The Nature Conservancy

February 6, 2026

Committee on Local Government Kansas State Capitol 300 SW 10th Street
Topeka, KS 66612

Re: Testimony to the Committee on Local Government for the Hearing on House Bill 2363

Chairman Bergquist and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill 2363. The Nature Conservancy respectfully opposes this bill because it would undermine voluntary land conservation in Kansas, discourage private landowner participation, and weaken one of the most effective tools available for landowners to achieve their long-term vision for their working lands. The ability of a landowner to enroll in a conservation easement is an important private property right. Landowners do not want their private decisions placed under public scrutiny, nor do they want added layers of government bureaucracy. They want to make their own decisions about voluntary, incentive-based options to secure the future of their private working lands, water resources, and wildlife habitat.

Conservation in Kansas depends on voluntary private land stewardship
Kansas is one of the most privately owned states in the nation. Approximately 98 percent of land in Kansas is privately owned. This means that nearly all agricultural land, grasslands, rivers, and wildlife habitat depend on decisions made by individual landowners. Unlike states with large amounts of public land, Kansas conservation outcomes rise or fall based on whether landowners are willing to voluntarily participate.

Conservation easements are a proven opportunity for landowners that works within this reality. They allow landowners to permanently limit future development while securing future generations of farming and ranching operations, maintaining private ownership, and keeping land on local tax rolls. Easements are widely used in Kansas to protect large ranches, conserve native grasslands, safeguard riparian corridors, and support long-term agricultural viability.

For example, the Flint Hills region contains the largest remaining intact tallgrass prairie ecosystem in North America. More than seventy percent of the remaining tallgrass prairie is located in this region. Conservation easements have played an important role in keeping these grasslands intact, supporting cattle production, and preventing subdivision and fragmentation that would permanently alter the landscape.

Conservation easements are private agreements that do not change local land use authority
Under current Kansas law, conservation easements are voluntary legal agreements between willing landowners and qualified easement holders. These agreements do not change zoning,

authorize development, require subdivision approval, or impose costs on local governments. Land remains in private ownership and continues to generate local property tax revenue.

House Bill 2363 would fundamentally change this structure by requiring conservation easements to undergo planning commission review, public hearings, and final approval by city councils or county commissions. This converts a voluntary private property right and agreement into a discretionary approval process.

This change introduces uncertainty for landowners. Many conservation easements are negotiated over long periods of time as families make decisions about succession, long term land use, and financial planning. Requiring public hearings and governing body approval at the end of that process creates a real risk that an easement could be denied for reasons unrelated to agriculture, conservation, or property rights.

For landowners who value predictability and privacy, that risk alone would be enough to walk away.

The bill creates delays that conflict with federal conservation programs
Many conservation easements in Kansas rely on federal funding through programs administered by the United States Department of Agriculture, including the Natural Resources Conservation Service Agricultural Conservation Easement Program. These programs operate under strict application cycles, contract requirements, and closing deadlines.

Local approval timelines are not built into these federal programs. Adding mandatory planning commission review periods and governing body approval increases the likelihood that projects will miss federal deadlines. When that occurs, funding is not held for later use. It is redirected to other states.

Kansas competes nationally for limited federal conservation dollars. Introducing additional uncertainty makes Kansas less competitive and reduces the likelihood that federal funding will be invested in Kansas working lands. This funding allows Kansas producers to transition their operations to the next generation, expand their operation, retire expensive debt, and support their local ag-based economies.

Planning commissions are not structured to evaluate conservation easements
Planning commissions play a critical role in reviewing development proposals, subdivisions, and zoning changes. Conservation easements do not fit within those functions. They do not propose development. They restrict it.

Requiring planning commission review of conservation easements conflates land use regulation with private conservation agreements. It also creates the potential for inconsistent outcomes across the state. Kansas has 105 counties and numerous municipal planning

jurisdictions. Under House Bill 2363, identical conservation easements could be approved in one jurisdiction and denied in another.

This lack of consistency is particularly problematic for conservation efforts that span multiple counties, such as watershed protection, prairie connectivity, and wildlife habitat corridors. These efforts depend on predictability and coordination, not fragmented approval processes.

The likely result is less conservation and funding coming to Kansans
The practical effect of House Bill 2363 would be fewer conservation easements completed in Kansas. Landowners would be less willing to participate. Federal funding would be harder to secure. Conservation organizations would be forced to spend time navigating local approval processes rather than working directly with landowners.

Kansas continues to face challenges related to grassland conversion, water quality, and habitat loss. Conservation easements are one of the few options that permanently address these issues while supporting private property rights and avoiding costs to taxpayers or local governments.

House Bill 2363 weakens that tool.

Conclusion
House Bill 2363 would turn voluntary conservation into a political approval process, introduce uncertainty into private land stewardship decisions, and reduce the effectiveness of conservation in Kansas. At a time when conservation depends almost entirely on voluntary private action, this bill moves Kansas in the wrong direction.

For these reasons, The Nature Conservancy urges the Committee to oppose House Bill 2363. Thank you for the opportunity to provide testimony. I would be happy to answer any questions.

Sincerely,

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