

2025 SENATE AGRICULTURE AND VETERANS AFFAIRS

SCR 4002

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SCR 4002

1/23/2025

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

10:00 a.m. Chairman Luick called the meeting to order.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- One-time payments and amount
- History of easements and federal overreach
- Impact on farmers, ranchers, and rural communities
- Property rights and management decisions
- Annual financial compensation and renegotiated
- Wildlife populations and habitat

10:02 a.m. Senator Connely, District 12, testified in favor and introduced the bill.

10:07 a.m. Jarred Higgins, resident of Woodworth, ND, testified in favor.

10:10 a.m. Dan Wogsland, Executive Director of the ND Grain Growers Association, testified in favor and submitted testimony #30947.

10:11 a.m. Julie Ellingson, on behalf of the ND Stockman's Association, testified in favor.

10:13 a.m. Greg Amundson, member of the ND Corn Growers Association, testified in favor.

10:14 a.m. Matt Perdue, ND Farmer's Union Members, testified in favor.

10:15 a.m. Parrell Grossman, Legislative Director for the ND Soybean Growers Association, testified in favor.

10:16 a.m. Pete Hanebutt, Public Policy Director of ND Farm Bureau, testified in favor.

10:17 a.m. Dennis Miller, former President of the ND Land Owners' Association, testified in favor.

10:18 a.m. Samuel Wagner, Ag and Food Field Organizer with the Dakota Resource Council, testified in opposition and submitted testimony #30899.

10:26 a.m. Chairman Luick closed the hearing.

10:26 a.m. Senator Myrdal moved a Do Pass.

10:26 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator Weston will carry the bill.

Additional written testimony:

Mark Staples, The Nature Conservancy, submitted testimony #30929 in opposition.

Justin Sherlock, resident of Dazey, ND, submitted testimony #30945 in favor.

Ryan Gregg, Legislative Specialist for ND Farmer's Union, submitted testimony #30949 in favor.

10:28 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

REPORT OF STANDING COMMITTEE
SCR 4002 ([25.3017.02000](#))

Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SCR 4002 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.

Testimony SCR4002

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1902 E Divide Ave
Bismarck ND 58501
Testimony in Opposition for SCR4002

Mr Chairman,

While our organization supports property rights and is against easements for the carbon summit solutions pipeline. We do believe that there are times when people supporting property rights go too far and actively damage our environment and the animals and fish that live on it. Sometimes there are resolutions that also waste everyone's time and ultimately are ineffective. This is one of those times.

First and most importantly even if you were to get anybody to listen to these obligations it would be incredibly hard to terminate these contracts without hours of litigation and countless lawsuits. It would say by allowing landowners to purchase the easements but who would set the price?

The farmers I know are good stewards of their land, many of them hunt and fish. And while it might be tempting for some short term profit to get a few extra acres of row crops or put out more cattle to pasture. Wildlife just doesn't come from nowhere. We need that habitat and waterways to ensure that there are suitable breeding grounds for them to keep their numbers stable. This will ensure that our children and their children can hunt and fish just like we did growing up.

It wasn't too long ago that President Teddy Roosevelt, a man who admired the natural beauty of our state, saw a time when many of our game animals were on the brink of extinction. We created the United States Fish and Wildlife Service because we treasured our wildlife over short term profit.

I hope that you'll do the same and recommend DO NOT PASS on this Resolution.



The Nature Conservancy in North Dakota
Cross Ranch Preserve
1401 River Road
Center, ND 58530

612-331-0700
northdakota@tnc.org
nature.org/northdakota

Hearing on SCR 4002
Senate Agriculture and Veterans Affairs Committee
Jan. 23, 2025

Written testimony of Mark Staples, external affairs manager, The Nature Conservancy in North Dakota

Chair Luick and members of the Senate Agriculture and Veterans Affairs Committee:

For the record, my name is Mark Staples, external affairs manager for The Nature Conservancy in North Dakota. Our organization has been working to help people and nature thrive for more than 70 years, including on-the-ground conservation in North Dakota since 1971. We work alongside private landowners and partner organizations to restore and improve management of lands and waters in the state.

The Nature Conservancy does not support SCR 4002. The conservation agreements that private landowners enter into with the United States Fish and Wildlife Service are done so with the understanding and confidence that their lands would continue to be available for the enjoyment and benefit of North Dakotans into the future. Removing that guarantee would allow decision-makers of today to invalidate assurances given to past generations and weaken the continued availability of natural resources for future generations.

