

SB2392

SB2392



Submit Testimony

Measure Title: RELATING TO CONSERVATION EASEMENTS.

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.

Companion:

Package: None

Current Referral: WTL/ENE

Introducer(s): L. THIELEN, CHUN OAKLAND, Baker, English, Gabbard, Galuteria, Green

Sort by Date		Status Text
1/17/2014	S	Introduced.
1/21/2014	S	Passed First Reading.
1/21/2014	S	Referred to WTL/ENE.
2/5/2014	S	The committee(s) on WTL/ENE has scheduled a public hearing on 02-12-14 1:15PM in conference room 225.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committees on
WATER AND LAND
and
ENERGY AND ENVIRONMENT**

**Wednesday, February 12, 2014
1:15 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 2392
RELATING TO CONSERVATION EASEMENTS**

Senate Bill 2392 proposes to amend 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. **The Department of Land and Natural Resources (Department) opposes this bill.**

The Department strongly supports the adaptation of existing conservation tools and programs to account for and counter the effects of climate change; however, the language of Senate Bill 2392 may allow the use of a conservation tool for non-conservation purposes. A conservation easement is a property interest held by public agencies and nonprofit organizations to protect natural, cultural, and agricultural resources on private lands for the public benefit. The reference to protection of "life and property" within Senate Bill 2392; however, appears to authorize the use of conservation easements to protect privately-owned coastal properties, effectively resulting in the use of public funds for a private benefit. The Department does support the protection of life and property as part of civil defense functions.

Thank you for the opportunity to comment.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

THE TRUST *for* PUBLIC LAND

C O N S E R V I N G L A N D F O R P E O P L E

**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF THE INTENT OF SB
2392 RELATING TO CONSERVATION EASEMENTS
Senate Committees on Water & Land and Energy & Environment
Wednesday, February 12, 1:15 p.m., Room 225**

The Trust for Public Land supports the intent of SB 2392 relating to conservation easements. This bill proposes to amend Hawai'i's conservation easement law to allow government and non-profit conservation organizations to hold conservation easements to preserve and protect life and property from coastal hazards and inundation due to climate change and sea level rise.

While the Trust for Public Land supports the intent of the bill to adapt to and mitigate the effects of climate change on our coastlines, the proposed amendment raises concerns. In general, the purpose of conservation easements is to protect resources important to the State of Hawai'i – for example, natural forested lands that produce our drinking water, historic and cultural sites that preserve our heritage, and agricultural lands that contribute to our food security. We are not aware of a conservation easement law that specifically authorizes the use of conservation easements to preserve and protect private property. In addition, climate change adaptation and mitigation is one of many important governmental conservation policies. There is no need to single out climate change in the conservation easement law over all other important conservation governmental policies such as protecting watershed that produce our drinking water, preserving habitat for rare species, conserving wetlands that provide flood control, or preventing soil erosion or runoff that will harm corals and nearshore marine waters.

We suggest the proposed amendment be changed to the following language to make it consistent with most conservation easement laws:

(5) Preserve or protect open space pursuant to a delineated federal, state, or local governmental conservation policy.

This language would allow non-profit land conservation organizations and government agencies to use conservation easements to address climate change, as well as other important governmental conservation policies. Although the Trust for Public Land supports the intent of this bill, I will not be able to appear in person to testify.

Mahalo for this opportunity to testify -



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From: mailinglist@capitol.hawaii.gov
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Date: Thursday, February 06, 2014 1:58:47 PM

SB2392

Submitted on: 2/6/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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SB2392

Submitted on: 2/9/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Support.

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