

MAR 16 2011

## SENATE 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

32  
33 WHEREAS, the purpose and functions of a conservation  
34 easement imposed pursuant to section 198-1, Hawaii Revised



Statutes, are consistent with the purpose of the Legacy Land Conservation Program; now, therefore,

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

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources and Chairperson of the Legacy Land Conservation Commission.

OFFERED BY:

*[Handwritten signatures]*  
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