

PROTECTING YOUR SOVEREIGN LANDS

The North Dakota State Engineer and the Board of University and School Lands cooperatively manage sovereign lands...but what are “sovereign lands”?

Sovereign lands are the beds and banks of navigable lakes and streams that are held in trust by the State of North Dakota for the benefit of all North Dakotans. “Navigable” means any lake or stream that was used, or was able to be used, for commerce, such as moving goods on a boat, at the time of statehood.

In North Dakota, and many other places, water provides abundant recreational opportunities. Residents and non-residents alike take advantage of the state’s navigable waters and sovereign lands for a wide variety of leisurely pursuits, such as fishing, kayaking, boating, camping, swimming, hunting, and lounging.

North Dakota state law defines North Dakota’s sovereign lands as those areas, including the beds and islands lying within the ordinary high water mark (OWHM) of navigable lakes and streams. The OWHM is that line below which the action of the water is frequent enough either to prevent the growth of vegetation, or to restrict its growth to predominantly wetland species. Islands within navigable waters are considered to be sovereign land in their entirety. State ownership of sovereign land includes both surface and sub-surface property rights.

The State Engineer manages, operates, and supervises North Dakota’s sovereign lands, for multiple uses that are consistent with the Public Trust Doctrine (PTD). The State Engineer is charged with managing North Dakota’s sovereign lands in the best interest of present and future generations. Meeting these goals can be challenging, given the increasing popularity of water-based recreation, the draw of waterfront property for development, and the needs of transportation and industry.



In 2017, the State Water Commission removed a pontoon houseboat that had been abandoned on the Missouri River. The boat represented a hazard to navigation, water quality, and public safety.

Current List of North Dakota's Navigable Waters (2018)

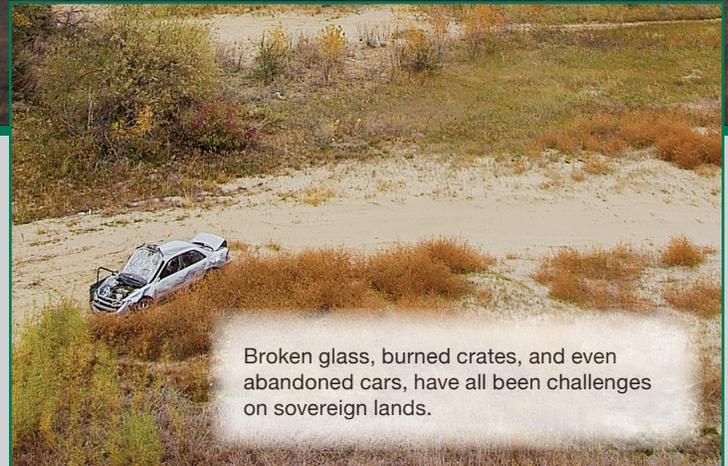
- Missouri River
- James River
- Sheyenne River
- Pembina River
- Mouse River
- Red River of the North
- Bois De Sioux
- Knife River
- Heart River
- Cannonball River
- Yellowstone River
- Devils Lake
- Lake Metigoshe
- Painted Woods Lake
- Sweetwater Lake
- Upper Des Lacs Lake
- Long Lake (Bottineau County)

Any projects that occur, either partially or wholly upon sovereign lands, require authorization prior to any construction, in the form of a Sovereign Land Permit from the State Engineer. The State Engineer processes approximately 50 Sovereign Land Permits annually, while also advocating, litigating, and educating the public on sovereign land management. Authorized projects can range in scope from boat docks to bridges; water intakes to water outfalls; and pipelines to power lines.

Managing and protecting sovereign lands requires constant vigilance. Some riparian landowners, that is, individuals who live or own land along one of the state's navigable waters, believe that any land adjacent to their property belongs to them. People have built structures, seeded and expanded lawns, and tried to prevent the public from recreating on sovereign land that they sincerely, but incorrectly, believe belongs to them. When such issues occur, State Engineer staff work hand-in-hand with these individuals to ensure the public's right to recreate on sovereign land, while respecting the private property rights of the riparian land owner.

Litter too has been a recurrent issue. Glass is banned on sovereign land because of the great risk it represents to the bare feet of people enjoying their sovereign lands. Other issues, including the burning of wood with nails and abandoning of old vehicles, further jeopardize the safe enjoyment of sovereign lands by all members of the public.

Because the Office of the State Engineer does not currently employ law enforcement staff, an agreement has been developed with the North Dakota Game and Fish



Department for enforcement responsibilities of state code on sovereign lands. The State Engineer also works with city, county, and other state land managers to improve public access to sovereign lands for non-motorized recreational purposes.

In 2013, the Office of the State Engineer launched an ongoing campaign of educating recreational users about the rules and regulations of sovereign lands. This campaign mainly focuses on littering and the illegal use of glass bottles on sovereign lands. Educational signs have been installed in popular public use areas, and floating key chains with "Keep our Beaches Clean," messages were distributed to the public at popular areas such as convenience stores, water sports retailers, public boat ramps, and the North Dakota State Fair.

The successful management of sovereign lands is only possible through the cooperation and accountability of those who use the resource. Only together, will we be able to ensure clean and safe access to this valuable public space for current and future generations.

For more information on sovereign lands, please go to http://www.swc.nd.gov/reg_approp/sovereignlands/