

Substitute for House Resolution No. 6009

By Committee on Agriculture and Natural Resources

2-16

1 A RESOLUTION urging the U.S. Army Corps of Engineers to accept
2 "Life of the Project" conservation easements.

3 WHEREAS, Conservation easements are needed to protect mitigation
4 areas resulting from construction of watershed district flood retarding
5 dams that require constant maintenance and management for an extended
6 period of time; and

7 WHEREAS, The life of the project is defined to include the period
8 of time during which the dam continues to function as a result of
9 maintenance or rehabilitation; and

10 WHEREAS, By definition, the life of the project would, for all
11 practical purposes, equate to perpetuity as described and desired by the
12 Corps; and

13 WHEREAS, It is not necessary for the easement language to state
14 perpetuity as the required term of the easement to effect the goals of the
15 Corps and the landowners; and

16 WHEREAS, Landowners are reluctant to sign perpetuity easements
17 for all time, without limits; and

18 WHEREAS, Whenever the impacted stream, woodland or wetland
19 is returned to its pre-dam condition as agreed to by the Corps, dam owner
20 and landowner, the easement is intended by all interested parties to be
21 terminated; and

22 WHEREAS, The intent to maintain the mitigation easement area the
23 same as is required of the project that created the need for the mitigation
24 area is understood by the dam owner, landowner and the Corps: Now,
25 therefore,

26 *Be it resolved by the House of Representatives of the State of*
27 *Kansas:* That the members of the Kansas House of Representatives stand
28 in support of efforts to convince the U.S. Army Corps of Engineers to
29 accept conservation easement language for the "Life of the Project" and
30 not for perpetuity; and

31 *Be it further resolved:* That the Chief Clerk of the House of
32 Representatives be directed to send enrolled copies of this resolution to
33 the Secretary of Defense, the Speaker of the United States House of
34 Representatives, the United States Senate Majority Leader, the United
35 States Senate Republican Leader, and each member of the Kansas
36 Congressional Delegation.