

Sixty-second
Legislative Assembly
of North Dakota

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3026**

Introduced by

Representatives Headland, Belter, Brandenburg

Senators Miller, Uglen, Wanzek

1 A concurrent resolution urging Congress to require renegotiation of United States Fish and
2 Wildlife Service wetlands easements.

3 **WHEREAS**, many United States Fish and Wildlife Service easements were acquired
4 without consideration of the detrimental impact the easement may have on an individual's
5 farming operations; and

6 **WHEREAS**, the terms of many wetland easements obtained by representatives of the
7 United States Fish and Wildlife Service were not clearly defined; and

8 **WHEREAS**, many easements are not specifically delineated and have been viewed as
9 covering an entire parcel of property rather than the wetland itself, thus unfairly burdening the
10 farming operations of the property owner; and

11 **WHEREAS**, if wetlands are to be protected to the extent desired by the United States Fish
12 and Wildlife Service, then large volumes of water in surficial, unconfined aquifers in North
13 Dakota will be prevented from being put to beneficial use; and

14 **WHEREAS**, the contemporary interpretation of United States Fish and Wildlife Service
15 wetland easements by the service is outside the scope of the original intent of the easement
16 that was to prevent surface drainage of wetlands; and

17 **WHEREAS**, the United States Fish and Wildlife Service is not following federal court
18 decisions that have been rendered concerning the acquisition of easements by the United
19 States Fish and Wildlife Service; and

20 **WHEREAS**, the state has incurred legal expenses in forcing the United States Fish and
21 Wildlife Service to delineate wetlands; and

22 **WHEREAS**, the creation of wetland easements has resulted in lost tax revenues to political
23 subdivisions as well as devaluation of surrounding real estate; and

1 **WHEREAS**, the ever-changing definition of wetlands by the United States Fish and Wildlife
2 Service has led to uncertainty and the inability of landowners to properly plan for the future in
3 their farming operations; and

4 **WHEREAS**, termination of existing easements and renegotiation or reacquirement of
5 easements would specifically delineate and protect the wetland and thus enhance both
6 protection of the wetland itself and allow the landowner to better manage the landowner's
7 property;

8 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
9 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

10 That the Sixty-second legislative assembly urges the Congress of the United States to
11 require renegotiation of United States Fish and Wildlife Service wetlands easements; and

12 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
13 to the director of the United States Fish and Wildlife Service, the Secretary of the Interior, and to
14 each member of the North Dakota Congressional Delegation.