



**Kansas Legislative Research Department**

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68-West-Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504  
(785) 296-3181

kslegres@klrd.ks.gov

kslegislature.org/klrd

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**To:** 2021 Special Committee on the 30 x 30 Federal Initiative

**From:** Heather O'Hara, Principal Research Analyst

**Re:** The Federal 30x30 Initiative and National Heritage Areas

This memorandum discusses the federal 30x30 Initiative (30x30), criticism of and legislation introduced regarding 30x30, National Heritage Areas (NHAs), the proposed Kansas Nebraska Heritage Area, the Freedom's Frontier NHA, and action regarding existing and proposed NHAs.

## **Federal 30x30 Initiative**

### ***What is 30x30?***

On January 27, 2021, President Biden signed an executive order on "Tackling the Climate Crisis at Home and Abroad."

In Section 216 of the [Executive Order](#), titled "Conserving Our Nation's Lands and Waters," the President charged the Secretaries of Agriculture, Commerce, and Interior, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies to submit a report to the National Climate Task Force within 90 days to recommend steps the United States should take, working with listed stakeholders, "to achieve the goal of conserving at least 30 percent" of U.S. "lands and waters by 2030." This was dubbed "30x30."

The [report](#) required by Section 216 was submitted to the White House in late April 2021 and released to public in May 2021. Titled "Conserving and Restoring America the Beautiful," the report states nature is essential to the health, well-being, and prosperity of every family and every community in the country. The introduction of the report details how Americans and the country's natural resources are intertwined, with regard to recreation, economic pursuits, food, water, and other assets.

The report states the past year has deepened the love and appreciation that people feel for nature and recognizes past actions taken by previous generations to conserve natural places and wildlife for current enjoyment. The report also states this deepened love and appreciation has brought into focus three problems that threaten the lands, waters, and wildlife upon which the country depends. These problems are identified as:

- The disappearance of nature;
- Climate change; and
- Inequitable access to the outdoors.

With those three issues in mind, the report recommends adhering to eight key principles critical to the success and durability of the effort:

- Principle 1: Pursue a collaborative and inclusive approach to conservation;
- Principle 2: Conserve America’s lands and waters for the benefit of all people;
- Principle 3: Support locally led and locally designed conservation efforts;
- Principle 4: Honor Tribal sovereignty and support the priorities of Tribal Nations;
- Principle 5: Pursue conservation and restoration approaches that create jobs and support healthy communities;
- Principle 6: Honor private property rights and support the voluntary stewardship efforts of private landowners and fishers;
- Principle 7: Use science as a guide; and
- Principle 8: Build on existing tools and strategies with an emphasis on flexibility and adaptive approaches.

The report also provides recommendations for early focus and progress in starting this “America the Beautiful Campaign,” which include:

- Creating more parks and safe outdoor opportunities in nature-deprived communities;
- Supporting Tribally led conservation and restoration priorities;
- Expanding collaborative conservation of fish and wildlife habitats and corridors;
- Increasing access for outdoor recreation;
- Incentivizing and rewarding the voluntary conservation efforts of fishers, ranchers, farmers, and forest owners; and
- Creating jobs by investing in restoration and resilience.

### ***What recent actions have President Biden and his Administration taken on 30x30?***

When President Biden signed the Executive Order in January 2021, there was no guidance that stated how 30x30 would be accomplished. When the report was released to the public in May 2021, specific language was included to emphasize local government investment in achieving the goals of 30x30 and voluntary participation; however, no specific actions by state and local governments were recommended.

### ***What are the criticisms of 30x30?***

Critics of 30x30 have stated concerns about interfering with property rights, the possibility of extorting private lands to meet the goals of 30x30, and whether President Biden has constitutional or statutory authority to set aside private lands for 30x30, although that action is not mentioned in the Executive Order or the report.

U.S. Secretary of Agriculture Tom Vilsack has stated several times in various agricultural news outlets that 30x30 is not a “land grab” and is actually intended to protect “private working lands” through voluntary programs. The Secretary reported the U.S. Department of Agriculture is working with commodity groups and other stakeholders on the best way to meet the goals of 30x30. In one interview, he commented that input “will give us the ability to understand how best to structure this, but I can assure you this – there is no intention to have a land grab.”