Voluntary land protection agreements are not right for every landowner, and private citizens are free to not use that tool to manage their own lands. But those who have chosen to make sure their land would be protected against advancing development should be respected. Doing so helps steward the natural resources of this great state for years to come.

Roughly one million acres of land are lost to conversion in the United States every year. We urge the committee to continue protecting the integrity of voluntary agreements made by the private landowners of North Dakota.

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.



**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.



Contact:
Ryan Gregg, Lobbyist
rgregg@ndfu.org | 701.952.0104

**Testimony of
Ryan Gregg
North Dakota Farmers Union
Before the
Senate Agriculture & Veteran Committee
January 23, 2025**

Chairman Luick and members of the committee,

Thank you for the opportunity to testify on Senate Concurrent Resolution No. 4002. My name is Ryan Gregg, and I am testifying on behalf of the North Dakota Farmers Union (NDFU). We support SCR 4002.

Our members oppose perpetual easements on wetlands. Our member-driven Policy & Action also states: "All wildlife easement contracts taken by the U.S. Fish and Wildlife Service (USFWS) in North Dakota should...be renegotiated every 15 years or less or upon a change of ownership."

SCR 4002 urges Congress to pass legislation allowing farmers to "buy out" of USFWS easements encumbering their land. This resolution is consistent with NDFU's Policy & Action.

We respectfully request the committee give SCR 4002 a "Do Pass" recommendation. Thank you for your consideration.

2025 HOUSE AGRICULTURE

SCR 4002

The following testimony was uploaded for a meeting on March 07, 2025, prior to the meeting's cancellation: #39505.



In Favor of SCR 4002

House Agriculture

March 7, 2025

Chairman Beltz and Committee members:

For the record, my name is Drew Courtney. I farm in Oakes and serve as a board member for the North Dakota Corn Growers Association. Thank you for the opportunity to testify in favor of Senate Concurrent Resolution 4002.

As farmers, we care deeply about the stewardship of our land and natural resources. In fact, the National Corn Growers Association reports that between 1980 and 2015, our nation's corn farmers decreased the land required to produce a bushel of corn by 41 percent; reduced soil loss per acre by 58 percent; and reduced per bushel irrigation water usage by 46 percent. We support agricultural research and voluntary conservation programs, not burdensome regulations and punitive enforcement by the federal government.

Permanent easements do not accommodate changes in the land itself, advances in ecological science, or changing circumstances in the landowner's life. They infringe on our private property rights and limit the options available to future generations.

We urge a "Do Pass" recommendation on SCR 4002. Thank you for your consideration, and I will stand for questions.

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

SCR 4002
3/20/2025

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

9:54 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Discussion Topics:

- Devalue the land
- Private property rights
- Conservation
- Easement reform

9:55 a.m. Senator Cole Conley, District 12, Jamestown, ND, introduced, testified and submitted testimony #43251.

10:09 a.m. Julie Ellingson, ND Stockmen's Association testified in favor.

10:11 a.m. Lance Gaebe, Policy Strategist, ND Farmers Union, testified in favor and submitted testimony #43073.

10:12 a.m. Dan Wogsland, Lobbyist, ND Grain Growers Association, testified in favor and submitted testimony #43200.

10:13 a.m. Pete Hanebutt, ND Farm Bureau, testified in favor.

10:14 a.m. Paul Myerchin, Attorney, Bismarck, ND, testified in opposition.

10:34 a.m. Zach Cassidy, Dakota Resource Council, testified in opposition.

10:42 a.m. Ryan Taylor, Director of Public Policy, Ducks Unlimited, submitted testimony in opposition #43029.

Additional written testimony:

Samuel A. Wagner, Ag and Food Field Organizer, Dakota Resource Council, submitted testimony in opposition #43076.

Mark Staples, Lobbyist, The Nature Conservancy, submitted testimony in opposition #43172.

10:51 a.m. Chairman Beltz closed the meeting.

