



INDUSTRIAL COMMISSION OF NORTH DAKOTA

Doug Burgum
Governor

Wayne Stenehjem
Attorney General

Doug Goehring
Agriculture Commissioner

For Immediate Release

April 17, 2018

NORTH DAKOTA INDUSTRIAL COMMISSION RECEIVES REVIEW OF THE ORDINARY HIGH WATER MARK OF THE MISSOURI RIVER

BISMARCK, ND – The North Dakota Industrial Commission (Commission) received today the Ordinary High Water Mark of the Missouri River Bed Review conducted by Wenck Associates, Inc. (Wenck).

In a joint statement the Commission stated, "The Legislature directed the Department of Mineral Resources and the Commission to take on the complex issue of establishing the historic ordinary high water mark of the Missouri riverbed channel prior to closure of the Garrison Dam. We will carefully consider the information presented today and any comments that we receive during the 60-day public comment period and at the public hearing. This is a complex task and we appreciate the diligence of Wenck and our Department of Mineral Resources staff as they prepare their recommendations for the Commission's consideration."

The 2017 Legislature passed Senate Bill 2134 directing the Industrial Commission and the Department of Mineral Resources to:

- Select (through a procurement process) a qualified engineering and surveying firm to conduct a Review of a certain segment of the Army Corps of Engineers Survey of the ordinary high water mark of the historical Missouri riverbed channel.
- Receive findings and recommendations from the engineering firm on their Review of the delineation of the ordinary high water mark of the corps survey segments and their determination of whether clear and convincing evidence establishes that a portion of the corps survey does not reasonably reflect the ordinary high water mark of the historical Missouri riverbed channel.
- Publish notice of the Review findings and allow 60 days for written comments on the Review;
- Hold a public hearing for verbal comments - scheduled for June 26, 2018, at the North Dakota Heritage Center.
- After the public hearing, the Department of Mineral Resources, in consultation with the engineering firm, shall consider all public written and verbal comments, and develop a final recommendation on each of the review findings and deliver the final recommendations to the Industrial Commission.
- The Industrial Commission may modify a recommendation from the Department of Mineral Resources only if it finds clear and convincing evidence that the recommendation is substantially inaccurate.
- The Industrial Commission must take action on each finding. The Industrial Commission's action on each finding will determine the delineation of the ordinary high water mark for the segment of the river addressed by the finding.

"The Wenck Review can be downloaded from the Department of Mineral Resources website at <https://www.dmr.nd.gov/>," stated Lynn Helms, Director of the Department of Mineral Resources. "Written comments on the Review should be submitted to brkadmas@nd.gov before 5 p.m. CDT, Wednesday, June 20, 2018. Additional comments will be received at the public hearing on Tuesday, June 26, 2018."

The North Dakota Industrial Commission consists of Gov. Doug Burgum as chairman, Attorney General Wayne Stenehjem and Agriculture Commissioner Doug Goehring.

For assistance in downloading the Review or submitting comments call 328-8020.

For further questions contact Michael Ziesch at 328-8020.

N.D.C.C. Chapter 61-33.1 can be found at <http://www.legis.nd.gov/cencode/t61c33-1.pdf>