### ***What actions has Congress taken regarding 30x30?***

At a forum on May 5, 2021, Republican members of the U.S. House Committee on Natural Resources called 30x30 a “federal land grab.” The critics noted the federal government owns approximately 28 percent of all U.S. acreage but, according to the U.S. Geological Survey, roughly 12 percent of that land is considered “in conservation.” Some critics state this would mean taking private property to fulfill the goals of 30x30, either through perpetual conservation easements or outright purchases of large tracts of land from private owners.

After the Conserving and Restoring America the Beautiful report was released in May 2021, four pieces of legislation were introduced in Congress:

- [HR 3014](#), the 30x30 Termination Act, was introduced by Representative Lauren Boebert and 27 co-sponsors on May 7, 2021. The bill would prohibit federal acquisition of land or declaration of a national monument in certain areas and nullify a provision of an executive order related to conservation. The bill was referred to the Subcommittee on Conservation and Forestry of the House Committee on Agriculture;
- [S 1673](#), the 30x30 Termination Act, was introduced by Senator Roger Marshall with one co-sponsor on May 18, 2021. This is a companion bill of HR 3014. The bill was referred to the Senate Committee on Energy and Natural Resources;
- [HR 3314](#), the No Land Grab Act of 2021, was introduced by Representative Tracy Mann and 7 co-sponsors, including Representative Jake LaTurner, on May 18, 2021. The bill would prohibit from having the force and effect of law requirements in the executive order requiring the U.S. Department of the Interior

to recommend steps to achieve the goal of conserving at least 30 percent of U.S. lands and waters by 2030. The bill was referred to the Subcommittee on Conservation and Forestry of the House Committee on Agriculture; and

- [S 1682](#), the No Land Grab Act of 2021, was introduced by Senator Jerry Moran and two co-sponsors on May 18, 2021. This is a companion bill of HR 3314. The bill was referred to the Senate Committee on Energy and Natural Resources.

### ***What is the link between 30x30 and National Heritage Areas?***

In general, critics of 30x30 acknowledge nothing in 30x30 specifically authorizes land to be acquired through NHAs; however, critics have pointed out that in order for 30x30 to meet its goals, the U.S. government would need to place several millions of acres in conservation. Considering the State of Kansas and the U.S. government each own less than 1 percent of Kansas acreage, critics state any land with any federal ties, including NHAs, could be at risk for the federal government to use for 30x30.

## **National Heritage Areas**

### ***What are National Heritage Areas?***

According to the National Park Service (NPS), NHAs are places where historic, cultural, and natural resources combine to form cohesive, nationally important landscapes. Unlike national parks, NHAs are largely lived-in landscapes, which requires communities and entities to collaborate to determine how to make heritage relevant to local interests.

### ***How are National Heritage Areas created?***

NHAs are created through designation by Congress in legislation that is passed and signed into law by the President. Since the NHA program was started in 1984 when President Reagan signed into law the first NHA, 55 NHA designations have been created in 34 states, with the last 6 NHA designations signed into law in 2019 by President Trump.

<b>States with NHAs (Number of NHAs in the state)</b>				
Alabama (1)	Georgia (3)	Michigan (1)	New York (4)	Tennessee (1)
Alaska (1)	Iowa (1)	Mississippi (3)	North Carolina (2)	Utah (2)
Arizona (2)	Illinois (2)	Missouri (1)	North Dakota (1)	Vermont (1)
California (1)	Kansas (1)	Nevada (1)	Ohio (2)	Virginia (2)
Colorado (3)	Louisiana (2)	New Jersey (1)	Pennsylvania (7)*	Washington (2)
Connecticut (2)	Maryland (3)	New Hampshire (1)	Rhode Island (1)	West Virginia (2)
Florida (1)	Massachusetts (5)	New Mexico (1)	South Carolina (2)	

[*Note:* Some NHAs span multiple states, which is reflected in the numbers listed.]

