

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2134

Introduced by

Senators Armstrong, Bekkedahl, Unruh

Representatives Bosch, Longmuir, Porter

1 A BILL for an Act to create and enact a new section to chapter 54-01 of the North Dakota
2 Century Code, relating to the ownership of minerals inundated by Pick-Sloan Missouri basin
3 project dams.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 54-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Mineral ownership of land inundated by Pick-Sloan Missouri basin project dams.**

8 Unless the state has explicitly transferred ownership of the minerals, the state of North
9 Dakota owns the minerals in and under the Missouri riverbed within state borders, including
10 segments of the riverbed which were artificially inundated as a result of constructing dams
11 pursuant to the Pick-Sloan Missouri basin project. The state sovereign land mineral ownership
12 of the riverbed segments inundated by Pick-Sloan Missouri basin project dams extends only to
13 the historical Missouri riverbed channel up to the ordinary high-water mark from the northern
14 boundary of the Fort Berthold reservation to the southern border of sections thirty-three and
15 thirty-four, township one hundred fifty-three north, range one hundred two west, which is the
16 approximate location of river mile marker one thousand five hundred sixty-five, and from the
17 northern boundary of the Standing Rock Indian reservation to river mile marker one thousand
18 three hundred three. Mineral ownership of the riverbed segments inundated by Pick-Sloan
19 Missouri basin project dams which are located within the exterior boundaries of the Fort
20 Berthold reservation and Standing Rock Indian reservation are excluded from this section and
21 must be determined under federal law. The state holds no claim to any minerals above the
22 ordinary high-water mark of the historical Missouri riverbed channel inundated by Pick-Sloan
23 Missouri basin project dams, except for original grant lands acquired by the state under federal
24 law and any minerals acquired by the state through purchase, foreclosure, or other written

1 conveyance. For the purposes of this section, "historical Missouri riverbed channel" means the
2 Missouri riverbed channel as delineated by the last known survey conducted by the army corps
3 of engineers in connection with the corps' determination of the amount of land acquired by the
4 corps for the impoundment of Lake Sakakawea and Lake Oahe. This section does not affect the
5 authority of the state engineer to regulate the Missouri riverbed or waters of the state provided
6 the regulation does not affect ownership of minerals in and under the riverbed or lands above
7 the ordinary high-water mark of the historical Missouri riverbed channel inundated by
8 Pick-Sloan Missouri basin project dams.