to a net loss of income FOREVER for their family – even for a "whale of a lot of money?"

Had SB 425 been law in 2011, my grandfather likely would have had a better understanding of the long-term ramifications of the program and declined to encumber our family's property FOREVER. For us, there appears to be no remedy but I hope others will be allowed a more informed decision through the passage of SB 425.

My dilemma – as the 3rd generation encumbered by the easement that my grandfather signed, not I - do I continue bearing the burden of paying taxes and financial loss without benefit of use or do I bear the public stigma – Black-eye, so to speak – of defaulting on the taxes and losing the land FOREVER.

Thank you for allowing me to submit testimony and I urge the committee to vote favorably on SB 425.

Respectfully,

Ondre Rexford