# North Dakota Grain Growers Association Testimony before the Interim Agriculture and Natural Resources Committee Study regarding US Fish and Wildlife Service Easement impacts on North Dakota Taxpayers and Infrastructure October 7, 2021

Chairman Lemm, members of the Interim Agriculture and Natural Resources Committee, for the record my name is Dan Wogsland, Executive Director of the North Dakota Grain Growers Association (NDGGA). NDGGA, through our contracts with the North Dakota Wheat Commission and the North Dakota Barley Council, engages in domestic policy issues on the state and federal level on behalf of North Dakota wheat and barley farmers. I am providing testimony for you today on behalf of NDGGA regarding the Legislature's Interim Study of the impacts that US Fish and Wildlife Service easements have on North Dakota landowners, taxpayers and infrastructure. NDGGA supported this study during the 2021 Legislative Session and we applaud the Interim Committee for tackling this very important issue.

Orderly water and land management is critical to the success of North Dakota agriculture. Where other industries invest in their capital assets to maintain and improve their business the same can be said for North Dakota agriculture and its land. Farmland is a farmer's factory; it is the backbone of how North Dakota farmers feed themselves and the world. That said, when a federal agency has perpetual licensed mismanagement rights that negatively impact farmers, their friends and neighbors, and the taxpayers of North Dakota the North Dakota Legislature needs to be apprised of the situation and act accordingly.

Slide number two shows, according to the US Fish and Wildlife Service, the number of acres impacted by US Fish and Wildlife Service easements in North Dakota. For your reference here are the numbers:

The region reported the following North Dakota easement acres (rounded) through FY 2021:

| | |
|---|---|
| Grassland Acres: | 571,388 |
| Wetland Acres: | 998,437 |

Some background:
Between 1961 and 1977, Governors Guy and Link, consented to the acquisition of easements covering approximately 1.5 million acres of wetlands.

Slides four through thirteen:
Where are these acres located? These slides are the most recent US Fish and Wildlife Service map of the easement locations in North Dakota. As you can see, US Fish and Wildlife Service easements are prevalent in most of the counties in North Dakota.

Slide fourteen:
This is a picture of what a US Fish and Wildlife Service easement map looks like with its corresponding pock mark easement definitions. This map, along with hundreds of others, are being disputed by North Dakota landowners because of the hard work of the North Dakota Congressional Delegation. That said, the appeals process lands squarely back to the agency which drew the maps in the first place!

How do these easement designations negatively impact North Dakota landowners? These pock mark designations stymie and eliminate the possibility of orderly water management in the state by landowners, counties, townships and the state itself. That said the strategic placement of these easements, some of which Never expire, allows US Fish and Wildlife Service the ability to negatively dictate to North Dakota landowners and North Dakota state government how orderly water management is accomplished in the state.

Slides fifteen and sixteen:
What are the results of this licensed mismanagement by US Fish and Wildlife Service? These two slides are graphic examples of the cost to landowners, farmers and North Dakota taxpayers because of US Fish and Wildlife Service water mismanagement.

Slide 17 contains some possible action items for the Committee to consider:

1. Hold field hearings in the areas most impacted by US Fish and Wildlife Service easements in North Dakota.
2. Continue to engage with stakeholders and stakeholder groups
3. During the upcoming Special Session, recommend legislation to be acted upon that calls for a moratorium on allowing US Fish and Wildlife Service

easements in North Dakota until such time as this Committee and the North Dakota Legislature ascertains the full impacts the easements have on North Dakota landowners and taxpayers.

Chairman Lemm, members of the Interim Agriculture Committee, now is the time to define what US Fish and Wildlife Service mismanagement has cost the North Dakota public. It is the opinion of the North Dakota Grain Growers Association, based on the observations of our members, that the results you find will stagger the imagination. Thank you for the time today; NDGGA stands ready to help in any way possible to aid the Committee in its deliberations.

NDGGA



Dan Wogsland | Executive Director
North Dakota Grain Growers Association

www.ndgga.com

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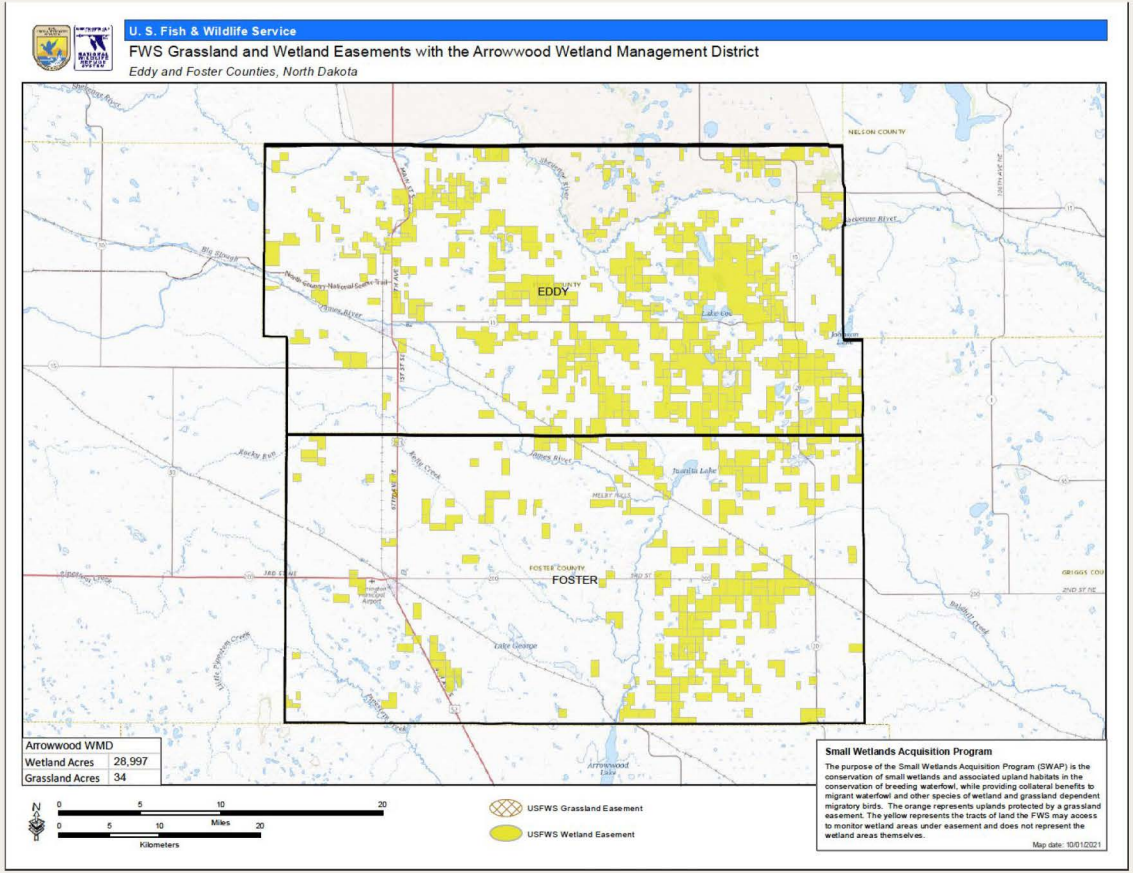
Grassland Acres: 571,388

