

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

HOUSE CONCURRENT RESOLUTION NO. 3018

(Representatives Beltz, Brandenburg, Frelich, Grueneich, Mitskog, Schreiber-Beck, Swiontek, Weisz)
(Senators Sorvaag, Thomas, Wanzek)

A concurrent resolution directing the Legislative Management to consider studying water and wetlands regulations and the taxation of inundated lands in the state.

WHEREAS, the management of water and wetlands resources is a complex issue with significant implications for public health, economic development, and agriculture; and

WHEREAS, determining the boundaries of specific wetlands is imperative to protect both public and private property losses; and

WHEREAS, the jurisdiction over water and wetlands often is unclear and involves multiple levels of government, including federal, state, and local agencies; and

WHEREAS, overlapping jurisdictions can create confusion, delays, and inconsistencies in the regulation and management of water and wetlands; and

WHEREAS, boards of county commissioners are authorized to remove from the tax rolls all inundated lands, often resulting in inconsistent application; and

WHEREAS, seasonal wet areas and meltwater concentrations are considered jurisdictional wetlands by some authorities; and

WHEREAS, despite being a jurisdictional wetland, these areas are nuisance areas where crops cannot grow for most of the year, and only become productive acres after the initial spring runoff; and

WHEREAS, seasonal wet areas can create concentrations of salts and other substances that permanently impair soil and soil productivity; and

WHEREAS, seasonal wet areas become dry in the summer and serve little value as a wildlife habitat; and

WHEREAS, a comprehensive study of the jurisdictional framework is necessary to identify potential conflicts, overlaps, and gaps in authority and tax treatment; and

WHEREAS, a study will provide valuable information to the Legislative Assembly in developing effective and efficient policies for the protection and management of water and wetlands resources; and

WHEREAS, addressing confusion and property disputes caused by the declaration of navigability and property titles deriving from patents issued by the United States will provide valuable information to the Legislative Assembly concerning the determination of lawful ownership and tax treatment;

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

That the Legislative Management shall consider studying water and wetlands regulations and the taxation of inundated lands in the state; and

BE IT FURTHER RESOLVED, that the study must include a review of the different methods to assess and document boundaries for wetlands; an examination of the regulation of water, wetlands, and inundated lands laws of other states; an inventory of all federal, state, and local laws, regulations, and policies relating to the jurisdiction of water and wetlands; an analysis of the environmental protection and public health jurisdictional framework, including an identification of potential conflicts,

overlaps, and gaps in authority; and recommendations for improving the clarity, consistency, and efficiency of the jurisdictional framework in water management; and

BE IT FURTHER RESOLVED, that the study also must explore viable legal options to fill and drain nuisance areas, examine the impacts of seasonal wet areas on agriculture productivity and soil health, and identify the value of these areas to resident wildlife; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Seventieth Legislative Assembly.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

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

Secretary of State