

# The Oxbow

FROM THE NORTH DAKOTA STATE WATER COMMISSION

## North Dakota's First Sovereign Land Management Plan is Completed



By Patrick Fridgen

The Office of the State Engineer recently released North Dakota's first sovereign land management plan. Sovereign land can more commonly be referred to as public lands that lie in and around North Dakota's major rivers and lakes. Or, as defined in state law, sovereign lands are "those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams."

The state began the sovereign land management planning process in the summer of 2005 in response to an Attorney General's opinion (2005-L-01) that among other things, required the Office of the State Engineer to make sovereign land-related permitting decisions in consideration

of a sovereign land management plan. At that time, no such plan existed. And, recognizing the need for such a document, the Office of the State Engineer brought together representatives from the state's Sovereign Land Advisory Board, as well as other pertinent agencies, to provide technical expertise in the crafting of a first-ever North Dakota Sovereign Land Management Plan.

From the onset, the overall purposes of the plan were to:

- Continue to fulfill the State Engineer's duty to manage sovereign land pursuant to the Public Trust Doctrine;
- Satisfy requirements of the Attorney General's opinion;
- Provide improved consistency in the management of sovereign land

and administration of regulations;

- Serve as a compliment to existing sovereign land-related laws; and
- Generally improve management of sovereign land for present and future generations.

Each of the above are intended to help the Office of the State Engineer achieve a sovereign land management goal, which is: to manage, operate, and supervise North Dakota's sovereign land, for multiple uses, that are consistent with the Public Trust Doctrine, and are in the best interest of present and future generations.

To facilitate public involvement in the planning process and to encourage public comment on proposed management changes, a series of six open house public meetings were held in Williston, Minot, Bismarck, Fargo, Valley City, and Lakota. The meetings were held from Sept. 27 through Oct. 10, 2006. Comments received from the general public at the meetings, and from letters and e-mails, were considered in drafting the final version of the plan.

The plan includes 19 recommendations, as well as several corresponding action strategies that are intended to provide direction for improved sovereign land management. Some of the management recommendations pertain to cultural and historic resources, water quality, motor vehicle use, littering, noxious weeds, hunting, boating, and camping.

The changes and additions to state statutes that were recommended in the plan were successfully passed during the 60th Legislative Assembly. The State Engineer's sovereign land bill was Senate Bill 2096. It had four main purposes: 1) to provide the Game and Fish Department with the authority to enforce sovereign land-related rules and regulations on the state's sovereign lands; 2) to allow the State Engineer to enter into agreements with the North Dakota Game and Fish Department or other law enforcement enti-

ties to enforce sovereign land-related rules and regulations; 3) to provide the State Engineer with the authority to manage the removal, modification, or destruction of dangers in the state's navigable waters that have been determined to be navigable by a court of law; and 4) to provide a penalty for violations of sovereign land-related rules and regulations. Statutory changes resulting from the passage of SB 2096 will become effective Aug. 1, 2007.

The recommended modifications to sovereign land-related Administrative Code have not been completed. However, they will be pursued through a formal rules change/making process in the coming months. During that process, agencies, interest groups, and members of the general public will have another opportunity to weigh in on all recommended changes.

Another recommendation in the plan called for the development of guidelines for ordinary high water mark delineations in North Dakota. Consistent delineation of the ordinary high water mark is a critical component of sovereign land management, because it identifies the specific areas in and around the state's navigable waters that are under the jurisdiction of the State Engineer. Another way of looking at it, is that the ordinary high water mark delineates the boundary between uplands owned by riparian landowners, and publicly owned sovereign land. Those guidelines have already been completed, and they are available for download at the Water Commission and Office of the State Engineer's website at [www.swc.nd.gov](http://www.swc.nd.gov) under "Reports and Publications."

The North Dakota Sovereign Land Management Plan can also be downloaded from the aforementioned website, and printed copies of the plan can be requested by contacting the Office of the State Engineer at (701)-328-2752.