Wetland Acres: 998,437

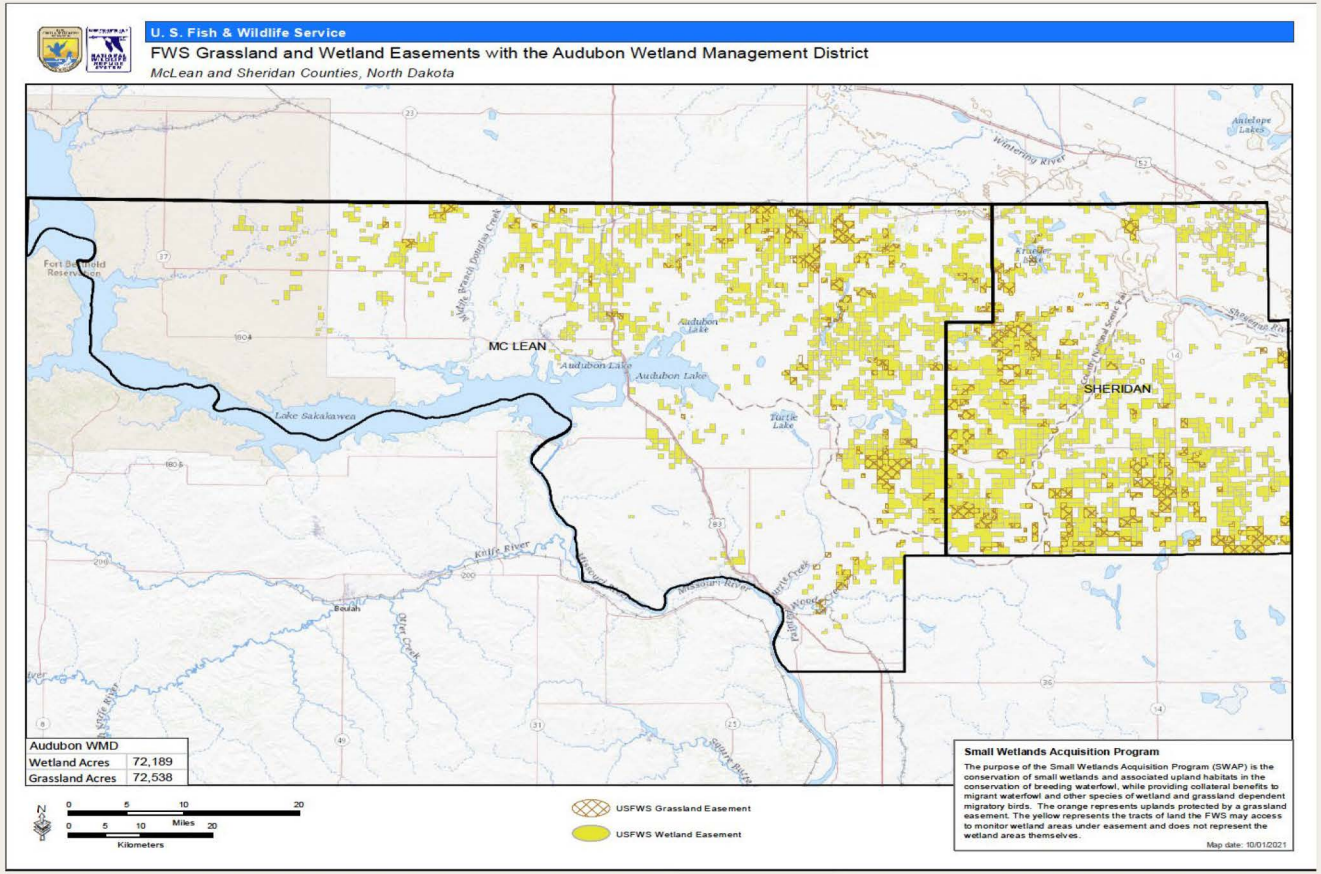
## Some background:

Between 1961 and 1977, Governors Guy and Link, consented to the acquisition of easements covering approximately 1.5 million acres of wetlands.

