

Tuesday, February 20, 2024

Chair Hansen and Members of the Committee:

The undersigned organizations support HF 3385 (Pursell) and ask for your vote to advance this legislation, which clarifies the definition of “public waters” to ensure that all public waters are protected in Minnesota.

Minnesotans rightly treasure our public waters, and the Legislature has created strong protections to ensure that public waters are not damaged or converted to a private purpose. These protections include a needed “public waters works” permit, administered by the Minnesota Department of Natural Resources, before a public water can be ditched, drained or dammed. In addition, governmental actions that significantly impact public waters require an environmental assessment worksheet to be completed. Minnesota Statute 103G.005 Subd. 15 defines a “public water.” In the late 1970’s and early 1980’s, the Legislature required the creation of a “public waters inventory” (PWI), comprising a list and map of identified public waters. The PWI is an important and useful resource, but it omits a number of waterways that meet the statutory definition. This can occur for several reasons. One example is that in 2017, the Minnesota DNR deleted approximately 640 miles of stream and river segments from the PWI. The DNR subsequently agreed that some of these deletions were inaccurate, and committed to a court to restore them. However, the DNR has not yet completed this work, meaning that for this reason alone the PWI is not a complete list of public waters in Minnesota. In addition, we didn’t have the advanced geospatial tools in the 1980’s that we now have to capture and correctly characterize all water bodies that meet the statutory definition in 103G.005.

In 2022, the Minnesota Supreme Court found in favor of local citizens who sought to protect the last free-flowing stretch of Limbo Creek, a waterway that met the statutory definition of a public water, but was omitted from the PWI due to confusion over its status in the early 1980’s. The Court ruling was limited to the facts specific to that waterway, and the Court asked for the Legislature to act, stating that “[i]t is the duty of the Legislature to clarify the relationship between the inventory and the statutory definition of public waters.”

HF 3385 (Pursell) clarifies this relationship and protects the public waters that Minnesotans rely on. Thank you to Chair Hansen for hearing this important bill, and we ask for the support of all legislators.

Sincerely,

Minnesota Center for Environmental Advocacy  
Austin Coalition for Environmental Sustainability (A.C.E.S.)  
Alliance for Sustainability  
Audubon Upper Mississippi River  
Bicycle Alliance  
Clean Water Action Minnesota



The Coalition for a Clean Minnesota River (CCMR)  
Conservation Minnesota  
CURE  
Friends of the Cloquet Valley State Forest  
Friends of the Mississippi River  
Friends of Minnesota Scientific and Natural Areas  
Izaak Walton League - McCabe Chapter  
Izaak Walton League - Minnesota Division  
Land Stewardship Project  
League of Women Voters Minnesota  
Minnesota Environmental Partnership  
Minnesota Trout Unlimited  
Minnesota River Collaborative  
MN350  
Northern Waters Land Trust  
Pollinator Friendly Alliance  
Save Our Sky Blue Waters  
Save Lake Superior Association  
Sierra Club North Star Chapter  
Vote Climate  
WaterLegacy  
Wild Rivers Conservancy