

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

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