## RRJWRD Publishes Water Mgmt. Strategy

The Red River Joint Water Resource District (RRJWRD) worked in cooperation with the North Dakota State Water Commission to develop a 2007-2009 RRJWRD Water Management Strategy. The strategy is an update to a previous plan document that was completed back in 1993.

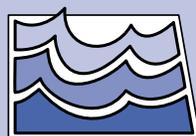
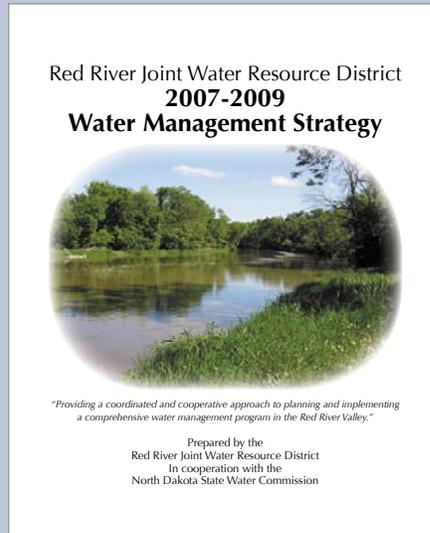
This latest strategy includes background information on the district, it outlines their water management goals, and most importantly, it provides an inventory of projects and programs that will help the RRJWRD achieve its goals through specific actions. In addition, the project and program inventory provides timeframes for commitment, so the RRJWRD can track progress toward their implementation of the strategy over time. Though the primary target timeframe of the strategy runs only through 2009, several efforts that will require RRJWRD attention through 2011 are also presented to provide a glimpse into what may lie ahead.

RRJWRD Coordinator, Tom Fischer, is pleased with the outcome of the 2007-2009 planning process. "I think the district's new water management strategy is definitely another step in the right direction. Since the flood of 1997, there has been a real push throughout the Red River Basin

to improve how we manage our water resources," said Fischer. Countless efforts have taken place over the course of the last decade from federal, state, and inter-jurisdictional interests, such as the Red River Basin Commission. "We recognized that it was important to build on previous successes, and the District wanted to continue on that path of progress. I think this strategy will help us to do just that, because it provides a local perspective, in a basin-wide context," Fischer continued.

As with most plans or strategies, the RRJWRD's 2007-2009 Water Management Strategy is not the final step. Rather, it is the first of several toward improving the lives of those living in the North Dakota portion of the Red River Valley. "As time goes on, we hope our efforts result in fewer and fewer stories of flooding and flood-related damages. That means we're doing our job; because in water management, no news is usually good news," said Fischer.

Copies of the RRJWRD's 2007-2009 Water Management Strategy can be downloaded via a link from the Red River Basin Commission's website at [www.redriverbasincommission.org](http://www.redriverbasincommission.org), under "Reports," or by e-mail: [tfischer45@cableone.net](mailto:tfischer45@cableone.net). Hardcopies of the strategy can be requested by calling 701-293-1700.



North Dakota State Water Commission  
Dale L. Frink, State Engineer  
900 East Boulevard Ave. • Bismarck, ND 58505  
(701)328-2750 • <http://swc.nd.gov>

*The State Water Commission does not discriminate on the basis of race, color, national origin, sex, age, or disability in employment or the provision of services.*

## State Water Commission Offers a New Water Institute for 2007

North Dakota's Project WET (Water Education for Teachers) program will be providing a new water institute this summer for three graduate credits called "Discover Today's Mouse (Souris) River." In the past, Project WET has provided institutes that focused on the Missouri, James, and Sheyenne Rivers, as well as Devils Lake. But, in response to the many contemporary issues facing the Mouse River basin today, it was decided that the Mouse would provide a unique and valuable learning experience for the 2007 institute.

Project WET's 2007 institute will be based out of Minot State University, and it is scheduled for July 9-13. The institute is credited through Minot State University, North Dakota State University, and the University of North Dakota.

This new institute will give participants knowledge and skills to teach about issues facing the Mouse River and how area citizens, government agencies, and other decision-makers are meeting the challenges of managing water resources in this region of North Dakota.

