

Property Rights Foundation of America, Inc.

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## LAND RESPONDES TO MINNESOTA GOVERNOR'S PLAN

By Chuck Damschen, LAND Past President

(Reprinted by permission from Landowners Association of North Dakota, January 2004, p. 3)

*Editor's Note: This release will be sent to papers, radio and TV in eastern North Dakota and Minnesota in the near future. LAND is concerned that, if Minnesota adopts such a program, it may help convince our Legislature to try a similar plan.*

The Midwest's leading property rights organization, the Landowners Association of North Dakota (LAND), voiced concern over Minnesota Governor Pawlenty's expanded Conservation Reserve Enhancement Plan (CREP). Richard Volk, president of LAND points out that "Many of these so-called 'conservation' programs look inviting on the surface but they almost always have regulatory strings attached. I don't think Governor Pawlenty would vigorously promote such a program if he was properly advised of the pitfalls that have accompanied CRP, long-term/perpetual easements and the like."

"Permanent easements are simply unacceptable under any circumstance," states Chuck Damschen, past president of LAND. "In many cases these easements strip the landowner of all rights except the right to pay the real estate tax. Once a perpetual (permanent) easement is signed, the owner is bound by its terms — forever. He has forfeited the property rights on that particular parcel for every future landowner other than the easement holder. These easements are sold to undying entities and are basically impossible to get out of."

Dennis Miller, another past-president of LAND, says, "Landowners in my area have had nothing but negative experiences when it comes to perpetual easements. This has not only been an ongoing problem for North Dakota landowners but for the state as well. Perpetual easements are perpetual headaches. The temporary inflow of cash is soon gone and the headache just gets worse."

**LAND favors short-term easements that can be renegotiated on a regular basis. Under short-term easements there is more apt to be a mutual respect exhibited between the landowner and the easement holder, which is beneficial to both.**

There is also concern that such a program puts government in competition with private operators that pay cash rent. Red River Basin Commission coordinator Kevin Scheidecker predicts a \$55.00 per acre annual increase in generated revenue for land enrolled in the program. "This sounds great to the guy receiving it," says Volk, "but it doesn't sound so good when your landlord thinks you should be paying the same for cash rent."

"We've seen operations in our area go out of business under this scenario with CRP," adds Miller. "It has been devastating to many of our small communities."

While LAND notes that there may be a number of beneficial government programs, the organization stresses the need for landowners to be well informed and clear on the terms of any agreement they become involved in. "And sometimes, actually most often, the best possible conservation use of the land is to have it cared for by one who depends on it for his livelihood and that of his family," concludes Damschen.

LAND also expressed disappointment with Pawlenty's apparent opposition to the Devils Lake outlet.

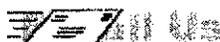
"Politics and special interests have turned a manageable situation into a potential crisis by continually blocking progress on an outlet," says Volk of the Devils Lake issue.

"I'd like to see a larger outlet on the east end with a flow control device," states Damschen, "but it's been a battle for the state to get where they are. I applaud them for going ahead in spite of the unwarranted criticism."

"I'm disappointed that Pawlenty would overlook the facts in this issue and be swayed by political rhetoric," adds Miller, "The Devils Lake flooding is a serious matter that has only one practical solution — an outlet."

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