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2016 - Future of the Flint Hills (Larry Patton,
editor)

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Recommended Citation

Beam, Mike (2016). "Successes and Opportunities for Private Land Conservation In The Flint Hills,"
Symphony in the Flint Hills Field Journal. <https://newprairiepress.org/sfh/2016/dream/4>

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The Field Journals are made possible in part with funding from the Fred C. and Mary R. Koch Foundation.

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ALL SPACES SEEM WIDER WITHOUT YOU
Katie Twiss

SUCCESSES AND OPPORTUNITIES FOR PRIVATE LAND CONSERVATION IN THE FLINT HILLS

Within the past fifteen years the private landowner community has taken actions to permanently conserve more than 100,000 acres of native grasslands in the Kansas Flint Hills. More than one-hundred landowners have voluntarily granted perpetual conservation easements to private conservation organizations or federal agencies that ensure their properties will never be developed.

Today, there are more requests for conservation easements than these organizations or agencies have the resources to accept. The long-term protection of the tallgrass prairie is limited not by interest among private landowners, many of whom have conserved their properties for generations, but by a lack of conservation funding.

The *Future of the Flint Hills* is one in which every landowner who wishes to protect his or her property can do so, where conservation easements connect a patchwork of protected properties into a permanently conserved landscape.

Kansas law first recognized and authorized conservation easements in 1992. A conservation easement is a legally recorded agreement or contract between the landowner and a land trust or government entity that limits the property's uses so that the current natural resources are maintained throughout the life of the agreement.

These agreements are entered into on a voluntary basis. A landowner who donates or sells a conservation easement retains title to the property and continues to determine who may have access to the land. The landowner grantor

may continue to use the property in a manner that does not diminish the conservation values identified in the original agreement. Subsequent landowners are under the same obligations as the owner who originally granted the conservation easement.

Conservation easements on agricultural land expressly authorize a continuation of farming and ranching activities. More specifically, the conservation easements in the Flint Hills allow grazing, haying, seed harvest, and low-impact recreational activities. Residential, commercial, and industrial development and surface mining are prohibited or restricted by most conservation easements.

When a landowner grants a conservation easement, it is assigned to a governmental agency or a private nonprofit conservation organization, commonly called a land trust. The land trust, or conservation easement grantee, assumes responsibility for administering and monitoring the

property and is expected to enforce the terms of the conservation easement if necessary. In Kansas, land trusts that provide these services in the Flint Hills are The Nature Conservancy, Kansas Land Trust, and Ranchland Trust of Kansas.

It is important for the public to understand that a landowner reduces the market value of his or her property once the agreement is finalized and recorded at the local register of deeds. Often the diminished value of the property exceeds 25 percent of its original appraised value, which equates to a reduction of a landowner's equity or net worth accordingly. Federal law provides income and estate tax breaks to landowners who agree to permanently forfeit the development potential on their property by the execution of a qualified conservation easement. In addition, Congress has created programs that pay participating landowners for part or all of the appraised value of their conservation easements.

The U.S. Fish and Wildlife Service created the Flint Hills Legacy Conservation Area program in 2010 to purchase conservation easements from willing landowners within twenty-one counties in the Flint Hills. Several landowners have granted conservation easements through this program, but participation has been limited to date due to federal budget constraints.

The United States Department of Agriculture's Natural Resources and Conservation Service (USDA-NRCS) has provided funding for the purchase of many conservation easements in the Flint Hills. The USDA-NRCS conservation easement purchase program continues today, but these federal funds are limited to 75 percent of the purchase price. Nonfederal matching funds are required for landowners and private land trusts to utilize the current

USDA-NRCS program. To date, Flint Hills landowners have responded generously with their commitment to granting perpetual conservation easements and conserving the open spaces, scenic view-sheds, and working landscapes of the tallgrass prairie. In many instances, these multi-generational owners have a passion for the land and a strong desire to be sure their family lands are conserved long after they die. The governmental agencies and land trusts involved in conservation easement transactions will confirm that the number of probable grantors exceeds the resources currently available to purchase and administer conservation easements on the probable grantors' properties. With no dedicated funding source for conservation, Kansas lags behind other states in the protection of open spaces. In Kansas, eight entities



hold 389 easements, protecting 111,224 acres. In comparison, nearly ninety entities hold 2,927 easements protecting 1,534,957 acres in Colorado, whose conservation programs are funded through lottery proceeds. In Missouri, where sales tax generates \$100 million per year for conservation programs, 201,823 acres are conserved by easements.

The future for additional long-lasting conservation rests largely on support by the public for private land conservation programs and on actions by federal and state lawmakers. The recent passage of federal legislation that makes federal conservation tax incentives permanent promises to motivate more landowners to donate conservation easements. If the state of Kansas developed a conservation funding program like many other states, it's likely that landowners would voluntarily conserve an additional 100,000 to 300,000 acres within the next ten years.

In the meantime, we should acknowledge the conservation ethics and commitments that Flint Hills landowners have made to date. In addition, Flint Hills enthusiasts should celebrate these conservation successes and lend support for additional conservation and preservation efforts in the near future. There is no better time than today to conserve the beloved Flint Hills for future generations.

Mike Beam is an executive with the Kansas Livestock Association (KLA), an agricultural trade association organized by Flint Hills ranchers in 1894. Beam also serves as the executive director of the Ranchland Trust of Kansas (RTK), a KLA affiliate created in 2003 to preserve Kansas' ranching heritage and open spaces for future generations through the conservation of working landscapes.



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