

MINNESOTA PUBLIC WATERS BELONG TO ALL MINNESOTANS

SF1433 would allow landowners to turn our public
waters into private waters



Minnesota public waters belong to all Minnesotans. **The State holds public waters in trust for the benefit of the people and has the obligation to protect public waters.** In the 1970's, the Legislature mandated a Public Waters Inventory (PWI). The Legislature required Minnesota Department of Natural Resources ("DNR") to create and maintain the PWI and also gave DNR power to correct errors in the PWI. **The PWI is an important tool for protecting Minnesota's water resources.** MCEA opposes all bills that seek to weaken protections for public waters like SF1433.

What would SF1433 change?

Today, any member of the public may ask the DNR to make a correction on the PWI—public waters are, after all, for the public. For example, in 2019, MCEA petitioned DNR to correct errors to the PWI, asking DNR to list Limbo Creek as a public water because it meets the statutory definition. DNR created a notice and comment process to consider MCEA's petition and is currently evaluating whether five watercourses should be relisted on the PWI. Passing SF1433 would undermine this process and ensure the PWI is inaccurate and does not include hundreds of miles of public watercourses that are currently excluded from the inventory.

SF1433 seeks to amend the PWI law so that only a landowner can ask DNR to correct errors in the PWI. The bill would require DNR to make a decision within 60 days and would allow the landowner to demand a contested case hearing if the DNR denies the purported correction. Passing SF1433 would result in many petitions to remove watercourses from the PWI and very few to include watercourses on the PWI that were improperly excluded.

Why does it matter?

MCEA strongly opposes SF1433 because it undermines the State's ability to protect public waters for the benefit of all Minnesotans. Today, all citizens have the opportunity to ask DNR to make the PWI accurate—whether adding or removing waters from the PWI. Passing a law that elevates landowner interest over the public interest is inconsistent with public waters law and the public trust doctrine, and will make it impossible for everyday Minnesotans to seek an accurate listing of the public waters in the State. Public waters belong to all Minnesotans, and this law would cut the public out of the process.

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