

Testimony For Kansas House Hearing on HB2476

First, thank you for this hearing and letting us speak about our great concerns regarding National Heritage Area and National Trail Designations. I will be drilling down on only one aspect of the dangers these present for our farming and ranching communities, which is the National Environmental Protection Act (NEPA) manual for National Heritage Areas. This is the environmental impact study that is required for ALL federal projects such as the trails, heritage areas, national parks, and other federally designated areas. The requirements set out in these manuals interfere with farming, ranching and all other protected private property rights that come with land ownership from the smallest lot in the cities to larger farms and ranches. Farming and ranching are Kansas and we must protect them at all cost.

My greatest concern about the National Heritage Areas (NHA) is the National Environmental Protection Act manual for the National Heritage Areas. On Forward page ii the manual states that “they” are pleased to release this policy guide formulated specifically for the NHA’s by National Park Service (NPS) environmental coordinators and NHA program coordinators. Not one agricultural representative is mentioned even though when created, the NHA program applies to every inch of the boundary they have drawn. Once this draft planning framework is drawn it is submitted to the NPS who then determines which NEPA pathway to follow for the specific NHA that is being created.

On page 1, paragraph 1.2 the manual states: “Since NHA management plans are approved by the Sec. of the Interior, the approval is considered a Federal action and, therefore, federal environmental laws including NEPA and other laws, such as Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA), **must** be followed.” We also believe that the new Waters of The U.S. Act (WOTUS) will be pulled into this as well. The new rules were posted in September 2023 for comment. In that posting they stated that all the old rules that were taken out by the previous administration were going to be returned and that they would be enhancing the new WOTUS rules. I am still waiting to find out how you can “enhance” calling a puddle on your farm a wetland, therefore restricting your private property rights.

The specific NHA effecting Kansas is the Freedom’s Frontier NHA. Fortunately, we were able to stop the Kansas Nebraska NHA which included 26 counties in Kansas and 23 counties in Nebraska from designation by Congress. The Freedom’s Frontier NHA includes 29 counties in Kansas and 12 in Missouri. Four counties already included in the Freedom’s Frontier NHA were also proposed to be included in the Kansas Nebraska NHA. The reason given for wanting to include whole counties in such a large group is to promote tourism but if that is the real reason then why does this designation comes with its own NEPA management manual claiming a federal boundary around all counties to bring in federal jurisdiction and federal laws applicable to every square inch within that boundary? You must ask yourself that question.

The favorite laws listed by this manual are frightening and devastating to farming and ranching operations. The EPA already runs roughshod over the farmers and ranchers without a federal

boundary created around them. They have EPA rules and regulations governing the way they take care of livestock, farming methods, chemical applications and just about everything else they do on their private property. I thought that the U.S. Department of Agriculture's Department of Natural Resources and Conservation Services was supposed to assist farming and ranching practices, not try to shut them down. Creating an NHA on top of the farmers just doubles up on the same type of regulations already governed in farm programs. There is no one better at taking care of the land entrusted to them than the generational farmer/rancher. They improve the land to be able to pass it along to their children and grandchildren in better condition than when they received it.

The National Historical Preservation is specifically listed in this manual also and is claimed as a tool. While the NHA claims to help preserve historical sites within the NHA by availability of grant money it can be used as a tool to prevent private property owners from doing what they need to do with their private property. The NHA also claims to promote tourism by connecting these historical sites. However, there is no one better at promoting their city and counties than the cities and counties themselves. There are also great resources for this through state and national tourism agencies. The historical grant money that the NHA promises is also available through other sources such as the state and national historical societies.

