



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS, ENERGY AND ENVIRONMENT
CENTRAL REGION
601 EAST 12TH STREET, SUITE 0417
KANSAS CITY, MO 64106-2896

March 12, 2012

Re: House Bill 2587

Honorable Larry Powell
Kansas House of Representatives
Kansas State Capitol
300 SW 10th Street, Room 149-S
Topeka, KS 66612

Dear Representative Powell:

As the Department of Defense, Regional Environmental Coordinator for Standard Federal Region VII, which includes the State of Kansas, I am writing to you in opposition to the proposed amendments to K.S.A. 58-3811(d) contained in House Bill 2587, currently before your Agricultural & Natural Resources Committee.

The deleterious impacts of incompatible land use adjacent to vital military installations throughout the U.S. have long been a concern of the Department of Defense. The magnitude of this problem, commonly referred to as encroachment, is so great that the Department asked Congress to authorize and fund the Readiness and Environmental Protection Initiative (REPI) in 2002 to assist military installations in purchasing development rights on property adjacent to vital training areas and ranges, or on property that would provide habitat for threatened or endangered species that could limit the use of DoD property.

The military's need to train as we fight, employing modern weapons systems in live-fire training of our soldiers, sailors, marines and airmen is critical to readiness and our ability to execute our national security mission. Incompatible development jeopardizes our capacity to conduct realistic training day and night by forcing military installations to "buffer" our ranges, airfields, etc., within the boundaries of an installation – leaving far less land and airspace open to training and testing. At some point, this trend so severely limits the usefulness of a military base that the DoD is forced to shutter the facility and move training and testing operations elsewhere.

Beginning in 2004, the Department began obtaining REPI conservation easements from willing sellers in order to preserve critical buffer areas near our military installations. I have enclosed a brief fact sheet that discusses the efforts of Fort Riley to employ the Army Compatible Use Buffers (ACUB) to help preserve and sustain not only the training capabilities of that post, but to enable

House Ag. & Natural Resources
March 15, 2012
Attachment 3

neighboring property owners to preserve farm and ranchlands for those purposes in perpetuity.

Congress strongly supports the REPI Program. Each year, it has raised the appropriation for REPI from its original \$12.5 million for 2005 to \$100 million for 2011. Thus far, for completed transactions, DoD's \$219.1 million investment in the program has attracted over \$261 million in partner contributions. With its ability to leverage other funding, REPI has proven to be a cost-effective tool in protecting mission capabilities that are at risk.

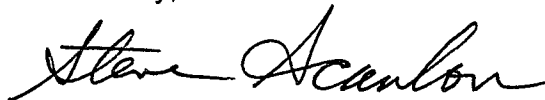
Since the program's inception, REPI has protected over 174,000 acres of buffer land in 59 locations in 23 states, to include nearly 10,000 acres in Kansas, as depicted in the enclosed fact sheet. As currently proposed, HB 2587 would have a severe negative impact on one of our most effective tools to address encroachment.

It is important to note that K.S.A. §58-3810 thru §58-3812 are based on the Uniform Conservation Easement Act as published by the National Conference of Commissioners on Uniform State Laws (NCCUSL). With Kansas being one of the 21 states which have enacted the Uniform Act, modifications would be better addressed at the national level with NCCUSL.

In closing, I would call to your attention the fact that the lands protected by REPI buffers are not owned by the military nor used for the purposes of military training or testing. For the military, they serve as compatible land use buffers, and may also be used to reduce on-base habitat restriction requirements by protecting additional off-base species habitat.

Although, the DoD is opposed to HB 2587, I welcome the opportunity to work with you and your committee on this and any future matter that may affect Defense installations and agencies in the state of Kansas. I am requesting that you share this letter with the other members of your committee. If you have any questions, please feel free to contact me by telephone at (816) 389-3445, or e-mail at stephen.c.scanlon@us.army.mil. I thank you for the opportunity to comment on H.B. 2587 and would appreciate it if you would share this letter with members of your committee.