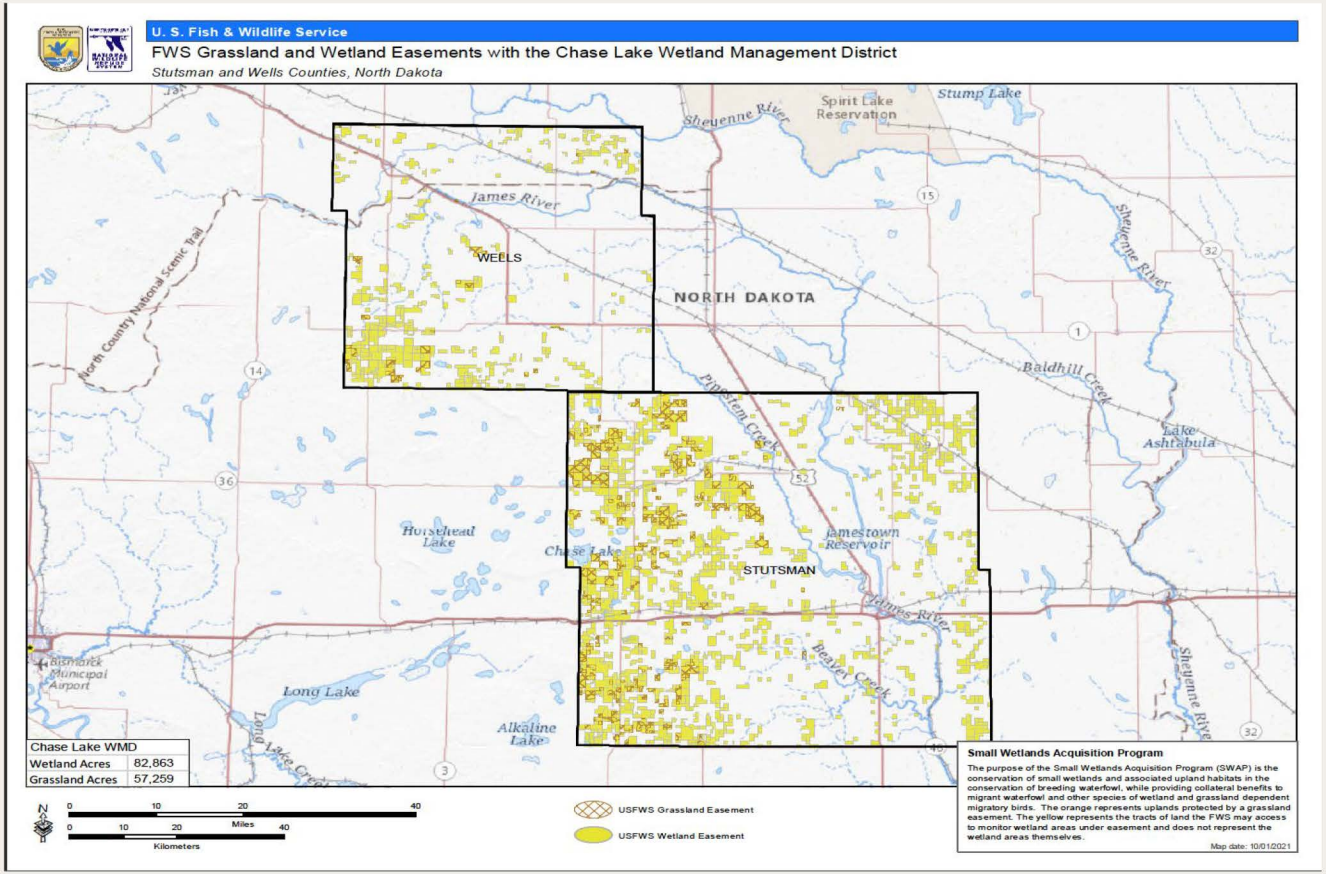
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Arrowwood Wetland Management District
Eddy and Foster Counties, North Dakota
EDDY
FOSTER
NELSON COUNTY
Arrowwood WMD
Wetland Acres 28,997
Grassland Acres 34
Miles
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
The purpose of the Small Wetlands Acquisition Program (SWAP) is the conservation of small wetlands and associated upland habitats in the conservation of breeding waterfowl, while providing collateral benefits to migrant waterfowl and other species of wetland and grassland dependent migratory birds. The orange represents uplands protected by a grassland easement. The yellow represents the tracts of land the FWS may access to monitor wetland areas under easement and does not represent the wetland areas themselves.
Map date: 10/01/2021

