

History of Minnesota's Public Waters Inventory (PWI)

Jen Sorensen | Public Waters Hydrologist

- Early history of water regulation in Minnesota
- 1976 – First effort to inventory public waters
- 1979 – Public Waters Inventory (PWI) process
- 1994 Trout Unlimited lawsuit and 1996 settlement agreement
- Conversion from paper PWI maps/lists to GIS data and resources available
- Bonus: Discussion of terms: Public Waters/Protected Waters

Public Waters and PWI

- Public waters – The lakes, wetlands, rivers, and streams that are regulated by DNR under Minnesota's public waters statutes and rules
- PWI = Public Waters Inventory; a tool that is used to identify whether or not a waterbody is a public water

The screenshot shows the Minnesota Department of Natural Resources website. The header includes the DNR logo and a search bar. The navigation menu has links for Recreation, Destinations, Nature, Education & Safety, Licenses, Permits & Regulations, Events & Seasons, and About DNR. The breadcrumb trail reads: Home > Ecological and Water Resources > Water Management. The main heading is "Public Waters Inventory Program". A left sidebar contains links for "Main page", "Public Waters Inventory", "Update Project", "PWI maps info", "PWI maps download", "Water resources", "Main page", "Water management", "Water permits", "Surface water", "Groundwater", "Lake Superior", "Aquatic invasive species", and "Public drainage ditch systems". The main content area has a "Program description" section stating that public waters are held in trust for the benefit of all Minnesotans and that the DNR is charged with regulating activities within them. It also mentions that the Water Regulations Unit oversees the administration of the Public Waters Work Permit Program. A "Public Waters Inventory (PWI)" section notes that the unit maintains the inventory records and responds to inquiries.

Public Waters Inventory Program

Program description

Public waters are held in trust by the state for the benefit of all Minnesotans. As such, the DNR is charged under state law with regulating activities within public waters, to ensure the public's collective interest in those waters is protected.

The Water Regulations Unit oversees the administration of the Public Waters Work Permit Program. This program, begun in 1937, regulates water development activities below the [Ordinary High Water Level \(OHWL\)](#) in [public waters and public waters wetlands](#). These areas are identified on maps available for viewing on the DNR's [Public Waters Inventory \(PWI\) Maps](#) webpage.

Examples of development activities addressed by this program include filling, excavation, shore protection, bridges and culverts, structures, docks, marinas, water level controls, dredging, and dams. [DNR Area Hydrologists \(PDE\)](#) serve as the primary contacts for this program. The program staff in St. Paul provide policy guidance, program coordination with other water and wetland resource protection programs, permit decision appeal processing, and permit data management services.

Public Waters Inventory (PWI)

The Water Regulations Unit oversees the administration of the original public waters inventory conducted in the late 1970's, maintains the inventory records, and responds to inquiries about the inventory.

The screenshot shows the Minnesota Department of Natural Resources website. The header includes the DNR logo and a search bar. The navigation menu has links for Recreation, Destinations, Nature, Education & Safety, Licenses, Permits & Regulations, Events & Seasons, and About DNR. The breadcrumb trail reads: Home > Ecological and Water Resources > Water Management > Public Waters Work Permits. The main heading is "Public Waters Work Permits Program". A left sidebar contains links for "Program information", "PWI maps and lists", "Water law basics", "History of water protection", "Permit requirements", "Permit applications", "Docks", "Enforcement & public hearings", "Water resources", "Main page", "Water management", "Water permits", "Surface water", and "Groundwater". The main content area has a "Water law basics" section titled "Who owns the bed of a lake, marsh, or stream?". It explains that when a water basin or watercourse is "navigable" under the federal test, the State of Minnesota owns the bed below the natural ordinary low water level. It cites legal cases like *Lamprey v. State* and *United States v. Holt State Bank*. It also mentions that if a court has found a lake is non-navigable and meandered, the shoreland owners own the bed of a lake in severalty. If a stream is non-navigable but has been meandered, the shoreland owners own to the thread (centerline) of the stream. If a lake or stream is non-navigable and not meandered, ownership of the bed is as indicated on individual property deeds. A link is provided for "Pardon Me Myth! - Who Owns the Lake Bed? (PDF)". A "What are riparian rights?" section states that riparian rights are property rights arising from owning shoreland and include the right to wharf out to a navigable depth, to take water for domestic and agricultural purposes, to use land added by accretion or exposed by reliction, to take ice, to fish, boat, hunt, swim, to such other uses as water bodies are normally put to.

Public Waters Work Permits Program

Water law basics

Who owns the bed of a lake, marsh, or stream?

When a water basin or watercourse is "navigable" under the federal test, the State of Minnesota owns the bed below the natural ordinary low water level (see: [Lamprey v. State \(PDE\)](#), 52 Minn. 1981, 53 NW 1139 [1893]; and [United States v. Holt State Bank \(PDE\)](#), 270 U.S. 49 [1926]). The federal test used for navigability is: "when they are used, or are susceptible of being used, in their natural and ordinary condition, as highways for commerce, over which trade or travel are or may be conducted" (see: [State v. Longyear Holding Co. \(PDE\)](#) 224 Minn 451, 29 NW 2d 657 [1947]). If a court has found that a lake is non-navigable and meandered, the shoreland owners own the bed of a lake in severalty (see: [Schmidt v. Marschel \(PDE\)](#), 211 Minn 543, NW 2d 121 [1942]). If a stream is non-navigable but has been meandered, the shoreland owners own to the thread (centerline) of the stream. If a lake or stream is non-navigable and not meandered, ownership of the bed is as indicated on individual property deeds.

Also see: [Pardon Me Myth! - Who Owns the Lake Bed? \(PDF\)](#)

What are riparian rights?