\* Pennsylvania also has a Path of Progress National Heritage Tour Route NHA that is inactive, for a total of eight NHAs, but only seven that are active.

Because each NHA has its own authorizing legislation, it should be noted that NHAs differ in their authority; one NHA taking certain actions does not mean another NHA has the same authority. Each NHA has its own legislation that is unique to that particular NHA.

### ***Who administers the National Heritage Areas program?***

The NHA program is administered by NPS coordinators in Washington, D.C., the six regional NPS offices, and individual park staff.

### ***Are National Heritage Areas national parks?***

NHAs are not national parks; rather, the NPS partners with the NHA, provides technical assistance, and distributes matching federal funds from Congress to the NHAs. The NPS and NHA do not assume ownership of land inside NHAs or impose land use controls, according to public law creating NHAs, National Park Service information, and a press release by the Kansas Nebraska Heritage Area Partnership.

### ***How many National Heritage Areas does Kansas have currently?***

Currently, Kansas has one NHA, the Freedom's Frontier NHA, which will be discussed later in this memorandum. In recent years, a new NHA called the Kansas Nebraska Heritage Area has been proposed, but no authorizing legislation for it has been proposed in Congress.

### ***Has Congress proposed any legislation regarding National Heritage Areas recently?***

Congress currently has two proposed pieces of legislation regarding NHAs.

- [HR 1316](#), the National Heritage Area Act of 2021, was introduced by Representative Paul Tonko and 133 co-sponsors, including Representative Sharice Davids, on February 24, 2021.
  - The bill would establish a NHA System to recognize certain areas of the United States that tell nationally significant stories and to conserve, enhance, and interpret the areas' natural, historic, scenic, and cultural resources that illustrate significant aspects of United States heritage. The bill would also authorize appropriations through FY 2034 for the NHAs and direct the U.S. Department of Interior to provide technical and financial assistance to local coordinating entities. The bill would reauthorize two existing NHAs, require local coordinating entities of NHAs to submit a management plan for approval within a certain time frame, and authorize the U.S. Department of Interior to evaluate, report, and study NHAs for recommendations, suitability, and feasibility.

- The bill was referred to the House Committee on Natural Resources, which assigned the bill to the Subcommittee on National Parks, Forests, and Public Lands. The Subcommittee held a hearing on June 15, 2021.
- [S 1942](#), the National Heritage Area Act, was introduced by Senator Debbie Stabenow and 14 co-sponsors on May 27, 2021.
  - The bill would require a standard for the designation of NHAs, establishes a NHA System through which the U.S. Department of Interior may furnish technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the NHAs. The bill would also detail the NHA System, review requirements by the U.S. Department of Interior, requirements for management plans, and declare that NHAs shall only be designated by an act of Congress.
  - The bill was referred to the Senate Committee on Energy and Natural Resources, which assigned the bill to the Subcommittee on National Parks. The Subcommittee held a hearing on the bill on October 6, 2021.

## Kansas Nebraska Heritage Area

### *What is the Kansas Nebraska Heritage Area?*

The idea for the Kansas Nebraska Heritage Area (KNHA) started in 2016, when the Willa Cather Foundation in Red Cloud, Nebraska, partnered with the University of Nebraska-Lincoln (UNL) to find a way to draw more tourists to the Red Cloud area.

The students in an undergraduate landscape architecture class, taught by landscape architecture Professor Kim Wilson, first established a study area based on a series of user profiles and their interest in traveling a distance of two hours and spending up to three days experiencing local museums, public parks, golfing, restaurants, and other local resources. The students then collected information on cultural-related sites within the study area, along with food, lodging, and other basic tourism services and features such as arts, religion, and culture.

The students found more than 255 historic sites in the study area, which included 49 counties, 26 in Kansas and 23 in Nebraska.