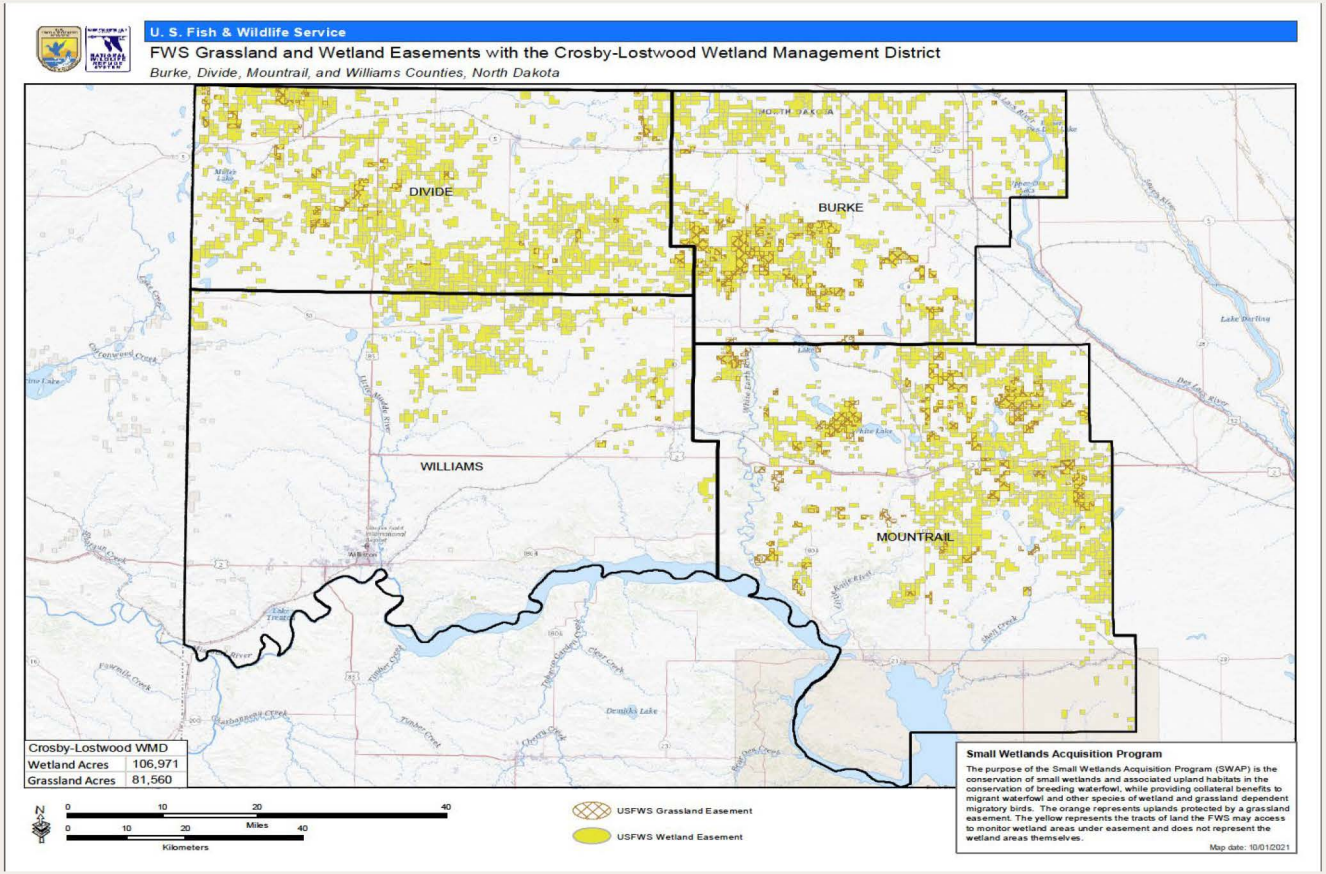
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Audubon Wetland Management District
McLean and Sheridan Counties, North Dakota
MC LEAN
SHERIDAN
Audubon Lake
Lake Sakakawea
Turtle Lake
Antelope Lakes
Wintering River
Knife River
Missouri River
Beulah
Audubon WMD
Wetland Acres 72,189
Grassland Acres 72,538
Miles
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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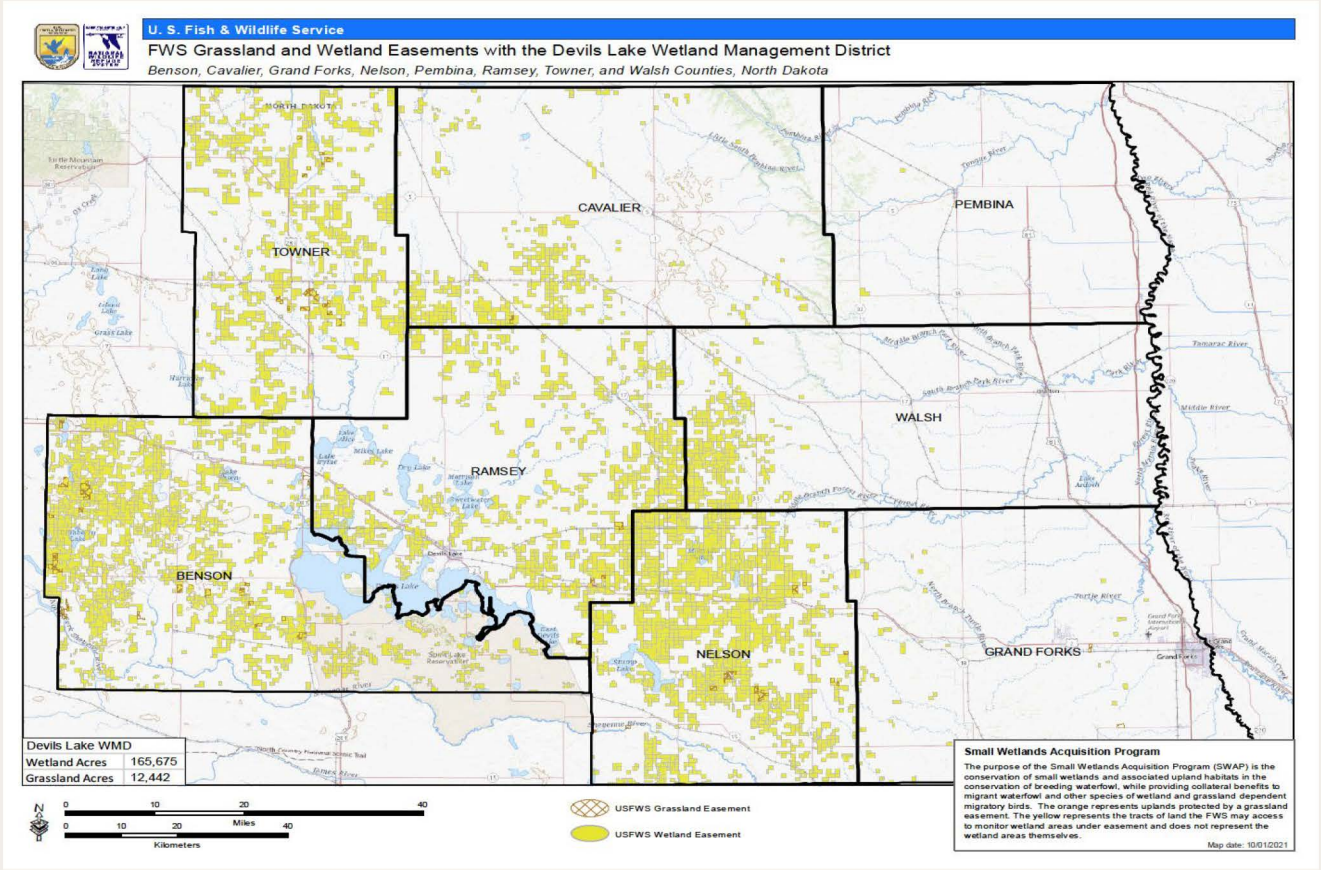
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Chase Lake Wetland Management District
Stutsman and Wells Counties, North Dakota
WELLS
STUTSMAN
NORTH DAKOTA
James River
Sheyenne River
Spirit Lake Reservation
Stump Lake
North Country National Scenic Trail
Baldhill Creek
Lake Ashtabula
Jamestown Reservoir
Pipestem Creek
Horsehead Lake
Chase Lake
Bismarck Municipal Airport
Long Lake
Alkaline Lake
Beaver Creek
Chase Lake WMD
Wetland Acres 82,863
Grassland Acres 57,259
Miles
