§ 49-0203. State land acquisition policy.

1. The purpose of the land acquisition program of the department and the office is to provide for the conservation, protection, and preservation of open space, natural, historic and cultural resources and the enhancement of recreational opportunities.

2. The department and the office shall first consider in each acquisition whether acquisition of conservation easement or other less than full fee title interests would fulfill the purposes for which the particular acquisition is sought. If it is determined that a conservation easement or other interest would fulfill such purposes, the department or the office will use its best efforts to acquire such easement or interest, where practicable.

3. The department and the office shall consider future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable.

4. It is the policy of the state, acting through the department and the office, to pursue acquisitions through voluntary agreement to the maximum extent practicable to achieve the purposes of this article. Accordingly, the process of eminent domain shall only be used when reasonable efforts to obtain a voluntary agreement have been exhausted. Notwithstanding any provision of law to the contrary, the department and the office shall tender to the owner of any lands proposed for acquisition by eminent domain an offer to purchase such lands for the value thereof as determined by the department or the office in accordance with section three hundred three of the eminent domain procedure law. Such offer must have been made for at least ninety days before the department or office makes a finding pursuant to article two of the eminent domain procedure law to acquire the land by eminent domain; however, such ninety day period shall not be required in those cases in which the respective commissioner has made a written determination that there is a significant risk of immediate and irreversible environmental degradation. In the event that the department

or office undertakes the process of eminent domain and prior to the public hearing required by section two hundred one of the eminent domain procedure law, the respective commissioner shall give notice of such undertaking to the state land acquisition advisory council, created pursuant to section 49-0211 of this title. The foregoing provisions of this paragraph shall not apply to lands acquired pursuant to article sixteen or title thirteen of article twenty-seven of this chapter or lands with respect to which the owner has consented to the use of eminent domain or where the use of eminent domain is required to quiet title.

The commissioners shall also provide the state land acquisition advisory council with the determinations and findings required by section two hundred four of the eminent domain procedure law.