

WHEN DO I NEED A SOVEREIGN LAND PERMIT?

The Department of Water Resources (DWR) manages all navigable waters of the state. Any project that lies partially or wholly within the ordinary high water mark (OHWM) of a navigable waterbody will need a sovereign land permit from the DWR prior to construction.

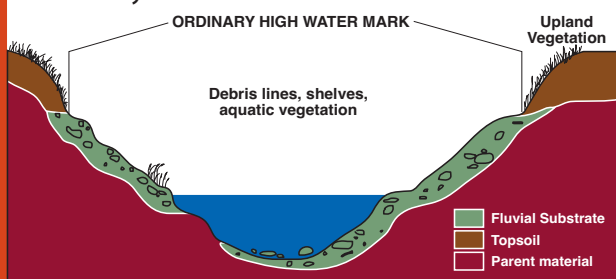
Projects that would require prior authorization to begin construction include water intakes, boat docks, electrical power line crossings, bored utility lines, bridges, the placement of rock riprap for bank stabilization, and dredging within the OHWM of a navigable waterbody. If you are planning to build or install anything in or around a navigable river or lake, you will likely need a permit.

DEFINITIONS

Though the above explanation seems simple enough, it may provoke a couple of the other fair questions, such as – what is an ordinary high water mark, and what is a navigable waterbody?

ORDINARY HIGH WATER MARK

Defined in North Dakota Administrative Code (NDAC), it's the line below which the action of water is frequent enough either to prevent the growth of vegetation or to restrict its growth to predominantly wetland species. In addition, any islands in navigable waterbodies are generally considered to be below the ordinary high water mark in their entirety.

