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The Honorable Dan Kerschen, Chairman
Senate Agriculture & Natural Resource Committee

Re: SB 405

Dear Senator Kerschen:

This is my written testimony opposing SB 405 affecting separation requirements for chicken operations.

I am a lawyer in private practice in Coldwater, Kansas. I have practiced 32 years in South Central, Kansas, primarily representing farmers, ranchers and other landowners.

SB 405 should be rejected as an effort to erode separation distance protection for rural Kansans.

The Kansas region where I live and practice has experienced ever-growing investment in recreational land use. Recreational value depends on ample water and aesthetics. Large confined animal feeding operations threaten recreational opportunities which most farmers and ranchers in this area now financially depend on. Not only for valuable hunting leases, but for selling opportunities. Family farms in need of capital actually sell recreational tracts (which have high value) to subsidize their farm operation. Recreational land sales have significantly increased land values which has benefited farmers and ranchers by increasing equity position for operating and borrowing.

Recreational investors employ local farmers and ranchers as guides, or to set up and monitor feeders or establish feeding plots. Some farm/ranchers report making more money from hunting services than their ag operation.

Recreational investors purchase and rehabilitate older homes in our rural communities and have also built new cabins and houses using local contractors and suppliers. They eat at local cafes and are generous with their money. They do not demand public subsidies, tax rebates, abatement, free public services and free land.

Erosion of separation requirements threatens our rural economy which depends on ample water and aesthetics to attract recreational investors and maintain strong land values. Allowing a confined feeding facility to be located closer to a recreational investor's new cabin will not inspire more recreational investment. And it is farce to suggest that large confined feeding operations are compatible with protecting our limited water supply and aesthetics.

There is also concern about the impact of large confined feeding operations on opportunities for farmers and ranchers relating to wind and solar farm leasing – which can be lucrative. Does existence of a large confined feeding operation effectively preclude development of wind and solar energy facilities and related high voltage infrastructure on nearby land? Even if such projects are not the subject of statutory separation distances, legislation encouraging development of large confined feeding operations could harm local landowners by denying them opportunity to participate in lucrative wind and solar energy projects.

Statutory separation distances should not be diluted.

Thank you.



Charles H. Herd

CHH/jh