

**HAWAII REVISED STATUTES PERTAINING  
TO HISTORIC PRESERVATION**

**[CHAPTER 198]  
CONSERVATION EASEMENTS**

**SECTION**

- 198-1 CONSERVATION EASEMENT DEFINED
- 198-2 NATURE
- 198-3 HOLDERS
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- 198-5 ENFORCEMENT OF EASEMENT
- 198-6 CONSTRUCTION

**Cross References**

Public access to coastal and inland recreational areas, see chapter 115.

**[§198-1] Conservation easement defined.** For the purposes of this chapter, a "conservation easement" is an interest in real property created by deed, restrictions, covenants, or conditions, the purpose of which is to preserve and protect land predominantly in its natural, scenic, forested, or open-space condition. [L 1985,c 149, pt of §1]

**[§198-2] Nature.** (a) A conservation easement is freely transferable in whole or in part for the purposes stated in section 198-1 by any lawful method for the transfer of interests in real property in this State.

(b) A conservation easement shall be perpetual in duration.

(c) A conservation easement shall not be deemed personal in nature and shall constitute an interest in real property notwithstanding the fact that it may be negative in character.

(d) The particular characteristics of a conservation easement shall be those granted or specified in the instrument creating or transferring the easement. [L 1985, c 149, pt of §1]

**[§198-3] Holders.** Any public body and any organization which qualifies for and holds an income tax exemption under section 501(c) of the federal Internal Revenue Code of 1954, as amended, and whose organizational purposes are designed to facilitate the purposes of this chapter, may acquire and hold conservation easements by purchase, agreement, donation, devise, or bequest, but not by eminent domain. [L 1985, c 149, pt of §1]

**[§198-4] Recordation.** Instruments creating, assigning, or otherwise transferring conservation easements shall be recorded in the bureau of conveyances, or the land court, as the case may be, and such instruments shall be subject in all respects to the requirements of chapters 501 and 502. [L 1985, c 149, pt of §1]