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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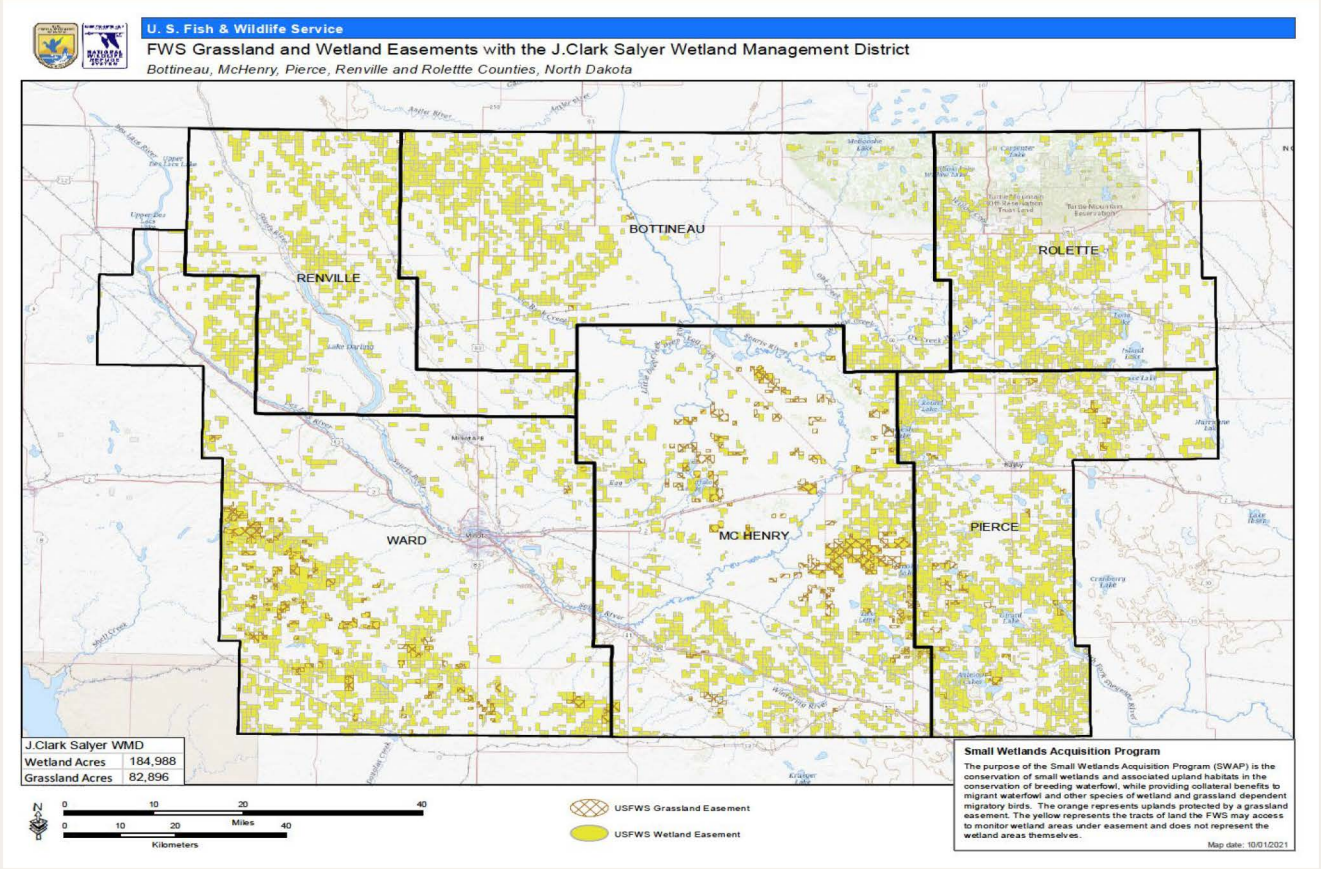
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Crosby-Lostwood Wetland Management District
Burke, Divide, Mountrail, and Williams Counties, North Dakota
DIVIDE
BURKE
WILLIAMS
MOUNTRAIL
Crosby-Lostwood WMD
Wetland Acres 106,971
Grassland Acres 81,560
0 10 20 40
Miles
0 10 20 40
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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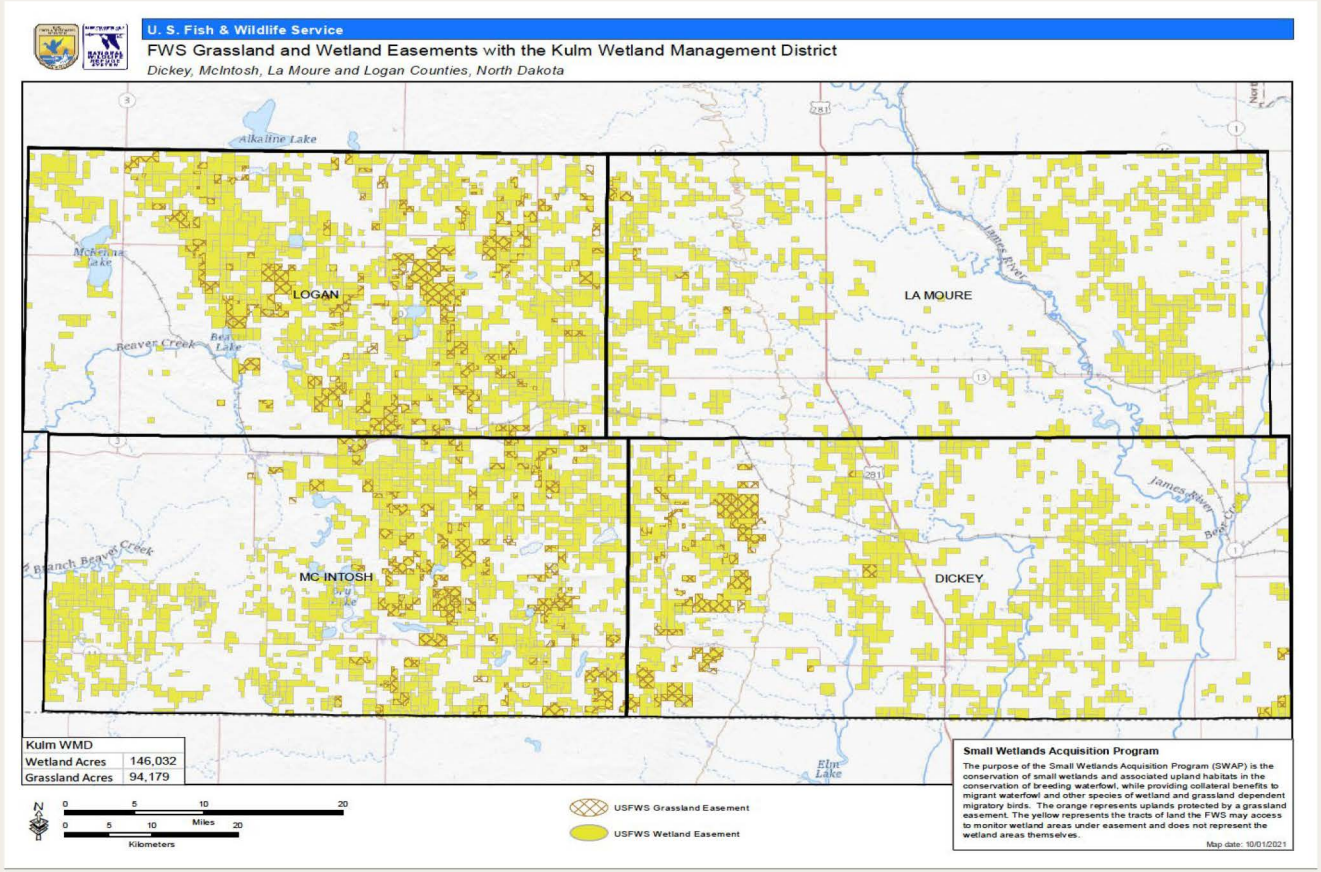
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Devils Lake Wetland Management District
Benson, Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Towner, and Walsh Counties, North Dakota
CAVALIER
PEMBINA
TOWNER
WALSH
RAMSEY
BENSON
NELSON
GRAND FORKS
Devils Lake WMD
Wetland Acres 165,675
Grassland Acres 12,442
0 10 20 40
Miles
0 10 20 40
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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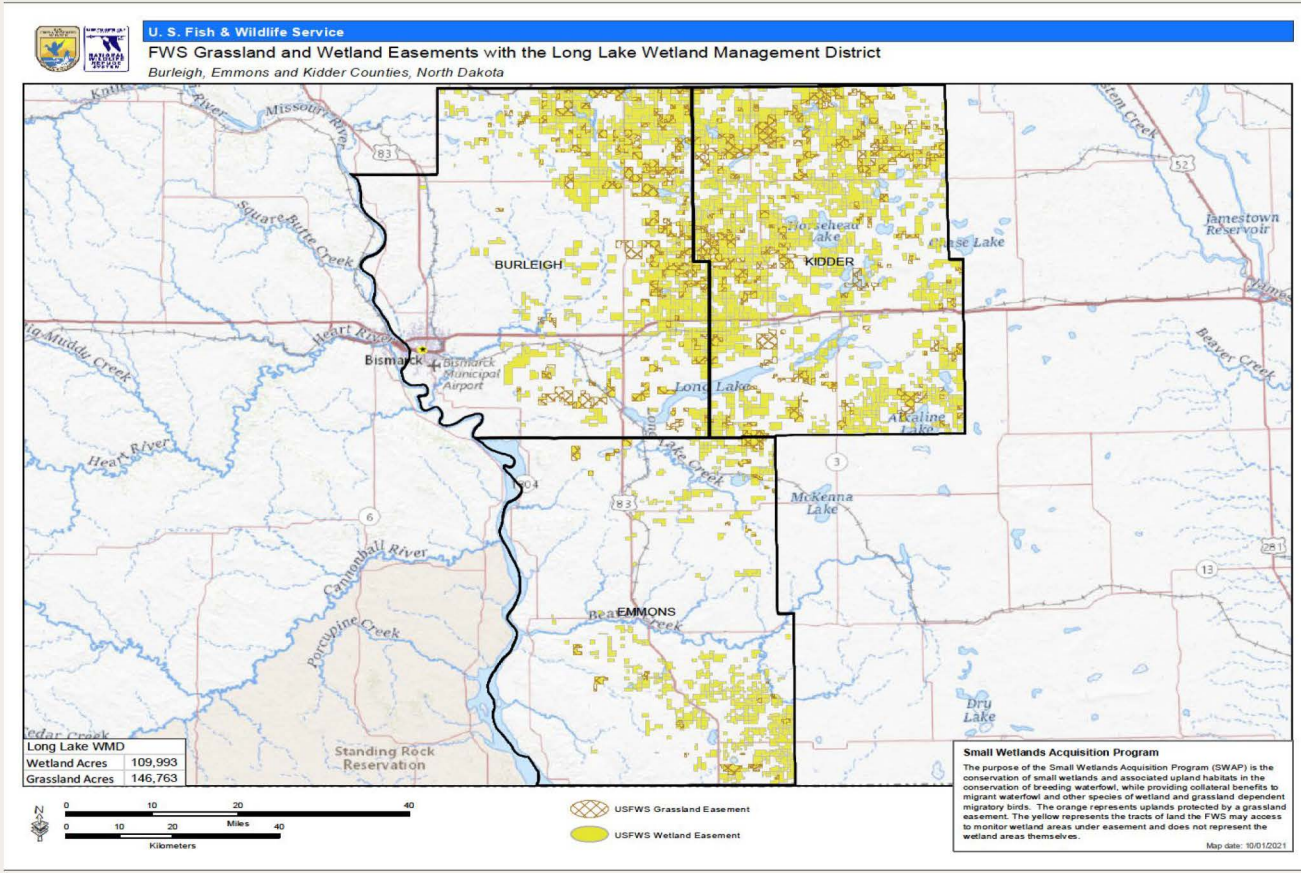