Sincerely,



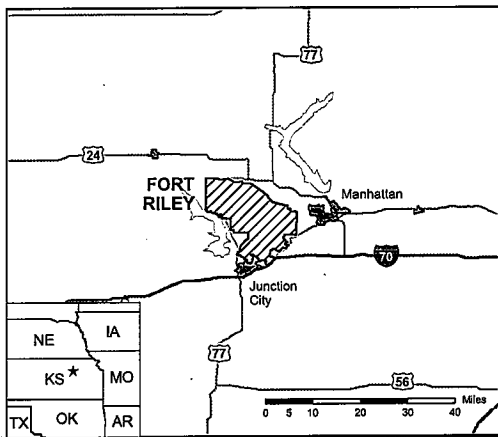
Stephen C. Scanlon
DoD Regional Environmental Coordinator,
Region VII

U.S. ARMY :

FORT RILEY : KANSAS



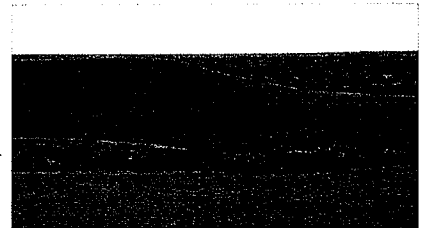
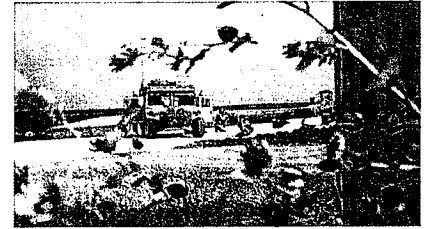
Working lands owned by ranchers near Fort Riley provide a situation that is conducive to maintaining ideal training conditions on-post. Located in northeastern Kansas, Fort Riley trains over 30,000 soldiers predominantly in live-fire exercises and vehicle maneuver training in which every weapons system in a heavy artillery division's inventory may be fired. Such training generates significant amounts of noise, so for Fort Riley's mission to continue, development around the post must remain compatible with this requirement.



Building on an early partnership between the U.S. Department of Agriculture's Natural Resources Conservation Service and the Department of Defense, the post is sustaining the military mission and providing far-reaching benefits to the community's way of life. Together with the Kansas Land Trust, the partners are protecting family-owned ranches consisting

of prime soils and the largest remaining tracts of native tallgrass prairie in Kansas. Preserving the most altered ecological community in North America helps buffer important high-noise activities such as Howitzer and demolition training.

Also of note at Fort Riley was an effort that prevented the incompatible siting of a 100-turbine wind farm project that would have interfered with the operation of a Digital Airport Surveillance Radar station at Marshall Army Air Field. All told, the post's efforts help allow combined air and ground operations to continue and to protect the disappearing tallgrass prairie rangelands.



Open space (above) preserved near Fort Riley preserves local character and allows ground vehicle maneuver training (top) to continue.

KEY PARTNERS

- Kansas Land Trust
- U.S. Department of Agriculture-Natural Resources Conservation Service
- Kansas Department of Natural Resources
- The Nature Conservancy

FAST FACTS AS OF 30 SEP 10

- » Acres preserved: **9,299**
- » Transactions conducted: **7**
- » Partner cost share: **38%**

BENEFIT SUMMARY

COMMUNITY

- Protects working lands and local character that benefit the economy
- Supports existing regional planning efforts, including the development of a Joint Use Land Study to better coordinate planning efforts among various government entities

MILITARY

- Protects live-fire artillery, ground vehicle maneuver, helicopter, and night flying training that produces significant amounts of noise or requires minimal light pollution
- Prevents the loss of training days and less-realistic workarounds
- Provides for future mission growth and multi-Service efforts

CONTACT

Public Affairs Office
(785) 239-3410

House Ag. & Natural Resources
March 15, 2012
Attachment 3-2