Riparian rights are property rights arising from owning shoreland. They include the right to wharf out to a navigable depth; to take water for domestic and agricultural purposes; to use land added by accretion or exposed by reliction; to take ice; to fish, boat, hunt, swim; to such other uses as water bodies are normally put (see:

Definition of Public Waters

■ Definition of public waters: Minn. Stat. 103G.005, Subd. 15 (a):

§ Subd. 15. **Public waters.** (a) "Public waters" means:

(1) water basins assigned a shoreland management classification by the commissioner under sections [103F.201](#) to [103F.221](#);

(2) waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;

(3) meandered lakes, excluding lakes that have been legally drained;

(4) water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;

(5) water basins designated as scientific and natural areas under section [84.033](#);

(6) water basins located within and totally surrounded by publicly owned lands;

(7) water basins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;

(8) water basins where there is a publicly owned and controlled access that is intended to provide for public access to the water basin;

(9) natural and altered watercourses with a total drainage area greater than two square miles;

(10) natural and altered watercourses designated by the commissioner as trout streams; and

(11) public waters wetlands, unless the statute expressly states otherwise.

Definition of Public Waters Wetlands

- Definition of public waters wetlands: Minn. Stat. 103G.005, Subd. 15a:

Subd. 15a. **Public waters wetlands.** "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

Variety of Minnesota's Public Waters

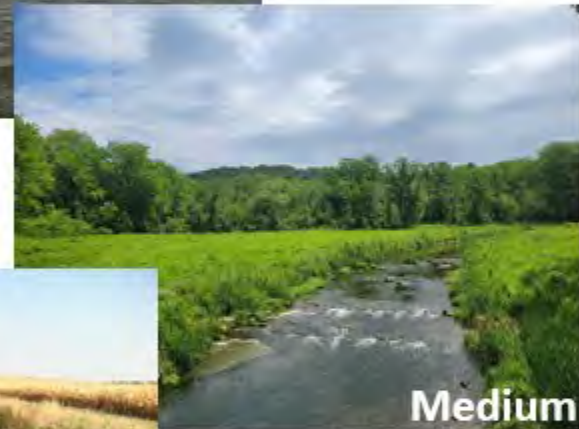
Basins (Lakes)



Wetlands



Watercourses



Basins (Lakes) that are Public Waters

Basins (Lakes)



- What defines a water body as a basin:
 - Water basins assigned a shoreland management classification by the DNR
 - Waters of the state that have been determined to be public waters or navigable by a court
 - Meandered lakes (excluding lakes that have been legally drained)
 - Water basins designated by the DNR for a specific purpose such as trout and game lakes
 - Water basins designated as SNAs
 - Water basins located within and totally surrounded by publicly owned lands
 - Water basins where the state or federal government holds title to any of the beds or shores
 - Water basins where there is a publicly owned and controlled access intended to provide public access
- Definition of water basin:
 - An enclosed natural depression with definable banks, capable of containing water, that may be partly filled with waters of the state and is discernible on aerial photographs.

Wetlands that are Public Waters

Wetlands



- What defines a water body as a wetland:
 - All type 3, 4, and 5 wetlands (as defined in the USFWS Circular No. 39, 1971 ed.), not included within the definition of public waters, that are 10 or more acres in unincorporated areas or 2.5 acres in incorporated areas
- “P” versus “W”
 - Public water basins given a PWI Class of “P”
 - Public water wetlands given a PWI Class of “W”

WATER BASIN DATA FOR PUBLIC WATERS SELECTION	
6 N; Range 29 W.	Water Basin No. <u>5-2 W</u>
named intermittent outlet <u>W shore</u> ; Class	Water Basin Name
Origin	Review Date: <u>May 24, 1977</u> <u>JH</u>
	Township Name: <u>St. George</u>
	Type of Water Level Control:
	Water Stage (in reference to apparent normal

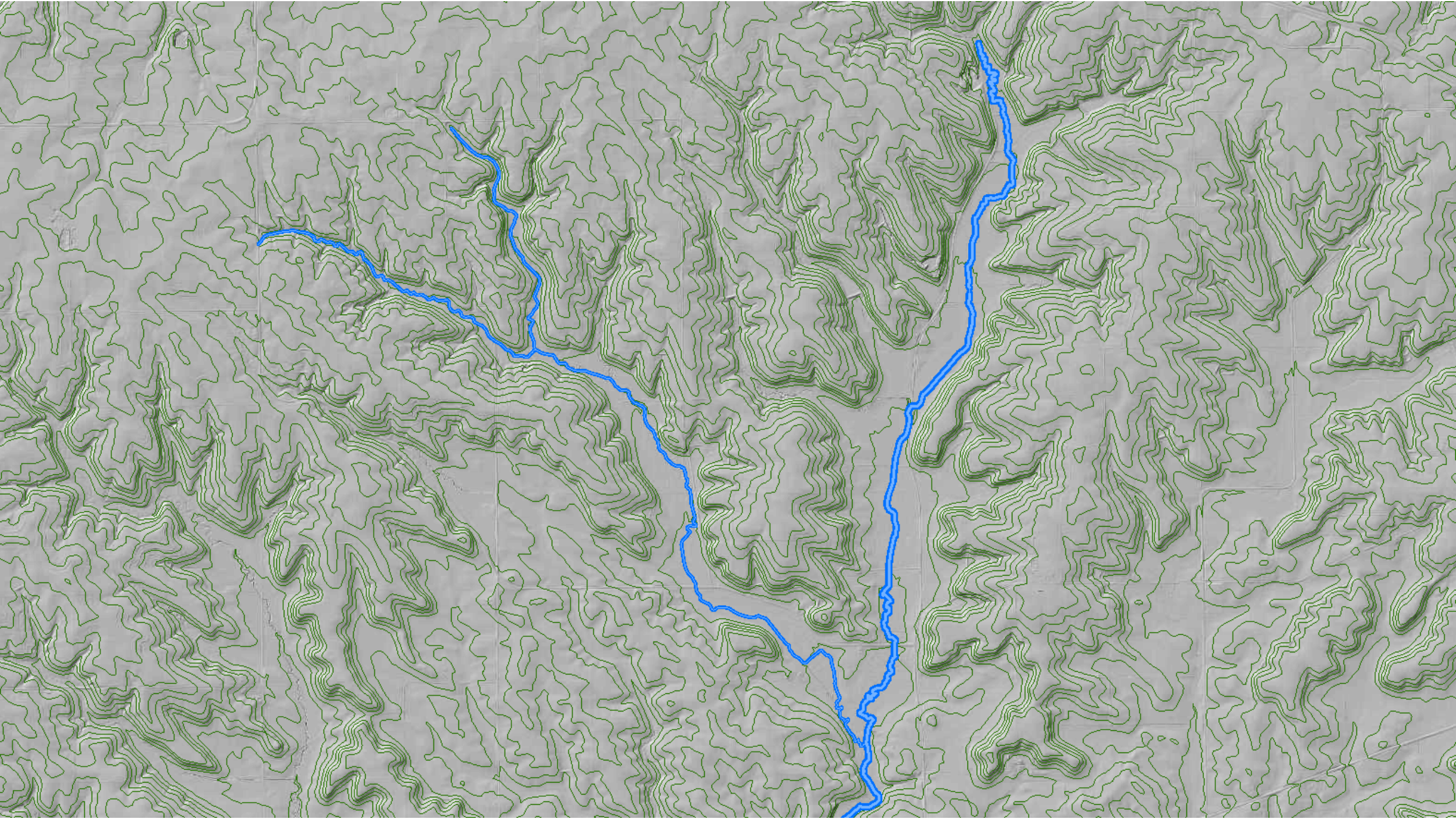
WATER BASIN NUMBER: <u>5-1-1</u>	<u>P</u>
WATER BASIN NAME: <u>PINE</u>	
TOWNSHIP NAME: <u>WAGNER</u>	TYPE: <u>V</u> WETLAND
named intermittent outlet: <u>Pointe St. Pierre</u>	DEPTH: <u>AVG. 1551</u> <u>MAX. 1551</u>