The Endangered Species Act is especially threatening to private property rights as the government can severely restrict the use of the land affected by any endangered species that happens to be inhabiting the property. This act was used to shut down the logging industry out west because the Snowy Owl was listed as an endangered species and was inhabiting the area where logging was being performed. When we first started fighting the Kansas Nebraska NHA, I was talking to a long-time rancher in Pottawatomie County. He was very aware of the Executive Order signed by President Biden to put 30% of our land and water into conservation for "tourism" and "energy" by the year 2030. I say this because he had been down to his NRCS office to sign up for a farm program (I did not ask him which one) and 2 weeks later he received a survey in his mail asking questions about a certain bat species. They wanted to know if it was located on his ranch, what its nesting habits were, where it was located on his property and other questions. Being aware of the 30 x 30 EO, he took that survey back to his agent at the NRCS office, told his agent he had been with him for several decades, that he had trusted him and to get him out of that program. The Freedom's Frontier NHA already has an endangered species map for the entire area. All 41 counties in Kansas and Missouri are mapped out with the number of both state and federal endangered species listed in each county. This shows they are ready to go with enforcing that law on property owners located within Freedom's Frontier NHA.

The Antiquities Act of 1906 is not mentioned but by claiming federal jurisdiction within the NHA boundary it can be applied at any time. This is the law that the National Park Service used to declare monuments in the western United States. By using this law, the federal government took control of vast amounts of private property where numerous farms and ranches were located. I encourage you to contact ranchers out west who say they are happy to see the government starting on the Midwest now because it may take the pressure off them. They are tired of having to fight to defend what little private property is left.

The first three laws I just spelled out are, as I first stated are listed specifically in the NEPA Manual for NHA's so I believe they could be called the favorite applicable laws for enforcement by the NPS. These laws could very well be used by the right federal administration to shut down Kansas farms and ranches. The administrators for the NHA's did not include any agricultural input or involvement in creating the boundaries, rather they try to hide what they are doing until we exposed that fact. The requirements for submitting the application to the Sec. of Interior for creation of an NHA are supposed to include local grassroots involvement however, as we had meetings throughout these 3 states only a handful of people even knew they were included in an NHA. It was amazing how many county commissioners even knew about being included. The grassroots meetings they are required to conduct are kept low key, low advertising and specific people invited so that "support" for their creation is shown for their feasibility study. Common sense tells you these facts show an ulterior motive. Angel has also received phone calls from farmers/ ranchers who ask if being located in Freedom's Frontier NHA is the reason they are starting to see more and more regulation coming down on them. While we cannot answer this question, we can only speculate that this **is** the reason.

Governor Pete Ricketts has been our champion in the state of Nebraska on fighting the creation of the Kansas Nebraska NHA because of the NEPA regulations that come with that designation. I have included a copy of his letter stating that fact.

We also believe that this NEPA Manual can be used to come down on our farmers and ranchers to regulate, fine and harass them off their farms and ranches by making the regulations so strict and the fines so steep that they will not be able to make a living or will just become frustrated with the harassment. The term for this is regulatory takings. This technique has and is used out west to get the farmers and ranchers to move out. The manual also becomes a tool to fill the 30 x 30 EO plan to place 30% of all land and water into permanent no human contact "conservation" by 2030 because once you harass the farmers and ranchers out, the towns they support will completely die out and people will move thereby making it much easier for the government to implement that executive order.

These egregious regulations are only one but very important reason why we are before this committee today. We are asking you to pass legislation to restrict the federal government from creating federal boundaries and jurisdiction, thereby removing the State's right to govern private property rights within the State of Kansas. We believe that the County Commissioners should be able to vote on whether to become part of an NHA and we believe above all that the state legislature should also have that right. If we do nothing, I fear the federal government may at one point decide to place a federal designation on the whole state of Kansas as has been done to the state of Tennessee. If you combine the Freedom's Frontier NHA with what the proposed Kansas Nebraska NHA would have been, over half of the state would have been an NHA. The federal government works very slowly and incrementally so as not to let you notice what they are doing and by leaving these regulations in place over our farmers and ranchers we are leaving a big wide door open to welcome them in. Please help us close that door.

I am including the NEPA Manual for National Heritage Areas, Freedom's Frontier National Heritage Area's Endangered Species Map and Gov., now Senator Ricketts's Letter of Non-Support for the Kansas Nebraska NHA.

Thank you for letting me present this testimony before you today and taking time to have this hearing.

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