NOTICE OF INTENT TO
ADOPT AND AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota State Engineer will hold a public hearing to address proposed new rules and amendment of current rules to North Dakota Administrative Code Articles 89-03 and 89-10, at 9:00 A.M., Thursday, August 20th, in the basement conference room at the State Office Building, 900 East Boulevard Ave., Bismarck, ND. The proposed rules changes are not expected to have an impact on the regulated community in excess of $50,000.

The purpose and an explanation of the proposed rule changes are as follows:

Section 89-03-03-02, Definition of domestic rural use is amended to be consistent with changes made by the legislature in N.D.C.C. 61-04-01.1.

Section 89-10-01-03, Definitions is amended to define domestic water use.

Section 89-10-01-10, Projects not requiring a permit amends which sovereign lands projects do not require a permit.

Section 89-10-01-10.1, Boat docks, boat ramps, and water intakes is amended to remove boat ramps from this section.

Section 89-10-01-10.2, Boat dock registration is created to require boat docks not requiring a permit from the state engineer on the Missouri River between the Oliver/Morton county line (river mile 1328.28) and Lake Oahe wildlife management area (river mile 1303.5) south of Bismarck must be registered with the state engineer before placing the dock and establishes that the state engineer shall provide the registration forms for the boat docks. This section also provides that any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

Section 89-10-01-11, Structures is amended to clarify this section.

Section 89-10-01-34, Dredging or filling is created to provide that, except as otherwise provided, dredging or filling on sovereign lands is prohibited and establishes the process by which the state engineer may restore sovereign lands where prohibited dredging and filling has occurred.

The proposed rules may be reviewed at the North Dakota State Engineer's office, 900 East Boulevard Ave., Bismarck, ND 58505 or on the State Engineer's website at www.swc.nd.gov. A copy of the proposed rules may be requested by writing the above address, calling 701-328-4941, or e-mailing rpedersen@nd.gov. Written or oral

comments on the proposed rules sent to the above mailing or e-mail address, or telephone number and received by September 1, 2009, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the State Engineer's office at the above address or phone number at least seven days before the public hearing.

Dated this 15th day of July, 2009.

Dale Frink
North Dakota State Engineer