Kansas Counties - KNHA				
Clay	Geary	Norton	Riley	Trego
Cloud	Graham	Osborne	Rooks	Washington
Decatur	Jewell	Ottawa	Russell	
Dickinson	Lincoln	Phillips	Saline	
Ellis	Marshall	Pottawatomie	Sheridan	
Ellsworth	Mitchell	Republic	Smith	

<b>Nebraska Counties - KNHA</b>				
Adams	Franklin	Hall	Nuckolls	Thayer
Buffalo	Frontier	Hamilton	Phelps	Webster
Clay	Furnas	Harlan	Red Willow	York
Dawson	Gage	Jefferson	Saline	
Fillmore	Gosper	Kearney	Seward	

Professor Wilson presented the class's findings at a community meeting in Red Cloud; interested individuals suggested the class further explore the requirements for obtaining a NHA designation, which the class did.

The project at UNL ended in May 2017 and a group of interested community members and directors of museums and foundations met with representatives of the NPS to discuss the NHA designation process.

The Willa Cather Foundation and UNL convened partners and stakeholders in the Kansas and Nebraska counties of the study area. A volunteer board was formed to explore opportunities, define its mission, and look at initial feasibility. The board created the Kansas Nebraska Heritage Area Partnership (Partnership) to administer the findings of the board.

The goal of the Partnership is to build a network for heritage sites, museums, convention and visitor's bureaus, cities, and counties that wish to participate in the KNHA effort, which would collaboratively work together in marketing the region's existing attractions with unified themes, including:

- Settlement and migration;
- Homesteading;
- Development of land;
- Native Americans; and
- Nature.

***What is the current status of the Kansas Nebraska Heritage Area?***

The Partnership has provided information online, and Professor Wilson has been quoted in several news articles providing an update on the KNHA, stating the Partnership plans to take a lengthy pause on the KNHA to reassess and then move forward with recruiting new board members and possibly revisit the Partnership's bylaws and mission. No Congressional legislation has been introduced to establish the KNHA.

### ***What are proponents and opponents of the Kansas Nebraska Heritage Area saying?***

According to UNL Associate Dean for Faculty and Associate Professor of Law Anthony Schutz, there is no federal regulatory power associated with NHAs. Professor Schutz stated he believes this is a flashpoint for federal-state differences, to resist federal action and send a message that the federal government is not wanted “here.”

Proponents of the KNHA state the opposition stems from simply bad timing and, had the KNHA been proposed earlier or later than 30x30, the two would not be tied together in the opponents’ minds. The proponents also have stated the federal government has not actually proposed any actions that would violate private property rights.

Opponents of both 30x30 and the KNHA acknowledge there is no explicit tie between the two, but state there is no way for the Biden Administration to achieve 30 percent conservation of lands and waters with solely voluntary participation. The opponents have stated the only way to achieve 30 percent conservation is to force changes to private land through a relationship that has a connection to the Executive Branch of the federal government. In addition, opponents have stated expanded federal presence in the area could lead to more regulation and tighter control of private lands.

### ***What has the Kansas congressional delegation said about the Kansas Nebraska Heritage Area?***

According to news reports, Senator Roger Marshall [stated](#) on April 15, 2021, that he would reserve support for the KNHA until it had more local support. “The National Park Service’s National Heritage Areas program helps regions tell their story and highlights the cultural significance of their past,” said Senator Marshall. “As a Republican, I believe in local control and local decision making whenever possible. It is up to the communities included in the proposed National Heritage Area to determine the future of this proposal. I will not get involved until after sufficient local support for the proposal has been proven.” To date, no other member of the Kansas congressional delegation has made a statement on this topic.

### ***What have county commissions done in response to the Kansas Nebraska Heritage Area and 30x30?***

Starting in April 2021, county commissions in both Kansas and Nebraska began passing resolutions against the Kansas Nebraska Heritage Area and 30x30.

In Kansas, of the 26 counties proposed to be in the KNHA:

- 23 county commissions have passed resolutions against the KNHA and 1 county commission (Marshall County) has discussed the possibility:
  - Kansas county KNHA resolutions – Clay, Cloud, Decatur, Dickinson, Ellis, Ellsworth, Graham, Jewell, Lincoln, Mitchell, Norton, Osborne, Ottawa, Phillips, Pottawatomie, Republic, Rooks, Russell, Saline, Sheridan, Smith, Trego, and Washington.
- 7 county commissions have passed resolutions against 30x30 and 1 county commission discussed the possibility (Phillips County):



- Missouri county 30x30 resolutions – Anderson, Clay, Decatur, Dickinson, Russell, Sheridan, and Trego.

