

JAN 17 2014

A BILL FOR AN ACT

RELATING TO CONSERVATION EASEMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Research indicates that the sea level has risen
2 in Hawaii at a rate of approximately .06 inches per decade over
3 the past century. Worldwide, the rate of sea level rise has
4 doubled since 1990. Long term sea level rise has contributed
5 to, and will continue to contribute to, ongoing coastal erosion,
6 coastal flooding, and drainage problems. Although waves,
7 currents, and human activities are the principal cause of
8 erosion, a rise in sea level accelerates and expands erosion,
9 impacting beaches that were once stable and affecting developed
10 communities that rely on their beaches as a protective buffer
11 from the sea.

12 Hawaii is expected to experience a sea level rise of one
13 foot by 2050 and three feet by the end of the century. A sea
14 level rise of this magnitude poses significant economic, social,
15 and environmental challenges. Coastal highways, sewage lines,
16 airport runways, and other public infrastructure may require
17 costly relocation or rebuilding. These challenges require
18 leadership and bold action by state and local governments to



1 successfully adapt to rising sea levels in the coming decades.
2 Such leadership and action is required not only to address the
3 myriad challenges posed by sea-level rise in Hawaii, but also to
4 implement measures that draw on the strengths of island
5 communities to adapt to a changing world.

6 The purpose of this Act is to authorize public bodies and
7 nonprofit organizations to hold conservation easements for the
8 purpose of preserving and protecting life and property from
9 coastal hazards and inundation due to climate change and sea
10 level rise.

11 SECTION 2. Section 198-1, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§198-1 Conservation easement defined.** For the purposes
14 of this chapter, a "conservation easement" is an interest in
15 real property created by deed, restrictions, covenants, or
16 conditions, the purpose of which is to:

- 17 (1) Preserve and protect land predominantly in its
18 natural, scenic, forested, or open-space condition;
- 19 (2) Preserve and protect the structural integrity and
20 physical appearance of cultural landscapes, resources,
21 and sites ~~[which]~~ that perpetuate indigenous native
22 Hawaiian culture;



- 1 (3) Preserve and protect historic properties as defined in
- 2 section 6E-2, and traditional and family cemeteries;
- 3 [~~or~~]
- 4 (4) Preserve and protect land for agricultural use~~[or]~~; or
- 5 (5) Preserve and protect life and property from coastal
- 6 hazards and inundation due to climate change and sea
- 7 level rise."

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Sharonne Chun Oakland

S.B. NO. 2392

Report Title:

Conservation Easements; Climate Change; Sea Level Rise

Description:

Amends the definition of conservation easement to include the preservation and protection of life and property from coastal hazards and inundation due to climate change and sea level rise.

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