

Jerry Heiser, OSE Sovereign Land Manager, views the Missouri River near Houge Island in Bismarck.

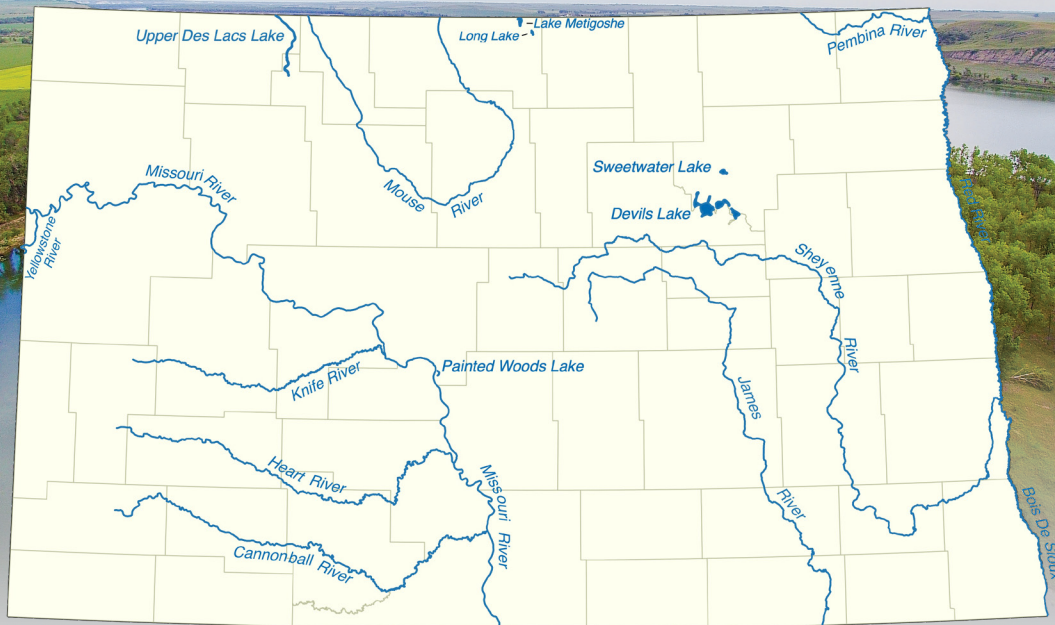
IMPORTANCE OF SOVEREIGN LANDS MANAGEMENT

North Dakota is brimming with a wide-variety of scenic and desirable places throughout the state. These beautiful locations provide an assortment of recreational activities to the public. Citizens can enjoy everything from hiking, horseback riding, trapping, fishing, kayaking, boating, camping, swimming, hunting, and various other leisure pursuits.

Several of these hobbies and activities take place on sovereign lands. North Dakota's sovereign lands are those areas, including beds and islands, lying within the ordinary high water marks of navigable waterbodies.

The ordinary high water mark is the line on navigable waters 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 in navigable waters are considered to be below the ordinary high water mark in their entirety.

Navigable waterbodies are those rivers, lakes, and streams that were traditionally used or susceptible to being used as a highway for commerce, trade, or travel at the time of statehood.



Navigable waters in North Dakota.

Navigable water bodies were held in trust by the United States for future states. Upon statehood in 1889, title to any navigable rivers and lakes were automatically passed to the state of North Dakota as a public trust asset.

Sovereign lands are publicly owned lands that are managed for the benefit of the citizens of the state. North Dakota Century Code § 61-33-05 affirms that the State Engineer shall, “manage, operate, and supervise” sovereign lands. The State Engineer has adopted administrative rules (North Dakota Administrative Code § 89-10) to create a framework to follow legislative directives in the management of North Dakota’s sovereign lands. Oil, gas, and related hydrocarbons beneath sovereign lands are administered by the North Dakota Department of Trust Lands.

In 2007, the Office of the State Engineer (OSE) completed the North Dakota Sovereign Land Management Plan. This plan, which is still utilized today, outlines the State Engineer’s authority to manage sovereign lands and includes recommendations and corresponding action strategies that are intended to improve management of this valuable resource.

“Taking an active role in the successful management of sovereign lands and abiding by the administrative code is of the utmost importance,” said State Engineer Garland

Erbele. “This will benefit the state and its citizens for present and future generations.”

In 2013, the OSE implemented an ongoing public awareness campaign in order to educate recreational users about the rules and regulations of sovereign lands. This educational campaign, “Keep Your Beaches Clean,” focused on the negative impacts of littering and the illegal use of glass bottles on sovereign lands. Illegal motorized vehicle use on sovereign lands is also prohibited with a potential fine of \$100.

To help ensure public safety and enforce these regulations, the Office of the State Engineer developed a contract agreement with the Game and Fish Department to have their existing game wardens assist with sovereign land-related law enforcement. Coordination efforts for law enforcement have also been discussed with local law enforcement entities.

OSE Sovereign Land Manager, Jerry Heiser notes, “It is extremely important to remember that these are public lands and they belong to all of us. They are here for us to enjoy, use, and pass on to the next generation as a trust asset of all the citizens of the state of North Dakota.”

For more information regarding sovereign lands please go to swc.nd.gov.