



# DRAINS OF STATEWIDE OR INTERDISTRICT SIGNIFICANCE

POLICY | REG\_03.2026

NORTH  
**Dakota** | Water Resources  
Be Legendary.

Effective Date 04/01/2026

## POLICY OUTLINE

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## 1 POLICY STATEMENT

The North Dakota Department of Water Resources (Department) and North Dakota Water Resource Districts (WRDs) have shared responsibilities in the review of surface drainage permit applications. This policy describes the Department's methodology in considering the criteria in North Dakota Administrative Code (N.D.A.C.) § 89-02-01-09 to make a determination on whether a drain project has statewide or interdistrict significance.

### 1.1 POLICY AUTHORITY OR IMPLEMENTATION

This policy garners authority from North Dakota Century Code (N.D.C.C.) § 61-32-08 and N.D.A.C § 89-02-01-02 and will be implemented through the Department's Regulatory Division.

### 1.2 ACCEPTANCE OR ENFORCEMENT

The Department reserves the right to change this policy as necessary to ensure Department fulfills its statutory duties.

The Department reserves the right to return any application submitted under this policy to the applicant for correction if, in the Department's sole determination, it does not comply with the policy's intent or is insufficient for Department to make an informed decision.

The Department reserves the right to enforce this policy per the process outlined in N.D.C.C. § 61-32-03 and N.D.A.C. ch. 89-02-01.

### 1.3 APPEALS

Decisions may be appealed per the process outlined in N.D.C.C. § 61-03-22.

### 1.4 POLICY DEVIATIONS

The Department reserves the right to deviate from policy as deemed appropriate and within requirements outlined in N.D.C.C. or N.D.A.C.

### 1.5 DEPARTMENT CONTACT

Please contact the Department's Regulatory Division at (701) 328-4956 or [dwrregpermits@nd.gov](mailto:dwrregpermits@nd.gov) for questions regarding this policy or other water drainage questions.

## 2 GENERAL POLICY CONSIDERATIONS

In determining whether any proposed surface drain project (N.D.C.C. § 61-32-03) is drainage of statewide or interdistrict significance, the Department must consider the criteria in N.D.A.C. § 89-02-01-09 (Criteria). After review of the Criteria, the Department must decide whether to classify an application as proposing drainage of statewide or interdistrict significance within 90 days after an application is considered complete.

### 2.1 PROJECTS THAT HAVE DRAINAGE OF STATEWIDE OR INTERDISTRICT SIGNIFICANCE:

Drain permit applications that propose projects that fit into the following categories will be determined to have drainage of statewide or interdistrict significance:

- a. Drainage of a navigable waterbody
- b. Drainage from a lake
- c. Drainage that results in an inter-basin transfer (HUC8 or larger)
- d. Drainage that may have a substantial effect on a watercourse or lake with known flooding issues
- e. Drainage that will have an unmitigated effect on another WRD
- f. Drainage that has the potential to negatively affect vital public infrastructure, such as existing dikes; medium or high hazard dams; or other flood control or protection systems
- g. Drainage within the Devils Lake Basin

### 2.2 PROJECTS THAT DO NOT HAVE DRAINAGE OF STATEWIDE OR INTERDISTRICT SIGNIFICANCE:

Drain permit applications that propose projects that fit into the following categories will be determined to not have drainage of statewide or interdistrict significance:

- a. Drainage projects that only drain sheetwater and that are within a square mile drainage area, including:
  - Deepening or widening of existing drains
  - Drains that are not part of a phased drainage project

### 2.3 PROJECTS THAT MAY HAVE DRAINAGE OF STATEWIDE OR INTERDISTRICT SIGNIFICANCE:

Drain permit applications that propose projects that fit into the following categories may be determined to have drainage of statewide or interdistrict significance. To determine if the project has drainage of statewide or interdistrict significance, the Department will follow the process in Section 2.3.1.

- a. New drainage beyond the scope of Section 2.2, including assessment and private drains, that may have a negative effect on a watercourse, pond, slough, or any series thereof with known flooding issues
- b. Drainage of a watercourse
- c. Drainage of a pond, slough, or any series thereof
- d. Drainage that results in an inter-basin transfer (HUC 10 or smaller)
- e. Projects with the potential of negatively affecting the water quality of the Sheyenne River
- f. Projects with the potential to spread known aquatic nuisance species populations, as identified by the North Dakota Game and Fish Department
- g. Drainage that will have a mitigated effect on another WRD
- h. Drainage affecting public infrastructure, such as roads or highways and their rights-of-way or stream crossings

### 2.3.1 SOLICITATION OF COMMENTS

The Department will solicit comments for up to 30 days to help inform the Department's statewide or interdistrict significance determination for project types listed in Section 2.3. Comments must be submitted by the Department deadline. If all comments are received prior to the deadline, the Department will continue its review. The Department is not bound by any comment submitted.

Comments will be sought from the following entities:

- a. Any WRD that may be affected by the project;
- b. North Dakota Game and Fish Department;
- c. North Dakota Department of Environmental Quality;
- d. North Dakota Department of Transportation;
- e. North Dakota State Historical Society;
- f. North Dakota State Department of Trust Lands;
- g. North Dakota State Parks and Recreation Department; and
- h. Other agencies or political subdivisions, as appropriate.

### 3 POLICY HISTORY

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