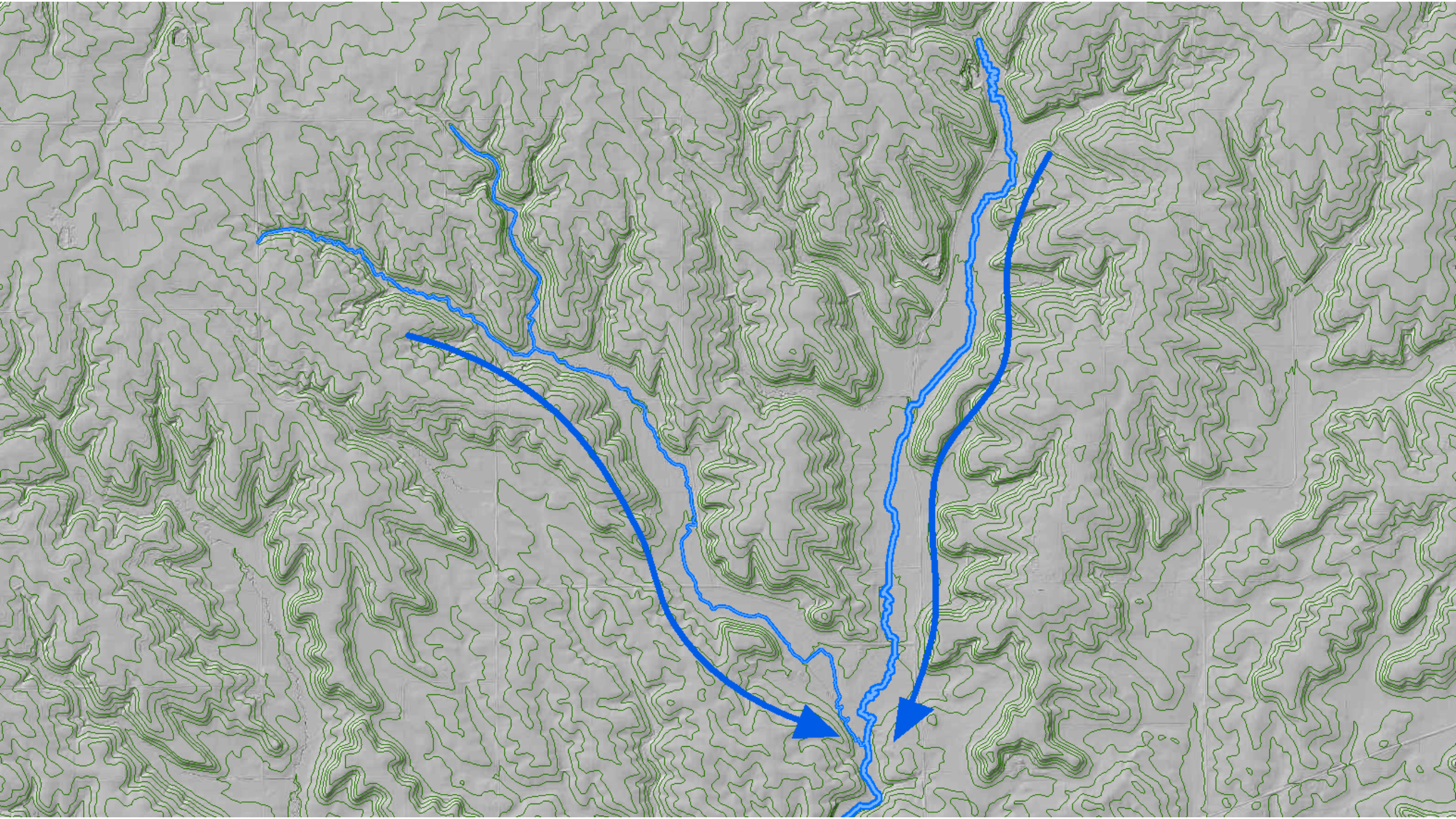
Watercourses that are Public Waters

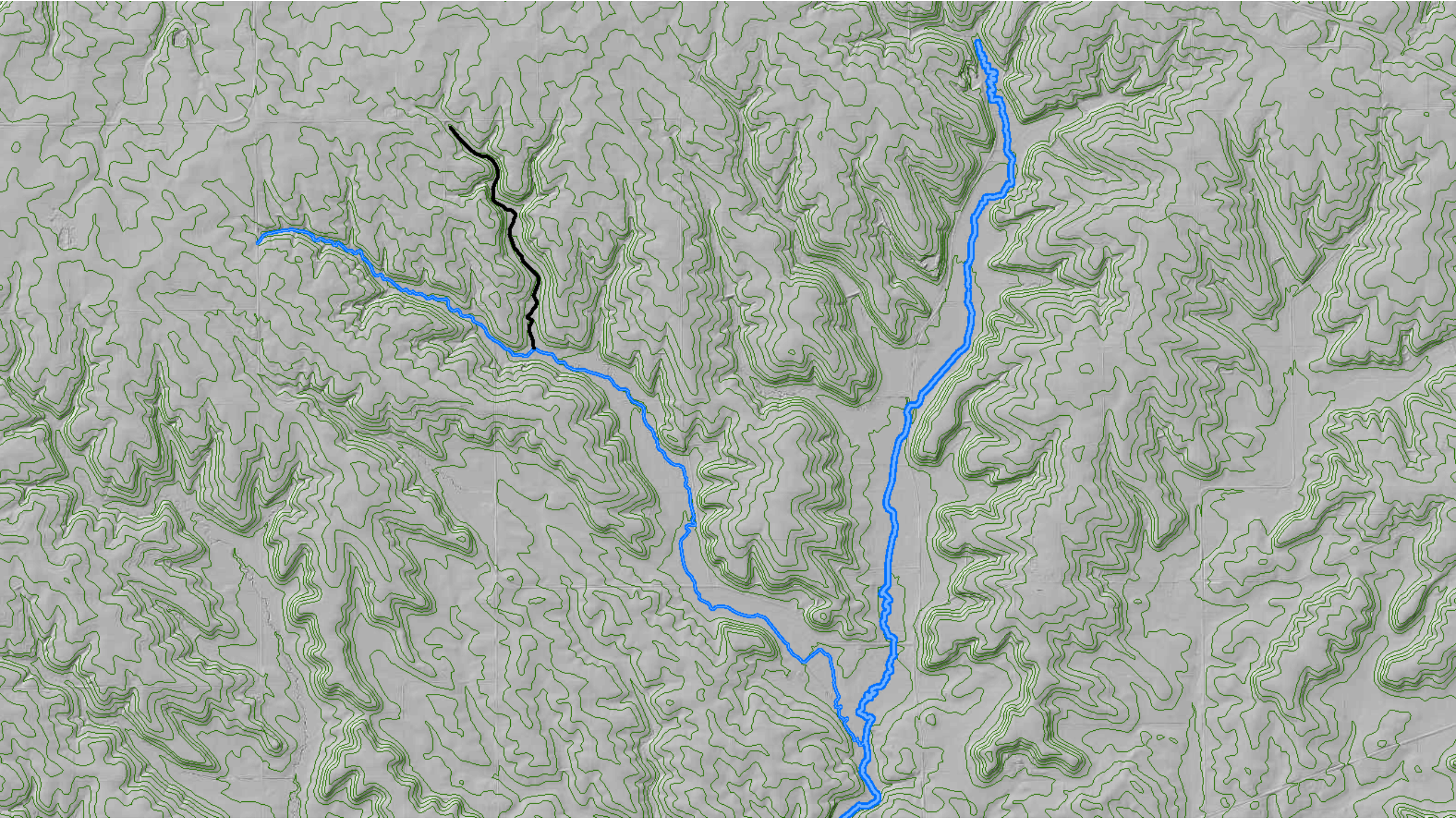
Watercourses

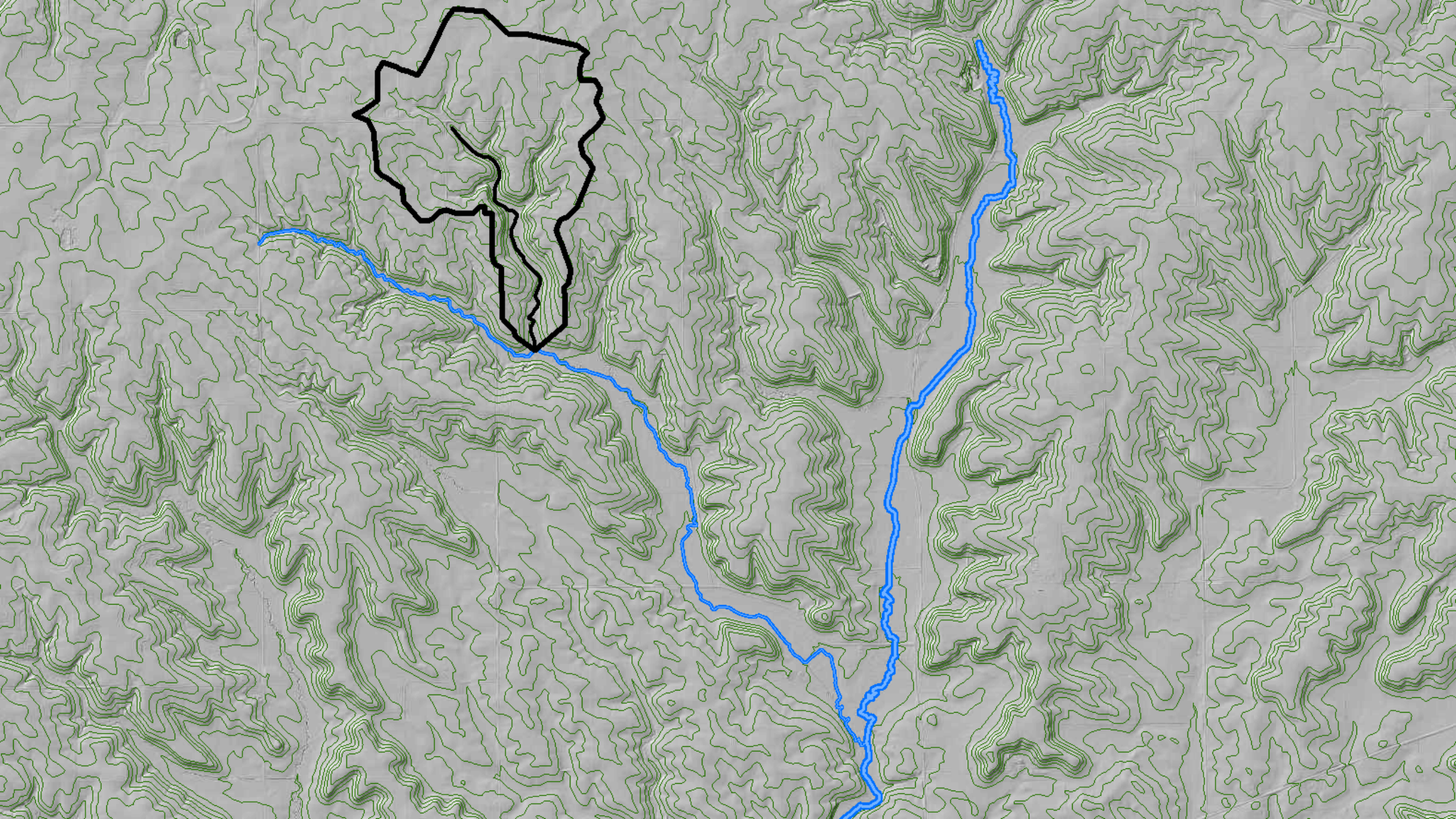


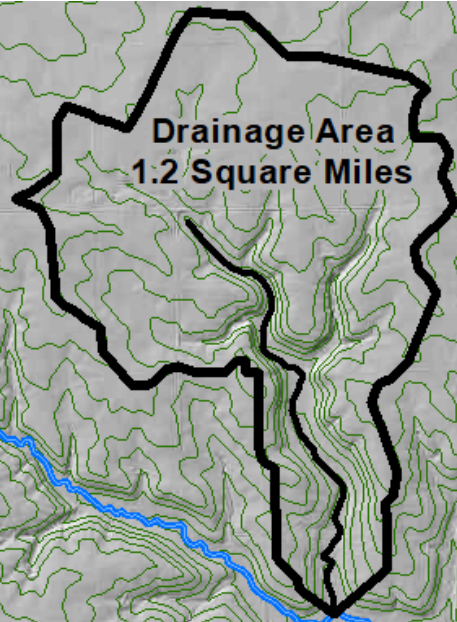
- What defines a water body as a watercourse:
 - Natural and altered watercourses with a total drainage area greater than 2 square miles
 - Natural and altered watercourses designated by the DNR as trout streams
- Natural watercourse:
 - A natural channel that has definable beds and banks capable of conducting confined runoff from adjacent land
- Altered natural watercourse
 - A former natural watercourse that has been affected by artificial changes to straighten, deepen, narrow, or widen the original channel
- A public watercourse can be both a public water and a public drainage ditch