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the J.Clark Salyer Wetland Management District
Bottineau, McHenry, Pierce, Renville and Rolette Counties, North Dakota
BOTTINEAU
ROLETTE
RENVILLE
WARD
MC HENRY
PIERCE
J.Clark Salyer WMD
Wetland Acres 184,988
Grassland Acres 82,896
0 10 20 40
Miles
0 10 20 40
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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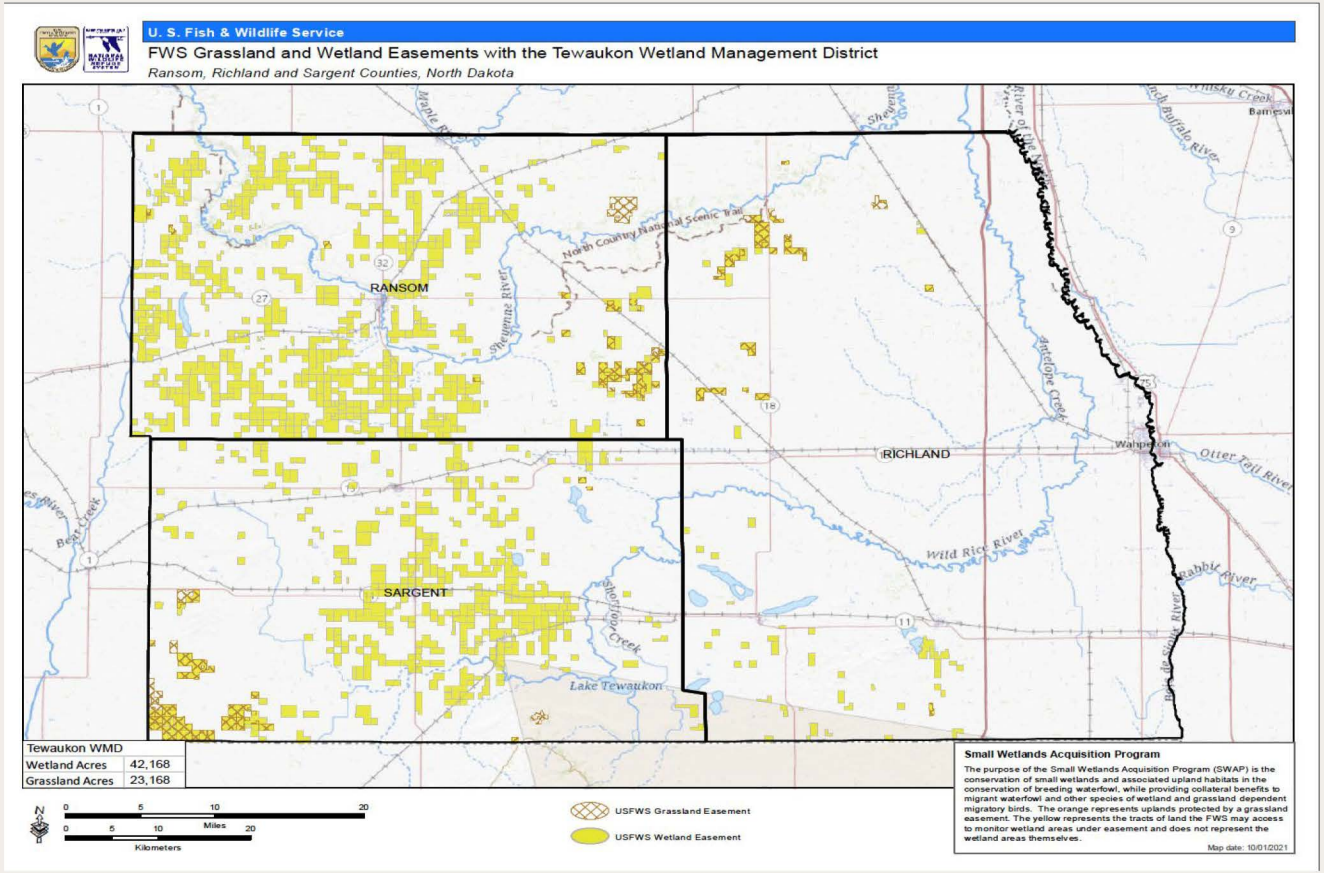
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Kulm Wetland Management District
Dickey, McIntosh, La Moure and Logan Counties, North Dakota
Alkaline Lake
McKenna Lake
Beaver Creek
Bear Lake
LOGAN
LA MOURE
James River
MC INTOSH
DICKEY
Elm Lake
Kulm WMD
Wetland Acres 146,032
Grassland Acres 94,179
N
0 5 10 20
Miles
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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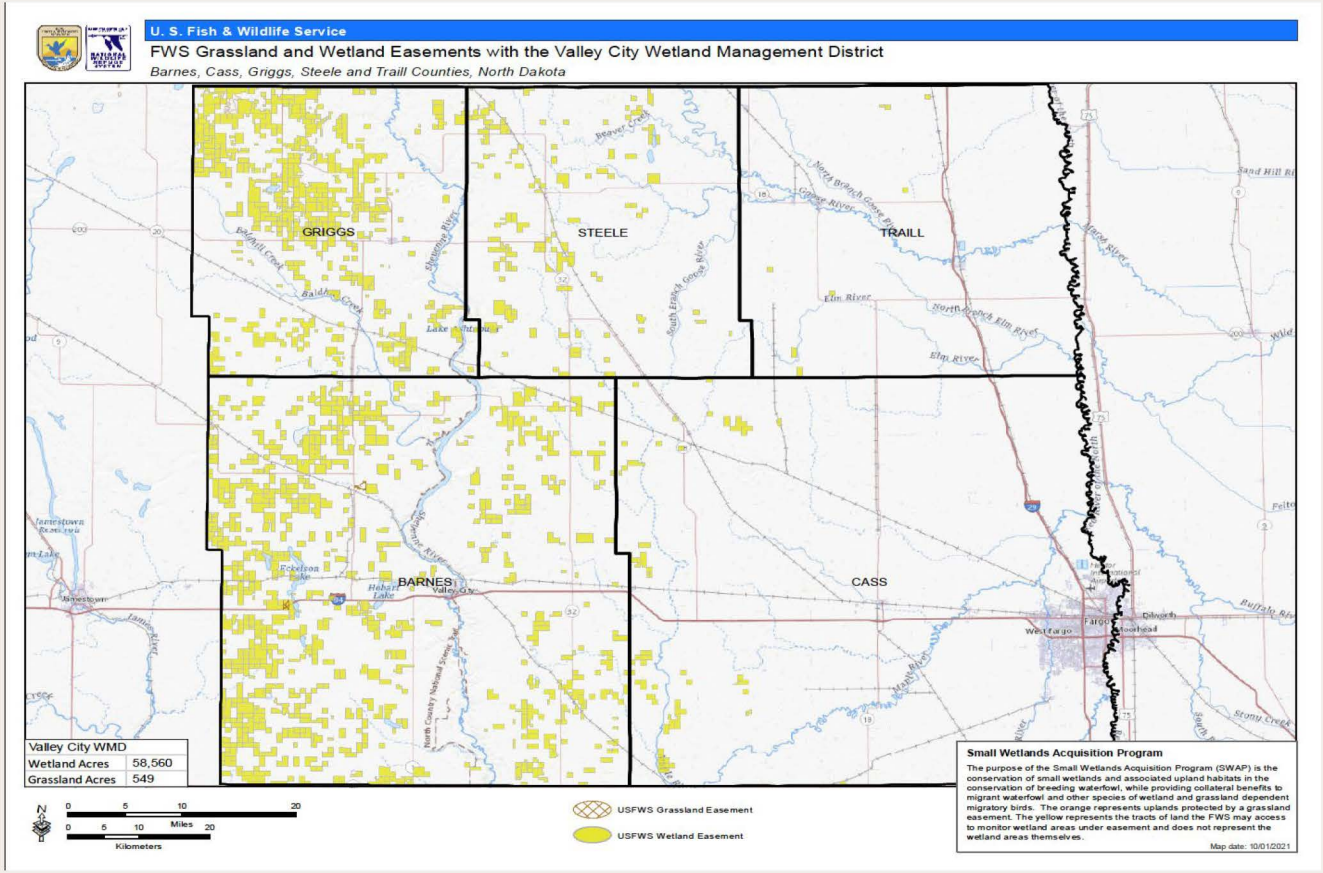
