



Since 1894

To: Special Committee on 30 x 30  
Rep. Ken Rahjes, Chair  
Sen. Dan Kerschen, Vice Chair

From: Aaron M. Popelka, V.P. of Legal & Government Affairs, Kansas Livestock Association

Re: **30 x 30 Initiative.**

Date: December 8, 2021

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.*

Thank you, Chairman Rahjes, Vice Chairman Kerschen, and members of the Committee, for the opportunity to testify and provide you KLA's views on the 30 x 30 initiative. The initial report of the National Climate Task Force called "Conserving and Restoring America the Beautiful" (also known as 30 x 30), although a general set of nonbinding goals set by the Biden Administration, contain significant cause for concern for KLA if certain initiatives are acted upon.

First, it is important to note that farmers and ranchers are some of the best stewards of this country's natural resources. For livestock and crop producers to run sustainable operations, they must appropriately conserve land, air, and water resources. Second, KLA policy, adopted annually by KLA members, calls for limits on government intrusion in the marketplace, use of mechanisms like eminent domain to take land away from private citizens, and other regulatory mechanisms that pose unnecessary restrictions on private property.

It is for these reasons that KLA expresses concern about the 30 x 30 initiative. The initiative itself was conceived in section 216 of President Joseph Biden's Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad." This led to the above-referenced report, which on its face has a laudable goal to conserve 30 percent of our nation's natural resources by the year 2030. While the goal is noble, it is the methods to achieve the goals that are concerning.

If the only mechanism for achieving conservation were through voluntary, incentive-based concepts, KLA would not be opposed to such initiatives. However, the 30 x 30 report indicates an intent to go much further. The initial cause for concern is the report's goal to develop a baseline conservation assessment, but the 30 x 30 report does not indicate what should count in the baseline. Indeed, the report describes differing views on what should count for baseline conservation. Given the inability to articulate a standard, and based on other environmental initiatives from the Biden Administration, KLA is concerned that livestock producers will not

get full credit for the benefits their operations provide. In addition, KLA is concerned about the “creation of an American Conservation and Stewardship Atlas” to assess and collect baseline conservation on private lands. What agencies and regulatory tools will be used in this effort? What if a private landowner does not wish to participate in the data collection process? What mechanisms might the federal government use to force landowners to participate in the data collection process? These are all questions KLA members have about the baseline process.

Another concern is the 30 x 30 report contains a preface that includes quotes from a number of environmental groups and, other than one non-traditional agricultural group, not one view from a mainstream agricultural group was included in the preface. This is concerning if these are the only groups being relied on for advice by the Biden Administration. It represents a disconnect from the individuals who actually own and operate private lands.

The report also uses buzzwords like “collaborative and inclusive,” “locally led and locally designed,” “create jobs,” “honor private property rights,” and “voluntary stewardship.” While these words seem positive, they can mean very different things to different people. If the level of collaboration from the Biden Administration is similar to the lack of inclusion evidenced by the preface of the report, Kansans should be concerned. Likewise, honoring private property rights seems to be nothing more than a platitude given initiatives from the Biden Administration to remove checks on federal power, like its recent announcement to repeal the Navigable Waters Protection Rule and replace it with language contained in a previous proposal during the Obama Administration that was enjoined by the federal courts. These actions are not collaborative and do not honor private property rights.

In addition, while the focus of the report is supposed to be about mitigating climate change and conserving natural resources, it includes statements that environmental benefits “should be equitably distributed.” Certainly, one person’s conservation of natural resources on their land can have positive externalities for all citizens of this country, but use of this language suggests an intent to go further. If use of such language is a suggestion that the federal government intends to force conservation activities on one segment of the population for the benefit of another or mandate public access to privately owned land, KLA will stand in opposition to such proposals.

While the 30 x 30 report, and ensuing federal actions, are a cause for concern, most of the battles to stop this overreach must be fought in the halls of Congress and in the courts. While there may be some things a state legislature can do, Kansas policy makers should be careful in their attempt to fight this overreach to not take away conservation tools used by private citizens in the state.

One example of a conservation tool for private citizens that KLA supports is use of conservation easements. For many decades, KLA members have looked for opportunities to preserve private working lands. In 2003, KLA members decided to further that goal by creating the Ranchland Trust of Kansas (RTK). RTK is a land trust that acquires and holds development rights (conservation easements) on working agricultural lands, but it does not own the land itself. RTK is a separate, but affiliated entity of KLA, as KLA has the right to select a majority of RTK’s board members. RTK was created because a number of KLA members wanted to preserve their privately held native grasslands as working lands and prevent encroachment from urban development. These members, however, did not trust the existing land trusts to hold the

easements on their ranches. As a result, KLA members created a land trust operated and governed by agricultural producers.

While conservation easements are not for every ranch, it is a viable, voluntary conservation tool for some. All RTK easements are negotiated with the landowner, and the terms can be modified to fit each situation. While some landowners may receive voluntary incentive payments or federal tax credits, often the easement is donated by the landowner. RTK's activities are in no way a part of, or in coordination with, the federal government's 30 x 30 initiative. In fact, if some of the above concerns were proven true, the initiative would run counter to RTK's mission. KLA cautions the Legislature, in its attempt to prevent federal ownership of private property or federal regulatory overreach that infringes on private property rights, to not cut off the existing rights of private landowners to negotiate private conservation easements.

Thank you for the opportunity to submit testimony. KLA stands ready to provide additional information as needed and help develop strategies to safeguard Kansas private property rights as the Committee continues to examine the potential effects of the 30 x 30 initiative.