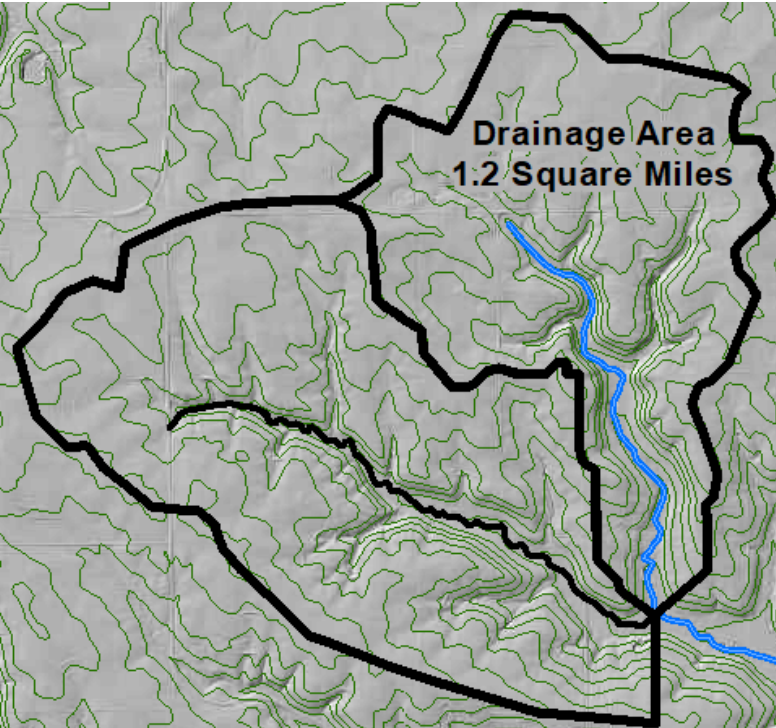


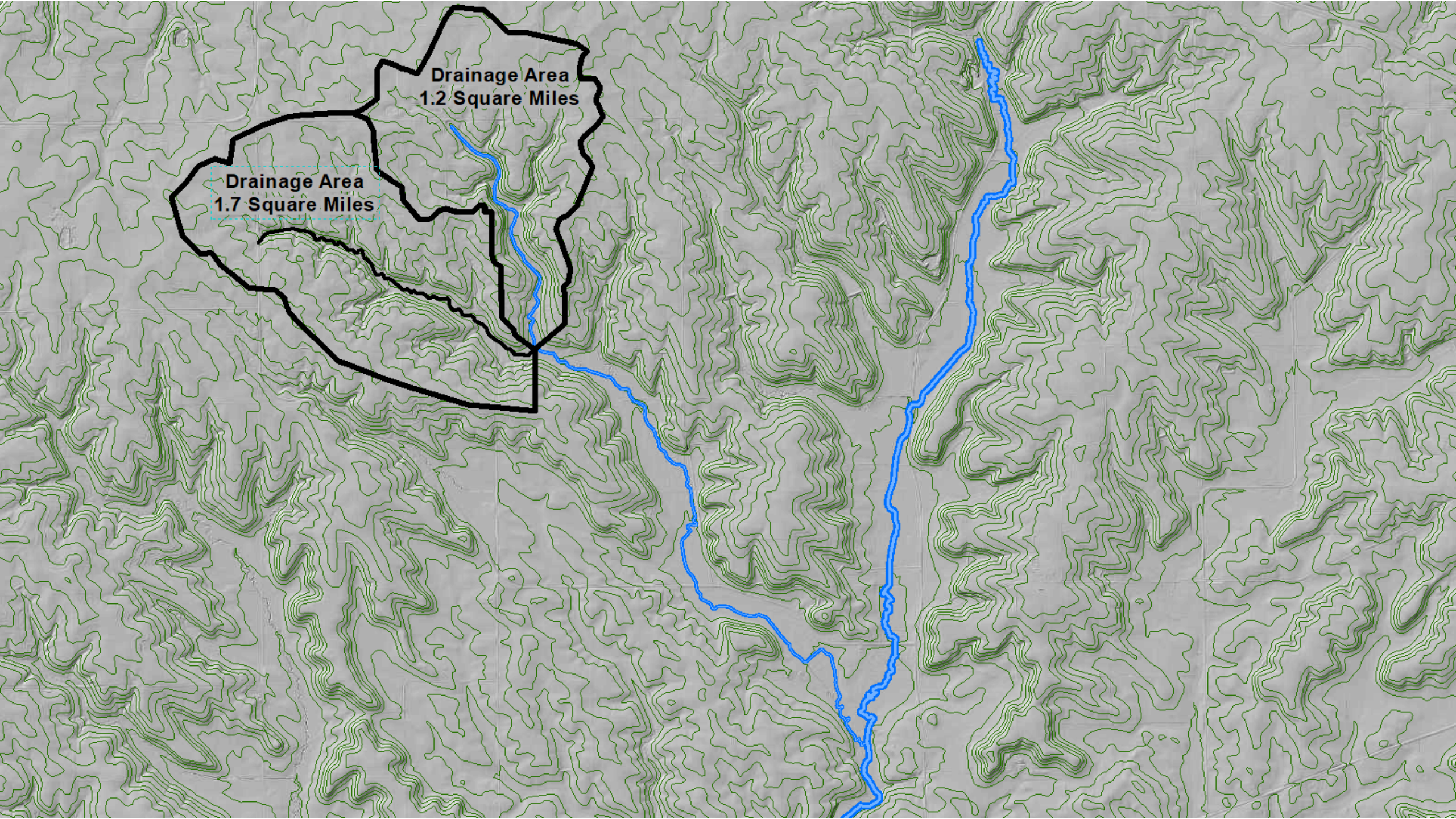






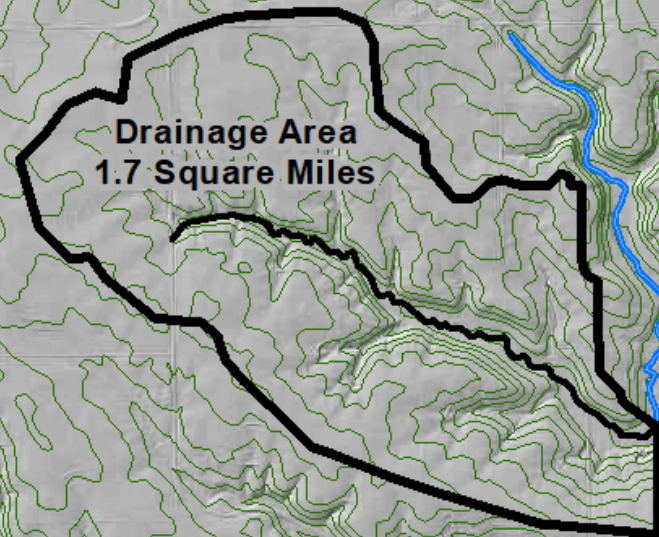




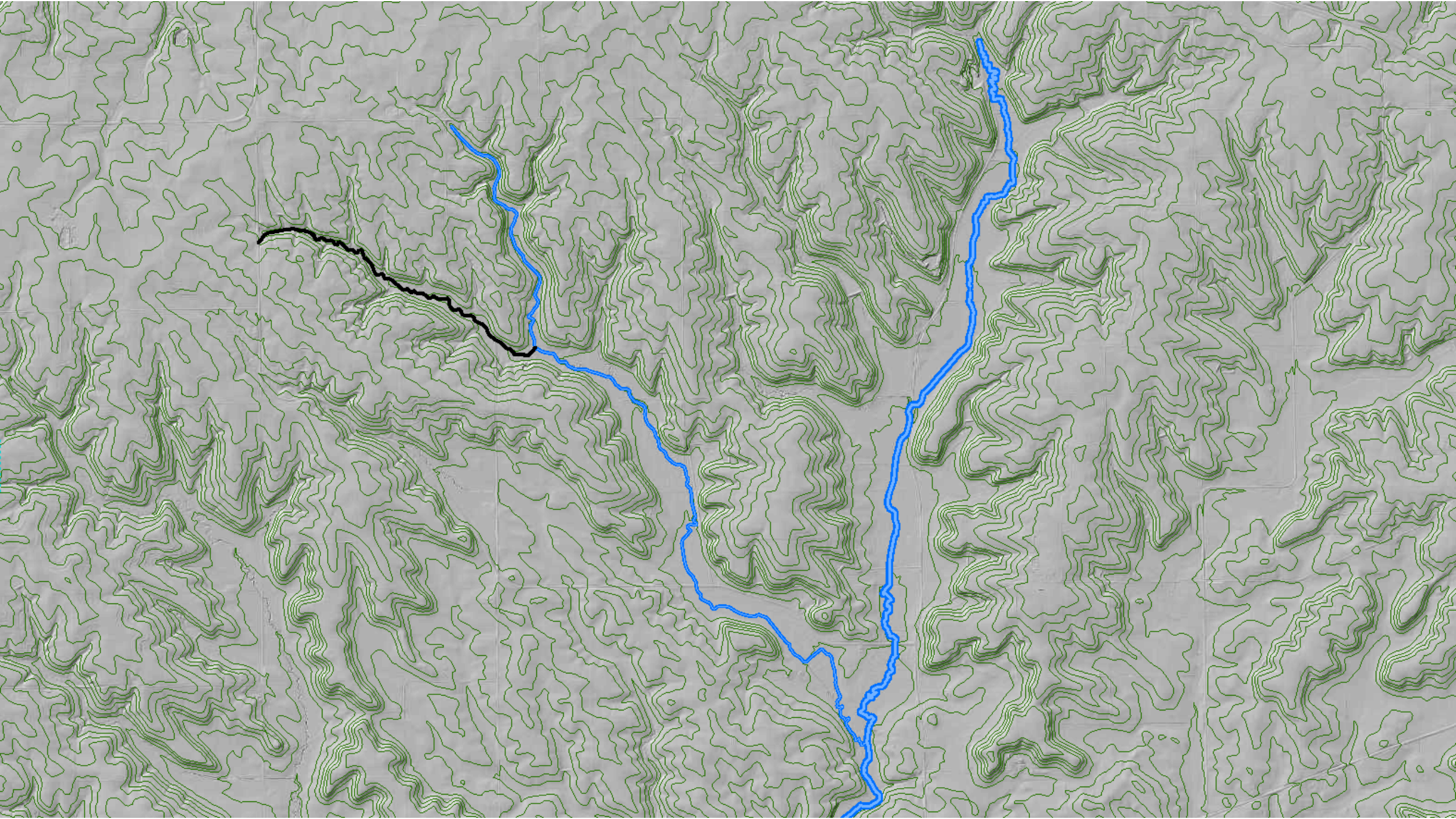


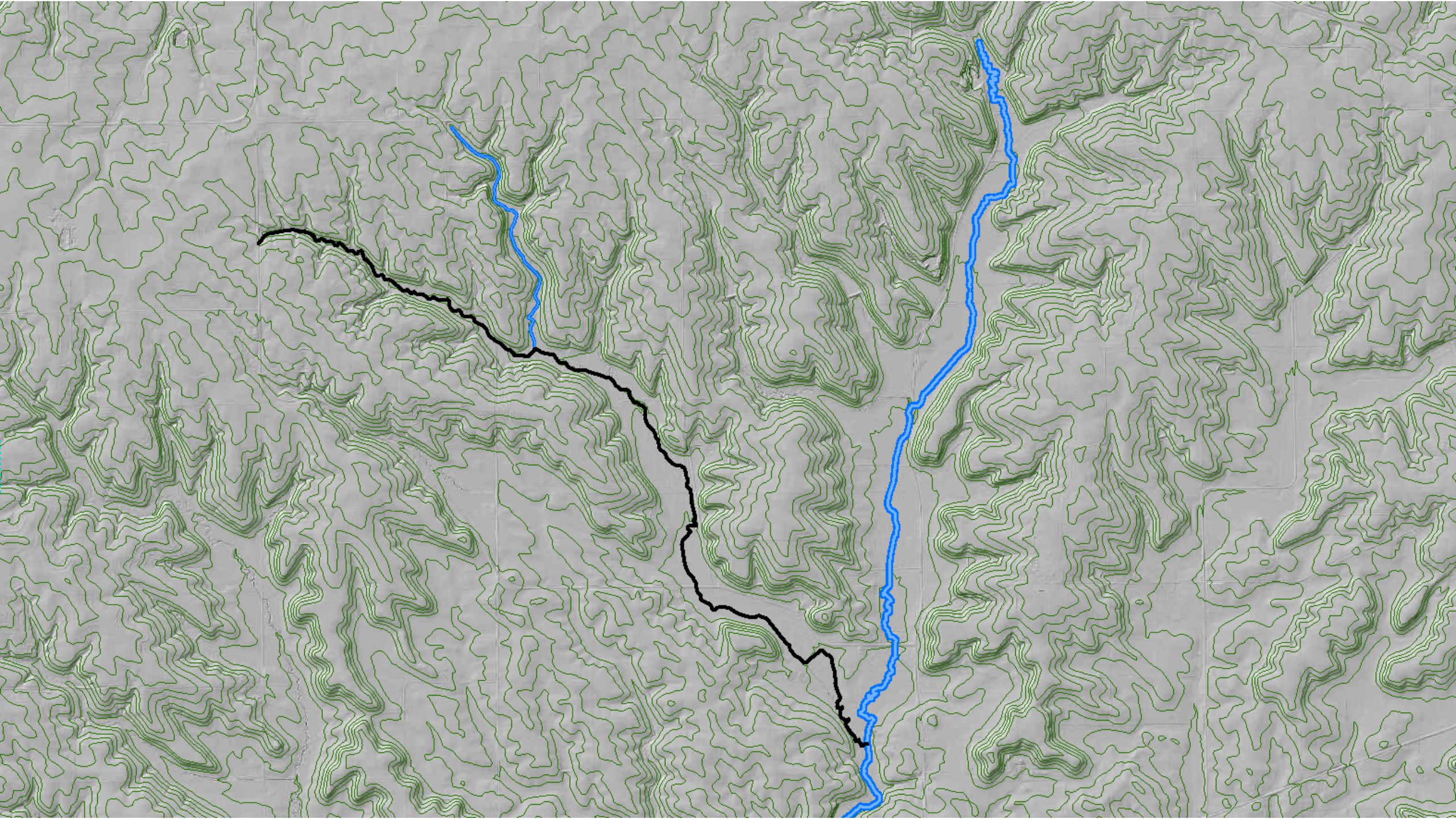
**Drainage Area
1.2 Square Miles**

**Drainage Area
1.7 Square Miles**



Drainage Area
1.7 Square Miles







A topographic map showing a drainage area outlined in black. The area is filled with green contour lines representing elevation. A blue line represents a stream or river, flowing from the top right towards the bottom center. The text "Drainage Area 5.7 Square Miles" is located in the upper left portion of the black-outlined area.

