

**Senate Agriculture and Veterans Affairs Committee**

**Hearing for SCR4002**

**January 23, 2025**

**Testimony of Justin Sherlock, North Dakota Soybean Growers Association**

Chairman Luick and members of the committee, my name is Justin Sherlock and I am a farmer from Dazey, ND. I am currently the President of the North Dakota Soybean Growers Association and I also represent North Dakota soybean producers as a Director on the American Soybean Association where we address federal and international policy issues.

I am wishing to express my strong support for SCR4002. Many of the producers that I represent, myself included, have federal US Fish and Wildlife Service easements on the land that we farm, whether it is owned or rented. While I have had and continue to have many positive working relationships with US Fish and Wildlife Service staff and employees, many of us have also faced challenges in the management of these easements as it relates to our ability to farm. I could spend hours to days listing some of the issues that our members have discussed over the years relating to these easements, but the main point is that the current system is not working.

In many cases, these easements were put in place decades ago by individuals who are no longer living, but because they are a perpetual easement, there is little any of us owning or farming the land today can do to change the situation. In some extreme instances, the US Fish and Wildlife Service rules conflict with USDA Natural Resources Conservation Service (NRCS) rules regulating how we farm or manage the wetlands on our fields. When this occurs it is the farmer or rancher who is caught in the middle of conflicting federal regulations. This could result in the producer losing or having to refund all of their federal farm program payments received during their entire lifetime, or face federal criminal charges if they do not comply with the conflicting regulations. While the situation is usually resolved, this process can take months and put an undue burden on North Dakota landowners and producers who have to seek legal council or worry about losing their operations over a federal regulatory conflict.

I am also the former Mayor of the City of Dazey. While I was mayor, we faced many flood issues in my part of the state. To address this, we attempted to construct a legal drain which would have helped alleviate flooding. However, this drain failed to gain enough votes to pass. In my opinion, the main reason this drain did not get enough support from watershed landowners was because of the increased cost that US Fish and Wildlife Service easements added to the project. Much of the farmland around Dazey has easements on it, and this forced the routing of the drain to follow certain paths rather than seeking out the most practical or cost efficient route. The regulations governing the easements also meant that many landowners would be forced to help pay for the drain but would not be allowed to utilize it once it was installed as they could not drain or manage water on their specific fields. This caused many landowners to vote against the project. To this day, Dazey is left without adequate flood protection. While the local US Fish and Wildlife Service staff worked tirelessly to help make the project possible, their efforts were limited due to the federal regulations they had to adhere to. In my opinion, protecting wildlife habitat at the cost of flooding our rural communities is not right.

I could go on and on about this issue, but I will close by again asking for your support for SCR4002. It is time that we begin finding a better solution to this issue and I believe this resolution helps show the strong support that North Dakotans have towards beginning to address this issue.