

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE CONCURRENT RESOLUTION NO. 4002
(Senators Conley, Hogue, Thomas, Wanzek)
(Representatives Headland, Lefor)

A concurrent resolution urging Congress to enact legislation allowing a landowner to terminate a perpetual easement owned by the United States Fish and Wildlife Service within the state.

WHEREAS, the Constitution of North Dakota provides all individuals are by nature equally free and independent and have certain inalienable rights, among which are those of acquiring, possessing, and protecting property and reputation; and

WHEREAS, Section 47-05-02.1 of the North Dakota Century Code is evidence of the state's strong aversion to perpetual easements on real property in the state; and

WHEREAS, despite the law limiting perpetual easements, the United States Fish and Wildlife Service owns tens of thousands of perpetual easements in the state covering more than one million acres, many of which are located on agricultural land; and

WHEREAS, under these perpetual easements, the United States Fish and Wildlife Service enforces unduly burdensome federal regulations and requirements; and

WHEREAS, the imposition and enforcement of these federal requirements negatively infringes on basic private property rights, including the ability to drain ponds, plant crops, and conduct ranching operations; and

WHEREAS, landowners subject to these perpetual easements should be afforded the opportunity to terminate the easements by paying to the United States Fish and Wildlife Service the purchase price of the easement on the effective date of the easement;

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

That the Sixty-ninth Legislative Assembly urges Congress to enact legislation allowing a landowner to terminate a perpetual easement owned by the United States Fish and Wildlife Service within the state; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of the Interior, each member of the North Dakota Congressional Delegation, and the Governors of Iowa, Minnesota, Missouri, Montana, North Dakota, and South Dakota.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

Filed in this office this _____ day of _____, 2025,
at _____ o'clock _____ M.

Secretary of State