In addition, participants in the institute will see, hear, live, and feel the pulse of this remarkable river system through some of the region's foremost experts on river and watershed science and social issues. Other specific institute highlights include visits to: Upper Souris NWR and Lake Darling Dam, ATM (canola) Processing, Minot (flour) Milling, Minot Wastewater Treatment Plant, J. Clark Salyer NWR, International Peace Garden, Lake Metigoshe, Eaton Irrigation Project, MSU Water Treatment Lab, Metigoshe State Park, Mouse River Park Restoration Project, and a biodiesel plant.

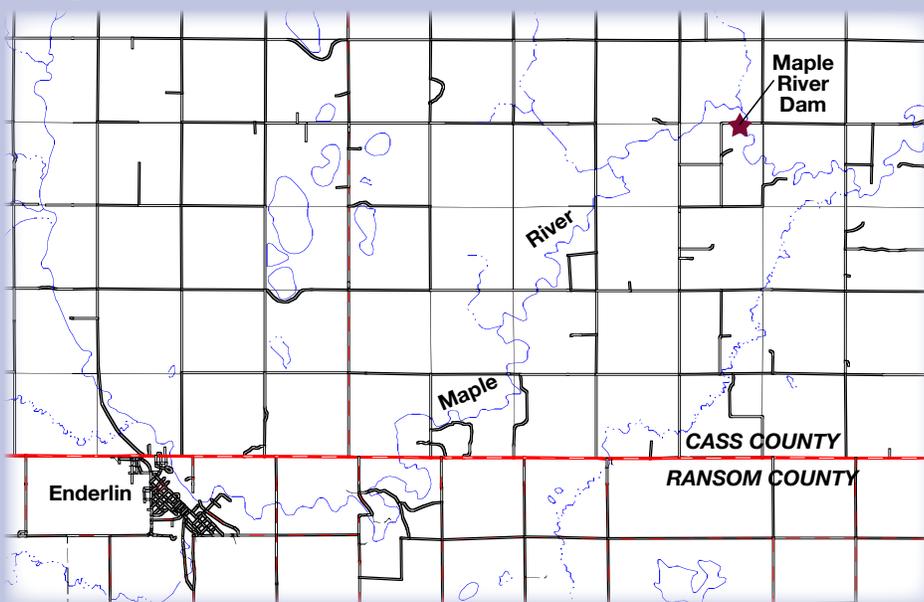
Presentations will also be given on the Minot flood control project,

the Northwest Area Water Supply project, and the geology and forests of the Turtle Mountains. In addition, institute participants will experience many hands-on activities through four Project WET curriculum and activity guides.

The cost of Discover Today's Mouse (Souris) River institute is

\$150 for three graduate credits, and \$225 for registration, room, board, instruction, and materials. The \$225 may be reimbursed to educators through their local county water resource district or soil conservation district after the institute is completed. Local school development funds may also be used to reimburse educators.

## Maple River Dam Dedication Scheduled



The Cass County Joint Water Resource District is sponsoring a Maple River Dam dedication ceremony on July 17, at 2:30 p.m. The dedication will take place at the dam site, which is located in southeast North Dakota, approximately eight miles northeast of Enderlin (see map).

Governor John Hoeven, members of the North Dakota State Water Commission, and several other dignitaries will be present for the dedication.

Maple River Dam is a 70-foot high earthen embankment, capable of retaining up to 60,000 acre-feet of floodwater. The dam is designed to

provide flood protection along the Maple, Sheyenne, and Red Rivers, and it is the fourth phase of the Sheyenne River Flood Control Project. The other phases are the West Fargo Sheyenne River Diversion, the Horace to West Fargo Sheyenne River Diversion, and the 5-foot flood pool raise at Baldhill Dam. As a dry dam, Maple River Dam will capture floodwater and hold it until the flood peak passes – which will then be followed by a slow, controlled release of the floodwater downstream.

For additional information on the Maple River Dam dedication ceremony, call 701-293-1700.