



**North Dakota Grain Growers Association
Testimony in Favor of SCR 4002
Senate Agriculture and Veterans Affairs Committee
January 23, 2025**

Chairman Luick, Members of the Senate Agriculture and Veterans Affairs Committee, for the record my name is Dan Wogsland representing the North Dakota Grain Growers Association.

NDGGA strongly supports Senate Concurrent Resolution No. 4002, which urges Congress to enact legislation allowing landowners to terminate perpetual easements owned by the United States Fish and Wildlife Service (USFWS) within the state.

Reasons for Support:

1. Protecting Private Property Rights

The right to acquire, possess, and protect property is a cornerstone of both North Dakota's Constitution and the principles that guide our agricultural economy. The presence of perpetual easements undermines this foundational right by permanently restricting landowners' ability to manage their land as they see fit.

Many of these perpetual easements were created decades ago under different economic and environmental conditions. Landowners and their heirs should have the ability to reassess and modify their agreements with federal agencies to meet their current needs, particularly as agricultural practices and economic pressures evolve.

2. Burdensome Federal Regulations

Landowners subject to perpetual easements often face undue restrictions that impede critical agricultural activities, such as draining ponds, planting crops, or conducting ranching operations. These restrictions not only hinder productivity but also complicate efforts to adapt to modern farming practices and improve land use efficiency.

By allowing termination of these easements, this resolution provides a path for landowners to regain control of their property while respecting the financial value of the original agreement.

3. Alignment with State Policy

North Dakota has long recognized the dangers of perpetual easements. State law, as reflected in Section 47-05-02.1 of the North Dakota Century Code, explicitly opposes perpetual restrictions on real property. The USFWS's ownership of tens of thousands of perpetual easements in North Dakota contradicts this state policy and places an outsized burden on our agricultural producers.

This resolution reinforces North Dakota's commitment to landowner rights and ensures that federal policies align with the values and priorities of our state.

4. Fair and Reasonable Approach

This resolution proposes a balanced solution by allowing landowners to terminate these easements through reimbursement of the original purchase price. This approach acknowledges the financial investment made by the federal government while restoring the landowner's ability to manage and use their property freely. It is a fair compromise that benefits both parties.

5. Economic Benefits for Agriculture

Allowing landowners to terminate perpetual easements will unlock the full potential of agricultural land currently encumbered by federal restrictions. This will improve productivity, promote sustainable farming practices, and strengthen North Dakota's agricultural economy.

With over one million acres impacted by these easements, the opportunity to terminate them will have significant positive effects on individual farmers, ranchers, and rural communities across the state.

Closing

The NDGGA strongly supports Senate Concurrent Resolution No. 4002 as a critical step toward restoring the rights of landowners and addressing the inequities created by perpetual easements. We urge Congress to act on this resolution and enact legislation that reflects the values of fairness, property rights, and economic opportunity for North Dakota's agricultural producers.

Therefore the North Dakota Grain Growers Association respectfully requests your Do Pass recommendation to SCR 4002 and would urge the full Senate to concur.