

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE CONCURRENT RESOLUTION NO. 3017
(Representatives Brandenburg, Belter, Headland, Kempenich, Schmidt, Boe)
(Senators Schaible, Wanzek, Dotzenrod, O'Connell)

A concurrent resolution urging the United States Fish and Wildlife Service and the United States Department of Agriculture's Natural Resources Conservation Service to fairly administer water management laws and regulations in a manner that allows landowners and tenants certainty and cooperation in the management of these laws and regulations.

WHEREAS, North Dakota agriculture is the state's number one industry and economic engine; and

WHEREAS, orderly water management is critical for agriculture's continued success in the state; and

WHEREAS, orderly water management is vital to soil stewardship and soil health; and

WHEREAS, orderly water management will reduce the number of unproductive acres of cropland, reducing prevent plant acres and decreasing the cost of the crop insurance program, while enhancing crop production for the benefit of the state and the world's population; and

WHEREAS, in the area of proper water management, North Dakota farmers and ranchers have been stymied by the regulatory burden caused by inconsistent and misinterpreted water management laws and regulations; and

WHEREAS, federal agencies, including the United States Department of Agriculture's Natural Resources Conservation Service and the United States Fish and Wildlife Service have perpetuated an environment of overregulation and misinterpretation of water management laws and regulations, instead of an environment of cooperation and assistance to North Dakota farmers and ranchers; and

WHEREAS, the Natural Resources Conservation Service and the Fish and Wildlife Service have made questionable "year specific" wetland conversion determinations without reasonable review of the historic rainfall events and the erosion of the rainfall events that have affected this state since 1992; and

WHEREAS, producers in this state have several hundred acres of cropland that have been awaiting wetland determinations by the Natural Resources Conservation Service for many years and have in good faith attempted to comply with the now rigorous implementation of an age-old wetlands law; and

WHEREAS, the Natural Resources Conservation Service and the Fish and Wildlife Service need to consider the emotional and financial well-being of the farmers, ranchers, landowners, and tenants being charged with purported wetland violations; and

WHEREAS, the United States Department of Agriculture's Farm Service Agency's relief authority, otherwise known as good-faith effort determinations, and reinstatement of benefits should not be bound by limitations on the number of good-faith effort determinations provided; and

WHEREAS, this state has the governmental agencies and resources to manage wetlands; and

WHEREAS, the waterfowl population is stable and secure, and the United States Fish and Wildlife Service should allow this state to manage wetlands within the state's boundaries;

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

That the Sixty-third Legislative Assembly urges the United States Fish and Wildlife Service specifically define all of its easement boundaries and present these easement boundaries to impacted landowners and tenants as soon as possible; and

That the United States Department of Agriculture's Natural Resources Conservation Service more clearly define and more consistently implement their mission statement of "Helping People Help the Land" and apply its rules and regulations accordingly regarding water management in North Dakota; and

That the Natural Resources Conservation Service clearly define, for North Dakota farmers, ranchers, landowners, and tenants, all of the options available for implementing orderly water management strategies; and

That the Natural Resources Conservation Service and Fish and Wildlife Service provide technical assistance to North Dakota farmers, ranchers, landowners, and tenants to achieve orderly water management without fear of retribution or findings of other wetland violations; and

That processes undertaken in regards to orderly water management by the Natural Resources Conservation Service and the Fish and Wildlife Service are completed in a timely fashion; and

That in cases where the Natural Resources Conservation Service and the Fish and Wildlife Service declares an area of land as converted wetlands and impose penalties, these agencies work with farmers, ranchers, landowners, and tenants to correct the unintentional land management practice; and

That in cases of disputes between farmers, ranchers, landowners, and tenants and the Natural Resources Conservation Service and the Fish and Wildlife Service, farmers, ranchers, landowners, and tenants are afforded time to employ corrective action before an official determination of a violation is made; and

That in cases of dispute between the Natural Resources Conservation Service or the Fish and Wildlife Service and farmers, ranchers, landowners, and tenants, the later are afforded mediation through the United States Department of Agriculture and the North Dakota Department of Agriculture and are provided the appeals processes in a timely fashion; and

That in the case of the United States Department of Agriculture's Farm Service Agency's review of relief, also known as good-faith effort determinations, no limitation of the number of good-faith effort determinations should be established for a farmer, rancher, landowner, or tenant due to the Natural Resources Conservation Service's erratic and delayed implementation of wetlands certifications and determinations; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Chairmen and ranking members of the United States Senate and United States House of Representatives Committees on Agriculture, the United States Secretary of Agriculture, the Chief of the United States Department of Agriculture's Natural Resources Conservation Service, the Director of the United States Fish and Wildlife Service, 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