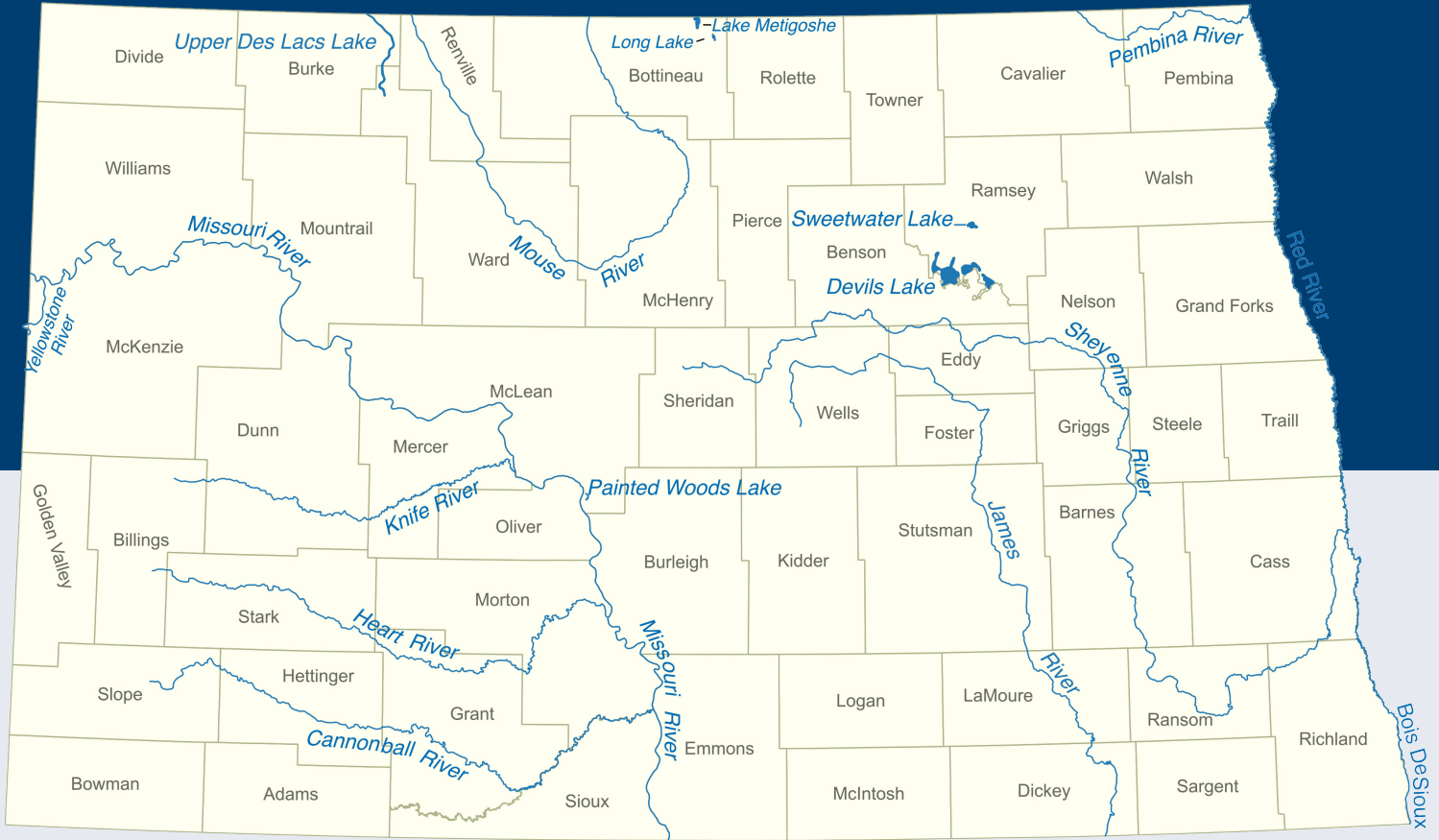


NAVIGABLE RIVER OR LAKE

Navigable means any waterbody that was used or susceptible for use for commerce at the time of statehood (1889). There are currently 17 navigable waterbodies in North Dakota including the Missouri River, Red River, Cannonball River, Heart River, Knife River, Painted Woods Lake, Yellowstone River, Upper De Lacs Lake, Mouse River, Long Lake (Bottineau County), Lake Metigoshe, Pembina River, Sheyenne River, Devils Lake, Sweetwater Lake, James River, and Bois De Sioux.



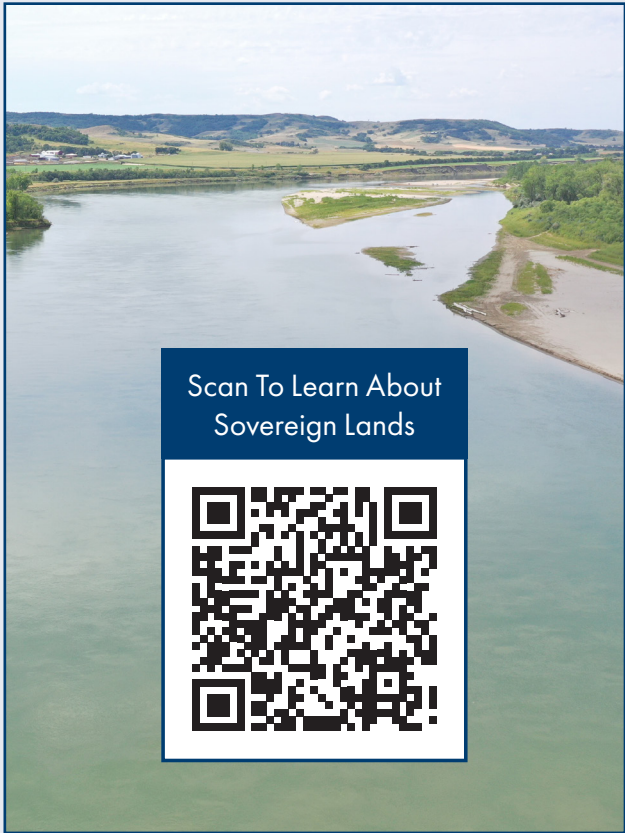
NAVIGABLE WATERS OF NORTH DAKOTA



THE PERMIT PROCESS

To acquire a sovereign land permit from DWR, an *Authorization To Construct a Project Within Sovereign Lands of North Dakota* application form must be filled out and submitted to DWR, along with a map showing the project location. After the application is received, it is reviewed by DWR staff and comments are requested from a number of local, state, and federal agencies. After the 30-day comment period ends, all comments are reviewed. It is possible that a public meeting may then be held as deemed appropriate by the DWR. The DWR will then make a determination on the permit applications.

Exemptions are available for sovereign land permits, primarily related to certain boat docks, water intakes, and riparian landowner use. To learn about those exceptions, or to find additional information, see DWR's website (<https://www.dwr.nd.gov/>) or you may contact DWR's Sovereign Land Manager, Jerry Heiser at 701-328-4935 or gheiser@nd.gov and Sovereign Land Specialist Amy Winkelman at 701-328-4988 or awinkelman@nd.gov.



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