

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE CONCURRENT RESOLUTION NO. 3026
(Representatives Headland, Belter, Brandenburg)
(Senators Miller, Uglen, Wanzek)

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

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

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

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

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

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

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

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

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

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

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

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

That the Sixty-second Legislative Assembly urges the Congress of the United States to require renegotiation of United States Fish and Wildlife Service wetlands easements; and

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate