



NORTH DAKOTA

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
4,927,500	2,490,000	2,437,500	-49%

North Dakota Wetlands: More than 90 percent of the wetlands in the State are classified as natural basin wetlands, commonly called prairie potholes. The prairie potholes primarily contain persistent-emergent wetlands, variously called wet meadows, marshes, and fens. Other palustrine classes that exist but are not common in North Dakota are scrub-shrub wetlands and forested wetlands.

<u>Summary</u>	<u>Individual Features</u>	<u>Regulation</u>	<u>Water Quality Standards</u>	<u>Mitigation</u>	<u>Monitoring and Assessment</u>	<u>Restoration</u>	<u>Public/Private Partnerships</u>
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SUMMARY

Overall Program

The state regulates activities in state waters and drainage of some wetlands pursuant to its wetland statute.

Innovative Features and New Programs/Initiatives

The state has adopted an overall no net loss goal and a mitigation bank.

State Wetland Conservation Plan

None.

No Net Loss/Net Gain Goal

None.

INDIVIDUAL FEATURES:

Regulation

Wetland Regulatory Statutes and Administrative Rules

ND Cent. Code #61-01-22, 61-02-14, 61-02-20. Permits are required from the State Water Resources Commission for activities in state waters and drainage of certain ponds, sloughs, and lakes including dikes, dams, and other channel modifications.

ND Cent. Code #61-32-01 et. seq. Permits are required from the state engineer for draining of a wetland with a watershed area of 80 acres or more. The state water policy and impacts on downstream landowners are considered. The regulatory responsibility is shared by the state engineer and the local water resource districts, if the project is determined to be of statewide or water inter district significant. If not, responsibility rests solely with the appropriate water resource district. The state engineer is also responsible for managing and authorizing activity on state sovereign lands described as beds of navigatable lakes and streams.

Wetland Definition and/or Delineation; Comparability With Federal Definition

“Wetland” includes any natural depression that is capable of holding shallow, temporary, intermittent or permanent water.

Evaluation Methodology

None identified.

Regulated and Exempted Activities

None identified.

Special Provisions for Agriculture and Forestry

Drainage of wetlands is regulated for watersheds that are at under 80 acres. See Wetlands Regulatory statute above.

Penalties and Enforcement

None identified.

Permit Tracking

None identified.

State General Permit (PGP or SPGP) for 404

None identified.

Assumption of Section 404 Powers

Assumption has been explored, but funding is a major obstacle.

Joint Permitting

Not Applicable.

Special Area Management Plans and Advanced Identification Plans

None identified.

Role of Local Governments

None identified.

Staffing

No information.

Water Quality Standards**Wetlands and Water Quality Standards**

In North Dakota, wetlands are waters of the state and therefore are protected by Water Quality Standards (WQS). The WQS that apply are aquatic life criteria for priority pollutants as well as narrative standards.

Wetland Definition

None identified.

Designated Uses

None identified.

Narrative and/or Numeric Criteria

None identified.

Antidegradation Policy

The antidegradation policy and implementation procedures apply to wetlands if a 402 or 404 permit action is initiated.

Other

None identified.

Staffing

None identified.

Mitigation**Mitigation Policy**

There is an informal one for one for one mitigation policy.

Mitigation Banks

None identified.

In Lieu Fee Program

None identified.

Ad Hoc Arrangements

None identified.

Mitigation Database

None identified.

Staffing

None identified.

Monitoring and Assessment

Mapping/Inventory

Wetland Classification and Assessment

Annual waterfowl surveys in the spring include some wetland information as indices of water conditions.

Overall Wetland Gain and Loss Tracking System

None identified.

Staffing

None identified.

Restoration

Program Description

None identified.

Restoration Program Goals

Not applicable.

Eligibility Criteria

Not applicable.

Restoration Database

Not applicable.

Staffing

None identified.

Public/Private Partnerships

Acquisition Program

The state cost-shares in creating compensation wetlands.

Public Outreach/Education

None identified.

Tax Incentives

None identified.

Technical Assistance

None identified.

Other Nonregulatory Incentives for Private Landowners

None identified.

Wetland Training and Education

None identified.

Watershed Planning

None identified.

Special Problems

None identified.

Coordination

None identified.

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Contact Points

<http://www.ehs.health.state.nd.us/wq/>

<http://www.health.state.nd.us/>

<http://www.discovernd.com/>

<http://www.state.nd.us/lr/>

<http://www.state.nd.us/gnf/>

Guidebooks, Brochures, Websites, Other Educational Materials

None identified specific to North Dakota.