27.3006.01000

Seventieth
Legislative Assembly
of North Dakota

CONCURRENT RESOLUTION NO.

Introduced by

Representative Hauck

A concurrent resolution urging the United States Fish and Wildlife Service to modify applicable regulations governing drain tile setback distances adjacent to easements owned by the United States Fish and Wildlife Service.

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, North Dakota Century Code Section 47-05-02.1 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 1,000,000 acres, many of which are located on agricultural land; and

WHEREAS, these easements are designed to protect the state's migratory waterfowl habitat, not the farmland of the state; and

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

WHEREAS, the drain tile setback rules for lands adjacent to a wetland subject to a conservation easement owned by the United States Fish and Wildlife Service are significantly and unreasonably more burdensome for farmers than the drain tile setback rules for lands adjacent to a wetland under the swampbuster program administered by the United States Department of Agriculture; and

WHEREAS, the imposition and enforcement of these inconsistent federal requirements negatively infringes on basic private property rights, including the ability to drain ponds and seasonal wet areas, plant crops, conduct ranching operations, effectively respond to changes to the land during wet and dry cycles, and implement practices to improve overall soil health; and

WHEREAS, North Dakota farmers are temporary stewards of the farmland of this state, and such land creates jobs and food security for the residents of this state; and

WHEREAS, of the approximately 876,000,000 acres of farmland in the United States, approximately 382,000,000 acres grows crops that produce food, fuel, feed, and fiber; and

WHEREAS, America's farmland productivity has increased 63 percent over the past 35 years because of technological advances in seed genetics, weed control, fertilizer, and overall soil health restoration practices; and

WHEREAS, because of this stewardship role and technological advancements, farmers need options to manage and increase productivity acres while maintaining areas critical to resident wildlife; and

WHEREAS, the United States Fish and Wildlife Service should modify its rules and regulations to establish the appropriate balance between habitat conservation and crop production;

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

That the Seventieth Legislative Assembly urges the United States Fish and Wildlife Service to modify applicable regulations governing drain tile setback distances adjacent to easements 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, the Director of the United States Fish and Wildlife Service, each member of the North Dakota Congressional Delegation, and the Governors of Iowa, Minnesota, Missouri, Montana, North Dakota, and South Dakota.