House Agriculture Committee

SCR 4002

03/20/25

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Diane Lillis, Committee Clerk

HCR 4002 testimony**Ryan Taylor****Director of Public Policy, Ducks Unlimited**

The subject of conservation easements and the US Fish & Wildlife Service has long been fodder for the committee rooms of the N.D. Legislature. A good summary of the factual history and political back and forth on the subject was well encapsulated by ND's Legislative Council in this 2021 memorandum:

<https://ndlegis.gov/sites/default/files/resource/committee-memorandum/23.9049.01000.pdf>

It's worth reading, although not all of the memo discussion is apt for today's concurrent resolution. There is value in noting that the right to sell a conservation easement (30 year, 99 year, perpetual, etc.) is, itself, a private property right for the person selling, whether the buyer is an individual, an organization, or an agency of the federal government. It's a real estate transaction between a willing seller and a willing buyer, who discuss the price and parameters of the transaction, one makes the offer and the other decides if it's an offer they want to accept. If they do accept, it is attached to the deed, signatures are notarized and it's publicly recorded in the county courthouse. A conservation easement is one of the sticks in the 'bundle of sticks' of many private property rights (the right to farm, to graze, to drill for and pump oil or gas, to mine gravel, to dig for coal, to refine and sell frac sand, to subdivide and build houses, or to conserve and maybe not develop or drain). A quick primer on the "bundle" is here, <https://www.ctas.tennessee.edu/node/771/printable/print>

Conservation easements, like fee title land or mineral rights or gravel rights, represent a recorded sale between a buyer and seller. Some occurred long ago at what seems like a small price today. Some may have been sold yesterday and could represent 40 percent of the market value of the land for the landowner to agree only to graze the land, hay it after July 15, or only farm the wetlands when they are dry, but not to convert the grass to crop, or build on it, or drain the wetlands. Whatever was agreed upon and sold, or bought, voluntarily, is what is recorded and honored.

Concurrent resolutions are statements by the members of the state legislature, sometimes passed by voice vote, to urge someone to do something, and, admittedly, are not law or statute. But it might be worth giving SCR 4002 some thought. DU does not hold perpetual easements in North Dakota, but we support them as a voluntary tool for landowners who decide to conserve their land, if they so choose, in that manner (in North Dakota, it's with the USFWS) just like they might conserve their land with other, short-term options. Things like cross fencing and rotational grazing, or planting cover crops, or reseeding native grass on marginal cropland, or restoring a wetland. And those are things we do a lot of and that ranchers and farmers work with us on to cost share things like fence and water development and seed costs and even virtual fence technology. It's all in the toolbox of choices for a landowner to pick from of their own free will. And we hear from some producers who have used an easement sale to help expand their ranch and accommodate a son or daughter returning to the operation, or pay down debt and free up capital for other needs and value-added advancements.

One final precedent-setting thing to ponder—if, as the resolution desires, a real estate transaction should be voided and disappear from the courthouse, with the buyer from 10, 20, or 50 years ago told they have to sell what they had bought back to the original seller at the original price... In the early 80's,

my dad bought some McHenry County pastureland for \$80 an acre. At the time, he thought he paid too much for it, but today very similar pasture is selling for as much as \$1,100 an acre at auction. The original seller has children or grandchildren who maybe don't understand why Grandpa sold that good sand for \$80 an acre, and maybe I should be forced to sell that \$1,100 land back to that seller's heirs for \$80, and we'll just rip up that portion of the land abstract at the courthouse. I think it's worth being careful about making that kind of statement about real estate transactions, even in a concurrent resolution.

I encourage you to oppose SCR 4002.

Thanks for your consideration and for the long hours you put in to serve in the North Dakota Legislature.



Contact:
Lance Gaebe, Lobbyist
lgaebe@ndfu.org | 701 952-0103

**Lance Gaebe on behalf of
North Dakota Farmers Union
Testimony in Support of SCR 4002
House Agriculture Committee
March 20, 2025**

Chairman Beltz and members of the Agriculture Committee, my name is Lance Gaebe. Thank you for the opportunity to testify on behalf of North Dakota Farmers Union in support of Senate Concurrent Resolution No. 4002.

NDFU members oppose perpetual easements on wetlands. Our member-driven Policy and Action document states: "All wildlife easement contracts taken by the U.S. Fish and Wildlife Service (USFWS) in North Dakota should...be renegotiated every 15 years or less or upon a change of ownership."

SCR 4002 urges Congress to pass legislation allowing farmers to "buy out" of USFWS easements encumbering their land. This resolution is consistent with NDFU's Policy & Action.

