

# GUIDE

## To Navigating North Dakota Navigable Waters



### BOATING ON NAVIGABLE WATERS

- ▶ North Dakota owns the bed and banks of these waters below the OHWM.
- ▶ You are NOT trespassing while you are boating on these waters, as long as you stay BELOW the OHWM.
- ▶ You must access the river legally, via section line, public property, or with landowner permission.
- ▶ Fences are only allowed across navigable rivers by the issuance of a Sovereign Land Permit from the OSE, the permittee must abide by general conditions set forth by the OSE, which includes safety precautions for boaters.
- ▶ Shore usage such as hiking, fishing, and short-term camping is permitted on sandbars and shorelines which are below the OHWM.
- ▶ When in doubt, ask, and ALWAYS be courteous.



### THREATENED & ENDANGERED SPECIES

- ▶ North Dakota provides crucial nesting habitat to Piping Plovers and Least Terns; small shorebirds which are protected under the Endangered Species Act.
- ▶ Shore use is prohibited in areas marked by "Area Closed Endangered Bird Nesting Site" signs.
- ▶ Sandbars within the Missouri River and Lake Sakakawea are utilized by these birds.
- ▶ Please respect nesting areas and do not use these sandbars for camping or recreation.



### GENERAL RULES & SAFETY

-  Lifejackets are required by North Dakota law for all users of personal watercraft.
-  Be aware of changing weather conditions, wind speeds, and direction.
-  Always follow boating rules and regulations and stay aware in busy boating corridors.
-  Boating under the influences of drugs or alcohol is illegal in ND. (NDCC § 20.1-01-02).
-  Never exceed the weight capacity of your watercraft.



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For more information about sovereign lands or anything else related to enjoying North Dakota's waters:

**North Dakota State Water Commission  
Sovereign Lands Program**  
[www.swc.nd.gov/reg\\_approp/  
sovereignlands/](http://www.swc.nd.gov/reg_approp/sovereignlands/)

**North Dakota Game & Fish**  
(701) 328-6300  
[www.gf.nd.gov/boating](http://www.gf.nd.gov/boating)

### BOATING ON NON-NAVIGABLE WATERS

- ▶ When in doubt, ask, and ALWAYS be courteous.
- ▶ On the state's non-navigable waters, the landowners adjacent to the waterbody own the bed and banks of that waterbody.
- ▶ You MUST access the waterbody legally via section line, public land or with landowner permission.
- ▶ You are NOT trespassing if you do not exit the watercraft while on the waterbody.
- ▶ Popular examples of non-navigable waters include the Little Missouri, Apple Creek, and Little Heart Rivers.
- ▶ Shore usage is NOT permitted unless landowner permission is granted, unless you are on non-posted or public lands.
- ▶ Be aware of hazards including fences, potential portages, and legal launching locations.
- ▶ The State has several federally managed reservoirs, such as Lake Oahe, Lake Sakakawea, and Lake Tschida that offer public boating, kayaking, and canoeing opportunities. Please contact the managing federal agency for more information.

### AQUATIC NUISANCE SPECIES





- ▶ Aquatic Nuisance Species (ANS) are those plant or animal species not naturally found in an area, which cause a wide variety of negative impacts to waterbodies, native plants, animals, habitat, and even infrastructure.
- ▶ There are four species of ANS which are managed in North Dakota: the zebra mussel, silver carp, curlyleaf pondweed, and eurasian watermilfoil.
- ▶ Please inspect watercrafts for ANS, remove plants and ANS, and drain all water from your watercraft after each use.
- ▶ For more ANS information, contact the North Dakota Game and Fish Department.
- ▶ To view a map of currently infested waters: [www.gf.nd.gov/ans#regs](http://www.gf.nd.gov/ans#regs)



