

SUBSTITUTE FOR HOUSE RESOLUTION NO. 6009

By Committee on Agriculture and Natural Resources

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

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

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

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

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

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

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

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

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

and

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