



DEPARTMENT OF THE ARMY
REGIONAL ENVIRONMENTAL & ENERGY OFFICE - CENTRAL
628 MCCLELLAN AVE
FORT LEAVENWORTH, KS 66027

February 16, 2016

Subject: Senate Bill 425

Honorable Senator Powell
Kansas Senate
Kansas State Capital
300 SW 10th Street, Room: 237-E
Topeka, KS 66612

Dear Senator Powell:

As the U.S. Department of Defense, Regional Environmental Coordinator for the State of Kansas, I would like express our **opposition to Senate Bill 425** (SB 425). Please share these comments with the members of the Senate Committee on Natural Resources.

As proposed, SB 425 (specifically New Section 1) introduces much uncertainty into the conservation easement process, raises significant questions, and creates many potential issues. Example include, but are not limited to:

- Must a County regulate?
- If a county does not regulate, what happens?
- The provisions are too open-ended, do not provide specific guidance to counties, do not consider the second and third order effects, and have not considered unintended consequences.
- The bill contradicts existing law by authorizing counties to limit the duration of a conservation easement, while existing and unamended statutory language authorizes the grantor and easement holder to negotiate the duration.
- How will consistency be ensured in the County programs between our 105 counties?
- Conservation easements will potentially become politicized as County Commissions are elected political bodies with regular turnover.

When taken together, this uncertainty will likely negatively impact the ability of Kansas military installations to benefit from conservation easements. Accordingly, the U.S. Department of Defense is opposed to SB 425.

Please feel free to contact my office if you have any questions or need any additional information. I can be reached at (816) 389-3448, or by email at Stanley.L.Rasmussen@usace.army.mil.

Sincerely,

Stanley L. Rasmussen
Director, Regional Environmental and
Energy Office - Central