We respectfully request the committee give SCR 4002 a "Do Pass" recommendation. Thank you for your consideration.

Testimony SCR4002

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1902 E Divide Ave
Bismarck ND 58501
Testimony in Opposition for SCR4002

Mr Chairman,

This resolution is a shortsighted land grab that threatens to put many acres of wetlands and habitats out of production.

While our organization supports property rights and is against easements for carbon pipelines, sometimes in trying to protect property rights, advocates overreach, we believe that this is one of those times. The WRE program is a voluntary program that represents a way to permanently protect delicate environments. As such, allowing the termination of these easements would undo decades of work by our civil servants to protect wetlands. The intent of this contract was to conserve as much habitat as possible. Animals do not just appear out of thin air, they need habitat to breed and getting rid of these environments for them will not help their numbers.

We should not be allowing farmers to purchase these easements back for pennies on the dollar. If this by some means gets passed the farmers should buy the land back at market value not at the hundred dollars that their grandparents received when they bought the lease.

We recommend DO NOT PASS on this Resolution.



The Nature Conservancy in North Dakota
Cross Ranch Preserve
1401 River Road
Center, ND 58530

612-331-0700
northdakota@tnc.org
nature.org/northdakota

Hearing on SCR 4002
House Agriculture Committee
March 20, 2025

Testimony of Mark Staples, registered lobbyist for The Nature Conservancy in North Dakota

Chair Beltz and members of the House Agriculture Committee:

The Nature Conservancy has been working to help people and nature thrive for more than 70 years, including on-the-ground conservation in North Dakota since 1971. We work alongside private landowners and partner organizations to restore and improve management of lands and waters in the state for the benefit and enjoyment of all.

We oppose SCR 4002 and encourage the committee to give this resolution a Do Not Pass recommendation.

Over the years, private landowners have made the voluntary decision to enter into conservation agreements with the United States Fish and Wildlife Service with the understanding and confidence that their lands would continue to be available for the enjoyment and benefit of North Dakotans into the future. This resolution suggests that this guarantee should be revocable, thereby invalidating legal transactions and threatening the continued availability of the natural resources these agreements are designed to conserve.

Voluntary conservation agreements are not right for every landowner. But the choices of those private landowners who voluntarily entered into agreements should be respected. Lasting conservation agreements should continue to be an option for the private landowners who choose to utilize this tool to steward the wetlands and grasslands of this great state for years to come.

We urge the committee to oppose this resolution and continue respecting the integrity of voluntary agreements made with North Dakota's private landowners.



**North Dakota Grain Growers Association
Testimony in Support of HCR 4002
House Agriculture Committee
March 7, 2025**

Chairman Beltz, Members of the House Agriculture 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 House to concur.

Chairman Beltz and members of the Agriculture Committee

Senate Concurrent Resolution 4002 urges Congress to enact legislation allowing a landowner to terminate a perpetual easement owned by the US Fish and Wildlife Service in North Dakota.

I don't know how many of you have these easements on land that you own or rent so I have included an example of an easement on land that I own so that you can see the language of the easement. You will notice that my relatives received a one time payment of \$680 in 1970. Not a bad deal if you can pay \$680 and gain control of what can or cannot be done on that particular piece of property forever, no matter who owns the land in the future. It never goes away.

If the land happens to be dry, as sometimes happens, you are allowed to plant crops but that is a rare occurrence in these wetter years and normally it just grows weeds or grass. You are not allowed to ditch, drain, fill or level any part of the easement and also are not allowed to burn off the vegetation without authorization. The only thing you get to do is pay property taxes.

I have had a few experiences dealing with these easements on property I own. I got a call several years ago from US Fish and Wildlife informing me that I needed to remove a rock that got pushed on to an easement area. I informed them that there had been a rock pile there for as long as I could remember but they made me move it anyway. Another time, I didn't know that an easement existed on land that I inherited so I decided to cut a small ditch to drain two small sloughs downhill into a large slough. That turned into a big deal and I was required to fill the ditch back in. It is very frustrating that they can come on to your private property without permission or notice of any kind.

These easements also tend to de-value the land if you are selling. A dozen years ago, my wife and her siblings auctioned off some land. The land with large amounts of easements sold for about \$1500 per acre less than the parcels without easements.