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Long Lake Wetland Management District
Burleigh, Emmons and Kidder Counties, North Dakota
BURLEIGH
KIDDER
EMMONS
Bismarck
Bismarck Municipal Airport
Missouri River
Square Butte Creek
Heart River
Big Muddy Creek
Cannonball River
Porcupine Creek
Long Lake
Jamestown Reservoir
Beaver Creek
Lake Creek
McKenna Lake
Dry Lake
Standing Rock Reservation
Long Lake WMD
Wetland Acres 109,993
Grassland Acres 146,763
Miles
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Tewaukon Wetland Management District
Ransom, Richland and Sargent Counties, North Dakota
RANSOM
RICHLAND
SARGENT
Sheyenne River
North Country National Scenic Trail
Antelope Creek
Otter Tail River
Wild Rice River
Rabbit River
Beal Creek
Silverton Creek
Lake Tewaukon
Tewaukon WMD
Wetland Acres 42,168
Grassland Acres 23,168
0 5 10 20
Miles
0 5 10 20
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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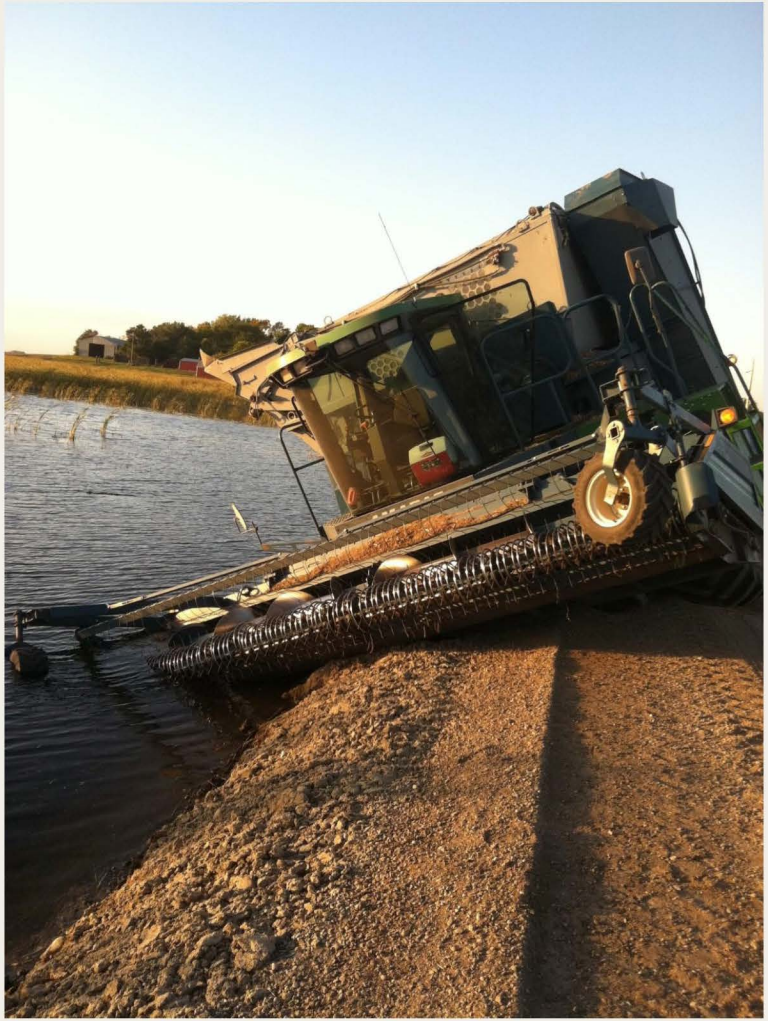