In Nebraska, of the 23 counties proposed to be in the KNHA:

- 22 county commissions have passed resolutions opposing the KNHA:
  - Nebraska county KNHA resolutions – Adams, Buffalo, Clay, Dawson, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Kearney, Nuckolls, Phelps, Red Willow, Seward, Thayer, Webster, and York.
- 5 county commissions have passed resolutions against 30x30 and 1 county commission has passed a proclamation (Hamilton County):

Nebraska county 30x30 resolutions – Buffalo, Clay, Fillmore, Furnas, Harlan, and Hamilton.

## Freedom’s Frontier National Heritage Area

### *What is the Freedom’s Frontier National Heritage Area?*

Currently, Kansas is part of one NHA – the Freedom’s Frontier NHA – which encompasses 41 counties in eastern Kansas (29 counties) and western Missouri (12 counties), along the Kansas-Missouri state line.

Kansas Counties – Freedom’s Frontier NHA				
Allen	Clay	Jackson	Miami	Shawnee
Anderson	Coffey	Jefferson	Montgomery	Wabaunsee
Atchison	Crawford	Johnson	Neosho	Wilson
Bourbon	Douglas	Labette	Osage	Woodson
Chatauqua	Franklin	Leavenworth	Pottawatomie	Wyandotte
Cherokee	Geary	Linn	Riley	

Missouri Counties – Freedom’s Frontier NHA			
Barton	Cass	Johnson	Ray
Bates	Clay	Lafayette	St. Clair
Buchanan	Jackson	Platte	Vernon

This NHA was authorized by Congress and signed into law by President George W. Bush on October 12, 2006 (Public Law 109-338). It is a collection of historic sites, museums, historical societies, libraries, and other cultural-historical sites in these areas that have chosen to be part of the NHA that creates a network of connections to benefit economic development through historical tourism. It tells the following stories and builds awareness of the region’s past, present, and future on topics including:

- The Kansas-Missouri border war;
- The Civil War;
- The settlement of the western frontier and rural America; and
- The enduring struggle of freedom.

***What does Freedom’s Frontier National Heritage Area say about private property rights?***

The [website](#) for the Freedom’s Frontier NHA states the NHA protects private property rights in the NHA area, and the federal charter for the NHA states the Freedom’s Frontier NHA must focus on increasing tourism and economic development and that focus cannot interfere with land owners. Private property protections in the text of the law creating the NHA include the authority of the local coordinating entity including only making grants or agreements, hiring and compensating staff, and entering into contracts for goods and services ([Public Law 109-338, Section 264\(d\)](#)); [a prohibition on use of federal funds to acquire real property or an interest in real property \(Section 264\(i\)\)](#); and [protections of private property \(Section 266\) with regard to participation, access, or liability](#).

A representative of the Freedom’s Frontier NHA stated that land is not automatically part of the NHA – a property owner must send a letter or fill out a written request to join. No property owner is in the NHA unless that person chooses to be. Property owners also can opt out of being part of the NHA.

***Is there current legislation before Congress?***

On September 10, 2021, Representative Emanuel Cleaver introduced [HR 5208](#), the Freedom’s Frontier National Heritage Area Reauthorization Act, which would extend the authority of the U.S. Department of Interior to provide any assistance to the Freedom’s Frontier NHA in Kansas and Missouri for another 15 years. The bill was referred to the House Committee on Natural Resources.

***Are county commissions taking any actions regarding the Freedom’s Frontier National Heritage Area?***

As county commissions in Kansas and Nebraska began passing resolutions regarding the Kansas Nebraska Heritage Area, some counties within the Freedom’s Frontier NHA began doing the same regarding Freedom’s Frontier NHA in June 2021.

Of the 29 Kansas counties in the Freedom’s Frontier NHA, five (Anderson, Clay, Coffey, Linn, and Oswego counties) have passed such resolutions. Of the 12 Missouri counties in Freedom’s Frontier NHA, none have passed resolutions opposing the NHA.