



# Public Waters Protection



## BACKGROUND

- Minnesota statute defines a “public water” in Section 103G.005. When the legislature adopted this definition it also instructed DNR to create a list and map of public waters called the public waters inventory (PWI). The current PWI contains errors because of information and technology limitations at the time it was created. DNR has always interpreted the statute, however, to mean that any water meeting the definition, regardless of whether it appears on the PWI, is a “public water.” In a 2022 case, the Minnesota Supreme Court agreed with DNR that a specific waterway (Limbo Creek in Renville County) was a public water even though it was not listed on the PWI and also suggested that the legislature consider clarifying the language of the statute.
- **In 2024, the Minnesota Legislature adopted language to provide that clarity and reinforce DNR’s longstanding interpretation.** The language affirms that it is the statutory definition that defines the scope of the State’s jurisdiction over public waters. This does NOT impact implementation of the Buffer Law, which by law only applies to waters on the PWI.
- Currently, the PWI erroneously leaves off waters that meet the definition of public waters. Some of these waters were incorrectly deleted in 2017, when 640 stream miles were removed from the PWI by the Minnesota Department of Natural Resources (DNR). In 2024, the Minnesota Legislature appropriated \$8 million for the DNR to do a comprehensive update to the PWI. Over the past year, the DNR has hired staff for this purpose, which will necessarily involve coordination with local governments.
- **In 2025, Senator Lang offered an amendment to SF2077 that would REPEAL the clarification adopted in 2024. Senator Lang’s amendment re-introduces unnecessary ambiguity into the statute, which had been fixed just last year.**

## MINNESOTA’S PUBLIC WATERS DESERVE PROTECTION

When Minnesota became a state, its waters were transferred to the state government to be held in trust for its citizens. And in Minnesota, where water is central to our identity, the legislature has taken an expansive view of what counts as a public water. That view is expressed in the statutory definition.

Minnesota has required permits and environmental review procedures when public waters are impact – but those tools are only effective if all public waters are correctly identified.

**To ensure that all public waters in Minnesota are afforded these protections, it is critical to preserve the language adopted by the Minnesota Legislature in 2024 and OPPOSE the A30 amendment to SF2077.**



Distributed and produced by the Minnesota Center for Environmental Advocacy  
Contact: Aaron Klemz, MCEA Chief Strategy Officer, [aklemz@mncenter.org](mailto:aklemz@mncenter.org)