U. S. Fish & Wildlife Service
FWS Grassland and Wetland Easements with the Valley City Wetland Management District
Barnes, Cass, Griggs, Steele and Traill Counties, North Dakota
GRIGGS
STEELE
TRAILL
BARNES
CASS
Valley City WMD
Wetland Acres 58,560
Grassland Acres 549
Miles
Kilometers
USFWS Grassland Easement
USFWS Wetland Easement
Small Wetlands Acquisition Program
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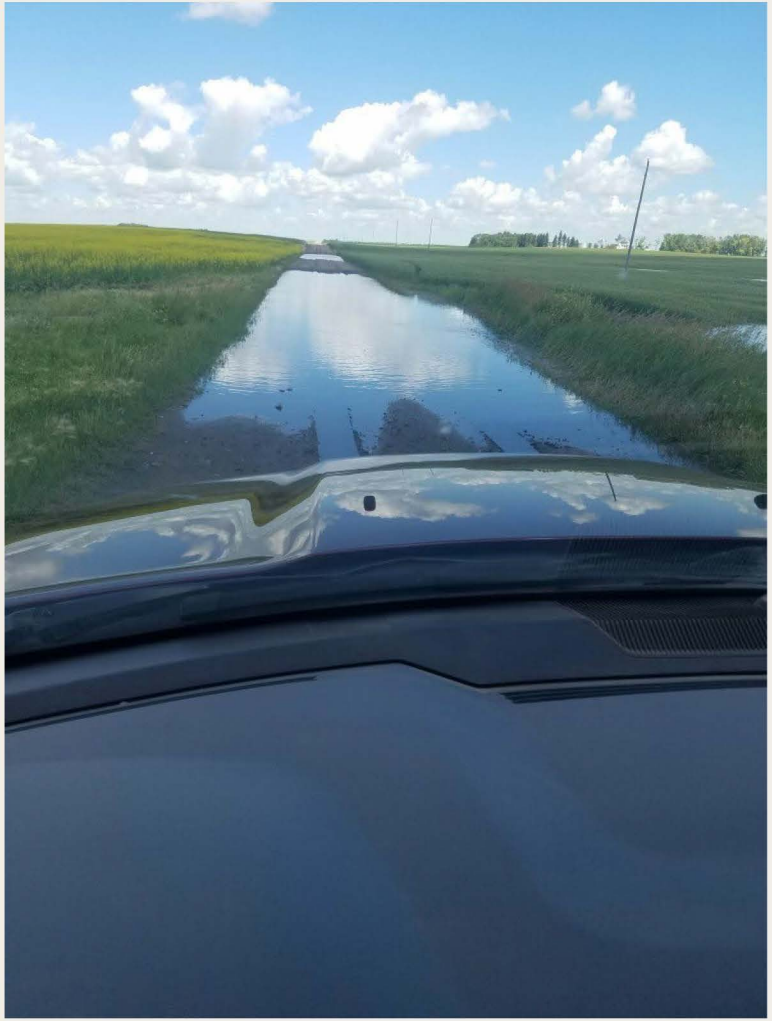

The U.S. Fish & Wildlife Service (Service) has purchased and owns a perpetual easement which restricts the rights to drain, burn, fill or level any wetland areas depicted on this map. This map represents the Service's effort to depict the approximate sizes, shapes, and locations of all protected wetland areas and is not intended to depict water levels in wetland areas for any given year.

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Wetl

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## Suggestions:

1. Hold field hearings in the areas most impacted by US Fish and Wildlife Service easements in North Dakota.

2. Continue to engage with stakeholders and stakeholder groups

3. During the upcoming Special Session, recommend legislation to be acted upon that calls for a moratorium on allowing US Fish and Wildlife Service easements in North Dakota until such time as this Committee and the North Dakota Legislature ascertains the full impacts the easements have on North Dakota landowners and taxpayers.

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# Thank You

