

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE CONCURRENT RESOLUTION NO. 4002

Introduced by

Senators Conley, Hogue, Thomas, Wanzek

Representatives Headland, Lefor

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

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

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

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

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

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

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

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

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

24 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
25 to the President of the United States, the Secretary of the Interior, each member of the North

Sixty-ninth
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- 1 Dakota Congressional Delegation, and the Governors of Iowa, Minnesota, Missouri, Montana,
- 2 North Dakota, and South Dakota.