As you can see, this Resolution will go to President Trump, our Congressional Delegation and most importantly to our former Governor who is our Secretary of Interior and as such, is in charge of US Fish and Wildlife. I personally gave him the information on this Resolution and he seemed quite supportive

DOCUMENT NUMBER 173223

UNITED STATES DEPARTMENT OF THE INTERIOR
U. S. FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
CONVEYANCE OF EASEMENT FOR WATERFOWL MANAGEMENT RIGHTS ^{218X}

THIS INDENTURE, by and between Wayne Conley, a single man, Margaret Conley York, divorced, and Winnifred I. Conley, a widow, of Spiritwood, North Dakota

parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH:

WHEREAS, section 4 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by section 3 of the Act of August 1, 1958 (72 Stat. 486, 16 U.S.C., sec. 718d (c)), authorizes the Secretary of the Interior to acquire small wetland or pothole areas suitable for use as waterfowl production areas:

WHEREAS, the lands described below contain or include small wetland or pothole areas suitable for use as waterfowl production areas:

NOW, THEREFORE, for and in consideration of the sum of (\$ 680.00)
Six Hundred and Eighty - - - - - Dollars, the parties of the first part do hereby convey to the United States, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within SIX months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, a permanent easement (in perpetuity) or right of use for the maintenance of the land described below as a waterfowl production area, including the right of access thereto by authorized representatives of the United States:

Barnes County, North Dakota
T. 140 N., R. 61 W., 5th P. M.

Section 17, S $\frac{1}{2}$, except commencing at a point 897 $\frac{1}{2}$ feet east of the southwest corner thereof; thence north 470 feet; thence east 554.5 feet; thence south 470 feet; thence west to the point of beginning, containing 9.42 acres, more or less.

Subject, however, to all existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, cable lines, and all outstanding mineral rights.

The parties of the first part, for themselves and for their heirs, successors and assigns, covenant and agree that they will cooperate in the maintenance of the aforesaid lands as a waterfowl production area by not draining or permitting the draining, through the transfer of appurtenant water rights or otherwise, of any surface water including lakes, ponds, marshes, sloughs, swales, swamps, or potholes, now existing or recurring due to natural causes on the above-described tract, by ditching or any other means; by not filling in with earth or any other material or leveling, any part or portion of the above-described tract on which surface water or marsh vegetation is now existing or hereafter recurs due to natural causes; and by not burning any areas covered with marsh vegetation. It is understood and agreed that this indenture imposes no other obligations or restrictions upon the parties of the first part and that neither they nor their successors, assigns, lessees, or any other person or party claiming under them shall in any way be restricted from carrying on farming practices such as grazing at any time, hay cutting, plowing, working and cropping wetlands when the same are dry of natural causes, and that they may utilize all of the subject lands in the customary manner except for the draining, filling, leveling, and burning provisions mentioned above.

SPECIAL PROVISIONS

1. This indenture shall not be binding upon the UNITED STATES OF AMERICA until accepted on behalf of the United States by the Secretary of the Interior or his authorized representative, although this indenture is acknowledged by the parties of the first part to be presently binding upon the parties of the first part and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to parties of the first part, by the UNITED STATES OF AMERICA, of the sum of One Dollar, the receipt of which is hereby expressly acknowledged by parties of the first part.

2. Notice of acceptance of this agreement shall be given the parties of the first part by certified mail addressed to
Conley Bros.
at
Spiritwood, North Dakota 58481
and such notice shall be binding upon all the parties of the first part without sending a separate notice to each.

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

SCR 4002
3/20/2025

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

2:29 p.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Discussion Topics:

- Committee Action

2:29 p.m. Representative Tveit moved Do Pass.

2:29 p.m. Representative S. Olson seconded the motion.

Representatives	Vote
Representative Mike Beltz	Y
Representative Dori Hauck	AB
Representative Karen A. Anderson	Y
Representative Gretchen Dobervich	N
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	Y
Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 12-1-1

2:30 p.m. Representative Hoverson will carry the bill.

2:30 p.m. Chairman Beltz closed the meeting.

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE
SCR 4002 ([25.3017.02000](#))

Agriculture Committee (Rep. Beltz, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT OR EXCUSED AND NOT VOTING). SCR 4002 was placed on the Fourteenth order on the calendar.