Credit: USGS



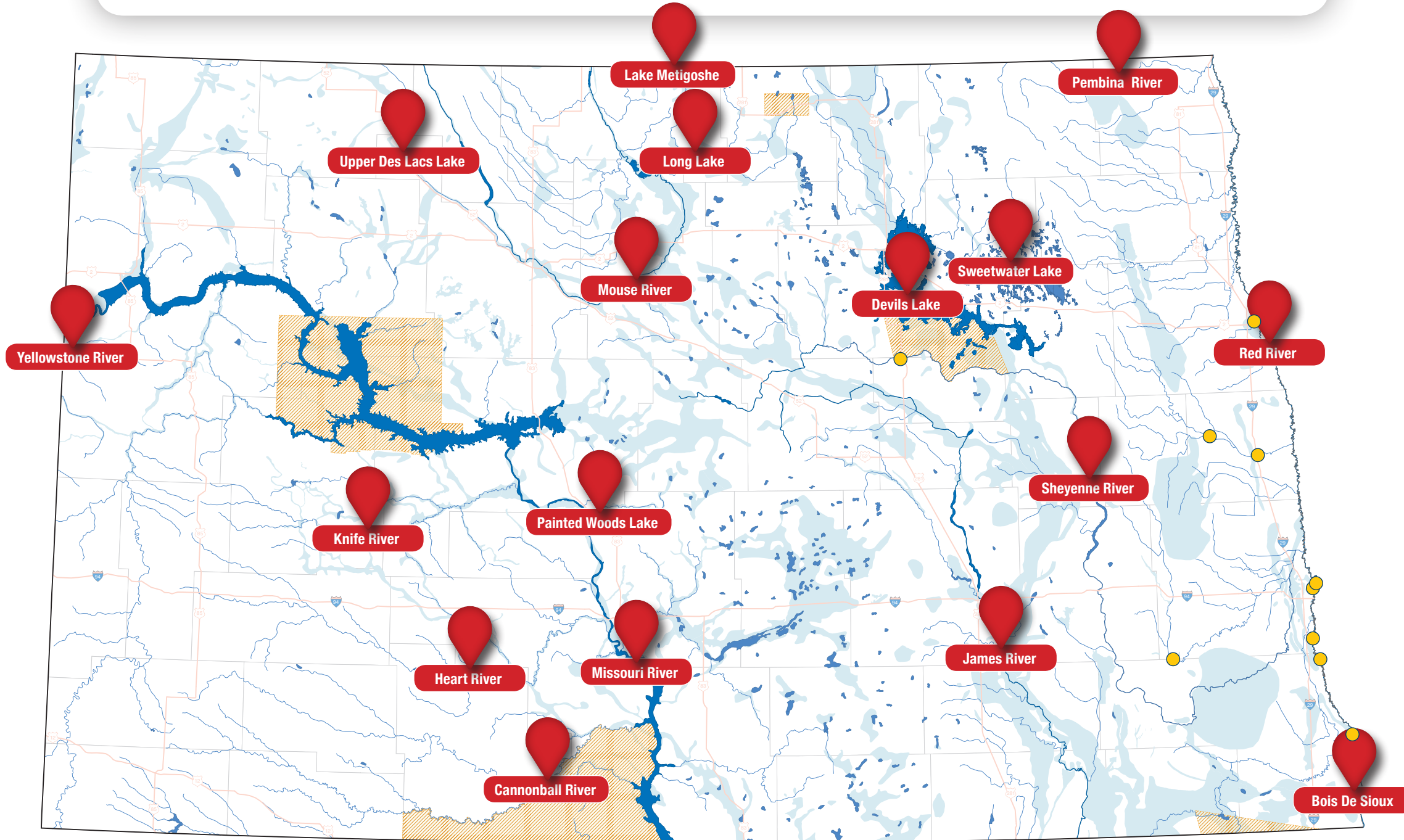
### GENERAL RULES & SAFETY

-  Canoeists and kayakers should learn proper paddling techniques, water safety, and first aid.
-  Tell someone about your trip itinerary. (launch points, camping locations, etc...)
-  Glass containers are prohibited on sovereign lands.
-  Please keep our beaches clean and pack out everything that you pack in.



# NORTH DAKOTA'S NAVIGABLE WATERS

There are amazing opportunities for boating, canoeing, and kayaking on North Dakota's lakes and rivers. Many of these waters are termed as "navigable," which means both water and land owned by public offering public access opportunities beyond what's allowed in and around non-navigable waters. This guide has been developed to assist boaters, canoeists, kayakers, and other recreational water enthusiasts to safely, legally, and respectfully enjoy North Dakota's navigable and non-navigable waters.



All other waters not listed are considered to be non-navigable at this time. List updated May 2018. For a list of boat docks, visit [gf.nd.gov/boating/access](http://gf.nd.gov/boating/access).

**LEGEND**

Navigable Waters

Modified Low Head Dam\*

\* "Modified" with rock ramp fish passage. Sound judgement should be used at all times.

- ▶ Missouri River
- ▶ James River
- ▶ Sheyenne River
- ▶ Pembina River
- ▶ Mouse River
- ▶ Red River
- ▶ 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)

**ORDINARY HIGH WATER MARK (OHWM)**

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.

**NAVIGABLE WATERS**

Waters that were usable for commerce, such as moving goods on a boat, at the time of North Dakota statehood.

**SOVEREIGN LANDS**

Those areas, including the beds and islands, lying within the ordinary high watermark of navigable lakes and streams. These publicly-owned lands are managed for the benefit of the citizens of the state.

The Office of the State Engineer (OSE) is responsible for managing activities in and around the state's navigable waters.

## BE AWARE OF LOW HEAD DAMS

- ▶ Usually simple concrete or rock masonry structures that span the width of the river or stream.
- ▶ Under the right conditions, water flowing over the dam can cause a "roller effect" on the downstream side.
- ▶ Strong recirculating currents can trap and drown boaters, swimmers, or other water users.
- ▶ Watch for low head dam signs, portage around all dams and re-enter well downstream of the boil.
- ▶ For more information about low head dams: [www.swc.nd.gov/reg\\_approp/damsafety/](http://www.swc.nd.gov/reg_approp/damsafety/)

