

Sixty-ninth  
Legislative Assembly  
of North Dakota

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE CONCURRENT  
RESOLUTION NO. 3018**

Introduced by

Representatives Beltz, Brandenburg, Frelich, Grueneich, Mitskog, Schreiber-Beck, Swiontek,  
Weisz

Senators Sorvaag, Thomas, Wanzek

1 A concurrent resolution directing the Legislative Management to consider studying water and  
2 wetlands regulations and the taxation of inundated lands in the state.

3 **WHEREAS**, the management of water and wetlands resources is a complex issue with  
4 significant implications for public health, economic development, and agriculture; and

5 **WHEREAS**, determining the high water mark of specific wetlands is imperative to protect  
6 both public and private property losses; and

7 **WHEREAS**, the jurisdiction over water and wetlands often is unclear and involves multiple  
8 levels of government, including federal, state, and local agencies; and

9 **WHEREAS**, overlapping jurisdictions can create confusion, delays, and inconsistencies in  
10 the regulation and management of water and wetlands; and

11 **WHEREAS**, boards of county commissioners are authorized to remove from the tax rolls all  
12 inundated lands, often resulting in inconsistent application; and

13 **WHEREAS**, seasonal wet areas and meltwater concentrations are considered jurisdictional  
14 wetlands by some authorities; and

15 **WHEREAS**, despite being a jurisdictional wetland, these areas are nuisance areas where  
16 crops can not grow for most of the year, and only become productive acres after the initial  
17 spring runoff; and

18 **WHEREAS**, seasonal wet areas can create concentrations of salts and other substances  
19 that permanently impair soil and soil productivity; and

20 **WHEREAS**, seasonal wet areas become dry in the summer and serve little value as a  
21 wildlife habitat; and

22 **WHEREAS**, a comprehensive study of the jurisdictional framework is necessary to identify  
23 potential conflicts, overlaps, and gaps in authority and tax treatment; and

1       **WHEREAS**, a study will provide valuable information to the Legislative Assembly in  
2 developing effective and efficient policies for the protection and management of water and  
3 wetlands resources; and

4       **WHEREAS**, addressing confusion and property disputes caused by the declaration of  
5 navigability and property titles deriving from patents issued by the United States will provide  
6 valuable information to the Legislative Assembly concerning the determination of lawful  
7 ownership and tax treatment;

8       **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**  
9 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

10       That the Legislative Management shall consider studying water and wetlands regulations  
11 and the taxation of inundated lands in the state; and

12       **BE IT FURTHER RESOLVED**, that the study must include a review of the different methods  
13 to assess and document high water levels for wetlands; an examination of the regulation of  
14 water, wetlands, and inundated lands laws of other states; an inventory of all federal, state, and  
15 local laws, regulations, and policies relating to the jurisdiction of water and wetlands; an  
16 analysis of the environmental protection and public health jurisdictional framework, including an  
17 identification of potential conflicts, overlaps, and gaps in authority; and recommendations for  
18 improving the clarity, consistency, and efficiency of the jurisdictional framework in water  
19 management; and

20       **BE IT FURTHER RESOLVED**, that the study also must explore viable legal options to fill  
21 and drain nuisance areas, examine the impacts of seasonal wet areas on agriculture  
22 productivity and soil health, and identify the value of these areas to resident wildlife; and

23       **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and  
24 recommendations, together with any legislation required to implement the recommendations, to  
25 the Seventieth Legislative Assembly.