

## 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*  
6 *extended period of time; and*

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

10 *WHEREAS, By definition, the life of the project would therefore equate*  
11 *to perpetuity; and*

12 *WHEREAS, Since the terms would be equal, it is not necessary for the*  
13 *easement language to state perpetuity as the required term of the*  
14 *easement; and*

15 *WHEREAS, Landowners are reluctant to sign perpetuity easements for*  
16 *a period of time without limits; and*

17 *WHEREAS, Whenever the impacted stream, woodland or wetland is*  
18 *returned to its pre-dam condition as agreed to by the Corps, dam owner*  
19 *and landowner, the easement would be terminated; and*

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

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

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

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