

MAR 16 2011

SENATE CONCURRENT RESOLUTION

REQUESTING THAT THE LEGACY LAND CONSERVATION COMMISSION APPLY A CONSERVATION EASEMENT AS DEFINED IN SECTION 198-1, HAWAII REVISED STATUTES, TO LAND ACQUIRED PURSUANT TO THE LEGACY LAND CONSERVATION PROGRAM.

1 WHEREAS, the Legacy Lands Conservation Program established
2 pursuant to chapter 173A, Hawaii Revised Statutes, serves the
3 important purpose of preserving land that has natural,
4 environmental, recreational, scenic, cultural, agricultural, or
5 historic value; and

6
7 WHEREAS, issues that have arisen in the implementation of
8 the Legacy Land Conservation Program may impact the fulfillment
9 of the purpose of the Legacy Land Conservation Program; and

10
11 WHEREAS, the State invests significant amounts of public
12 money in the acquisition of land under the Legacy Land
13 Conservation Program; and

14
15 WHEREAS, under the current law, the Board of Land and
16 Natural Resources is empowered, although not required, to impose
17 a conservation easement as defined in section 198-1, Hawaii
18 Revised Statutes, on land acquired under the Legacy Land
19 Conservation Program for the purpose of ensuring the long-term
20 protection of the land and preservation of the interests of the
21 State; and

22
23 WHEREAS, a conservation easement imposed by the Board of
24 Land and Natural Resources creates an interest in the land on
25 the part of the State to enable the preservation and protection
26 of natural, scenic, forested, or open-space conditions;
27 structural integrity and physical appearance of cultural
28 landscapes, resources, and sites that perpetuate indigenous
29 Native Hawaiian culture; historical properties; traditional
30 family cemeteries; and agricultural uses that persist through
31 the later disposition of the land; and



1
 2 WHEREAS, the purpose and functions of a conservation
 3 easement imposed pursuant to section 198-1, Hawaii Revised
 4 Statutes, are consistent with the purpose of the Legacy Land
 5 Conservation Program; now, therefore,
 6

7 BE IT RESOLVED by the Senate of the Twenty-sixth
 8 Legislature of the State of Hawaii, Regular Session of 2011, the
 9 House of Representatives concurring, that the Board of Land and
 10 Natural Resources is requested to impose a conservation easement
 11 as defined in section 198-1, Hawaii Revised Statutes, on all
 12 land acquired under the Legacy Land Conservation Program as
 13 provided in section 173A-4, Hawaii Revised Statutes, including
 14 land acquired prior to the date of adoption of this measure to
 15 which the State retains title; and
 16

17 BE IT FURTHER RESOLVED that certified copies of this
 18 Concurrent Resolution be transmitted to the Chairperson of the
 19 Board of Land and Natural Resources and Chairperson of the
 20 Legacy Land Conservation Commission.
 21
 22
 23

OFFERED BY:

Pohai
John Gish
Mike Gattard
SR
Dana Lutz