Drainage Area
5.7 Square Miles

A topographic map with green contour lines on a grey background. A black line outlines a drainage area in the upper-left and central portions of the map. A blue line, representing a watercourse, flows from the top right, down the right side, and then turns left to enter the drainage area. Another blue line segment is shown within the drainage area, flowing towards the black boundary. Two text annotations are present: one inside the drainage area and another below it with an arrow pointing to the boundary.

**Drainage Area
5.7 Square Miles**

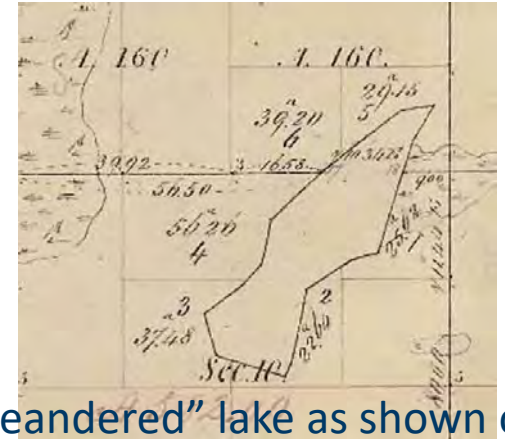
**Because
Drainage Area is
More Than
2 Square Miles,
Watercourse
Is a Public Water**

**Mapped
Natural
Public
Watercourse**



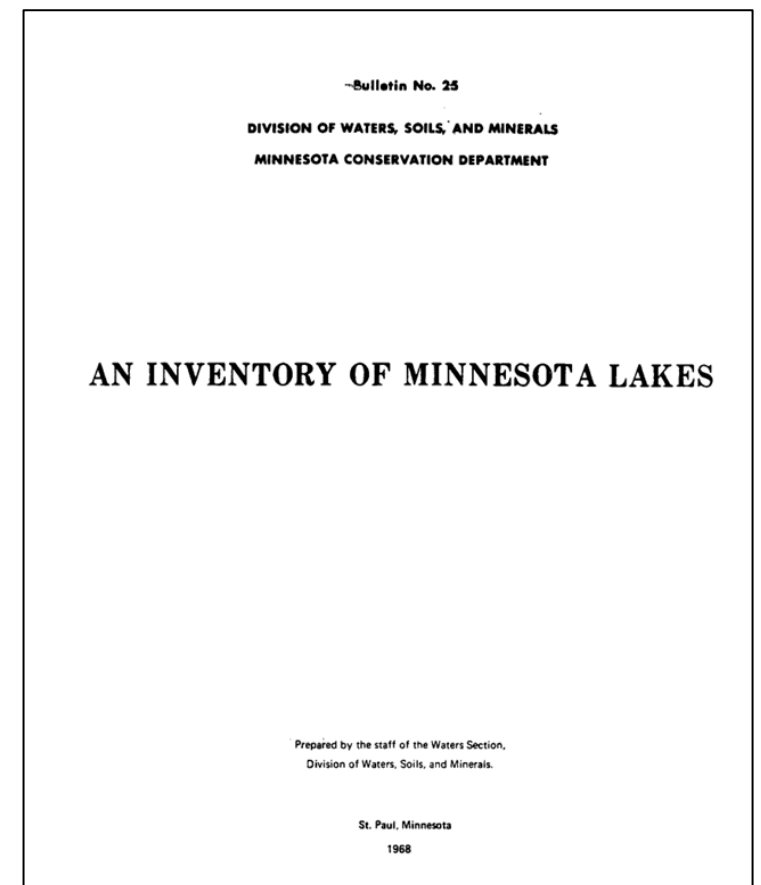
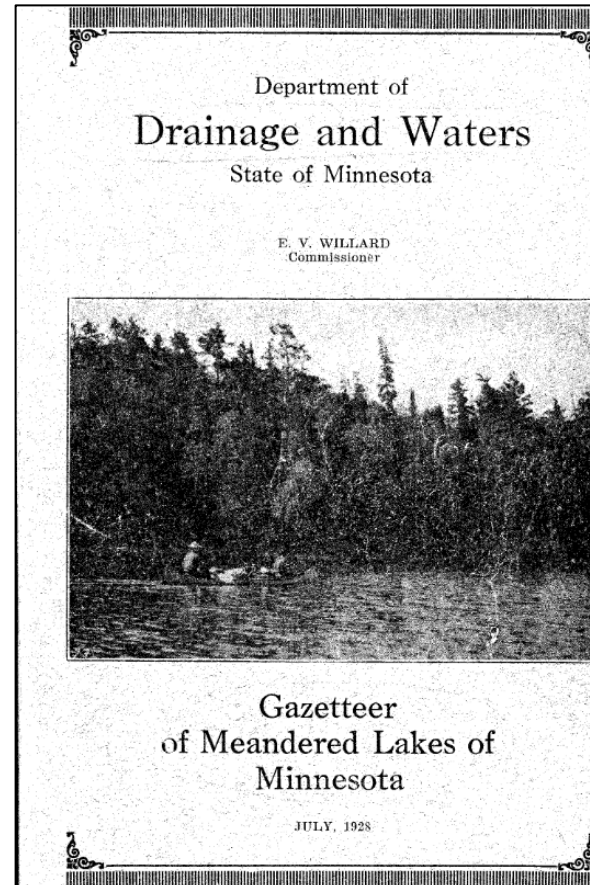
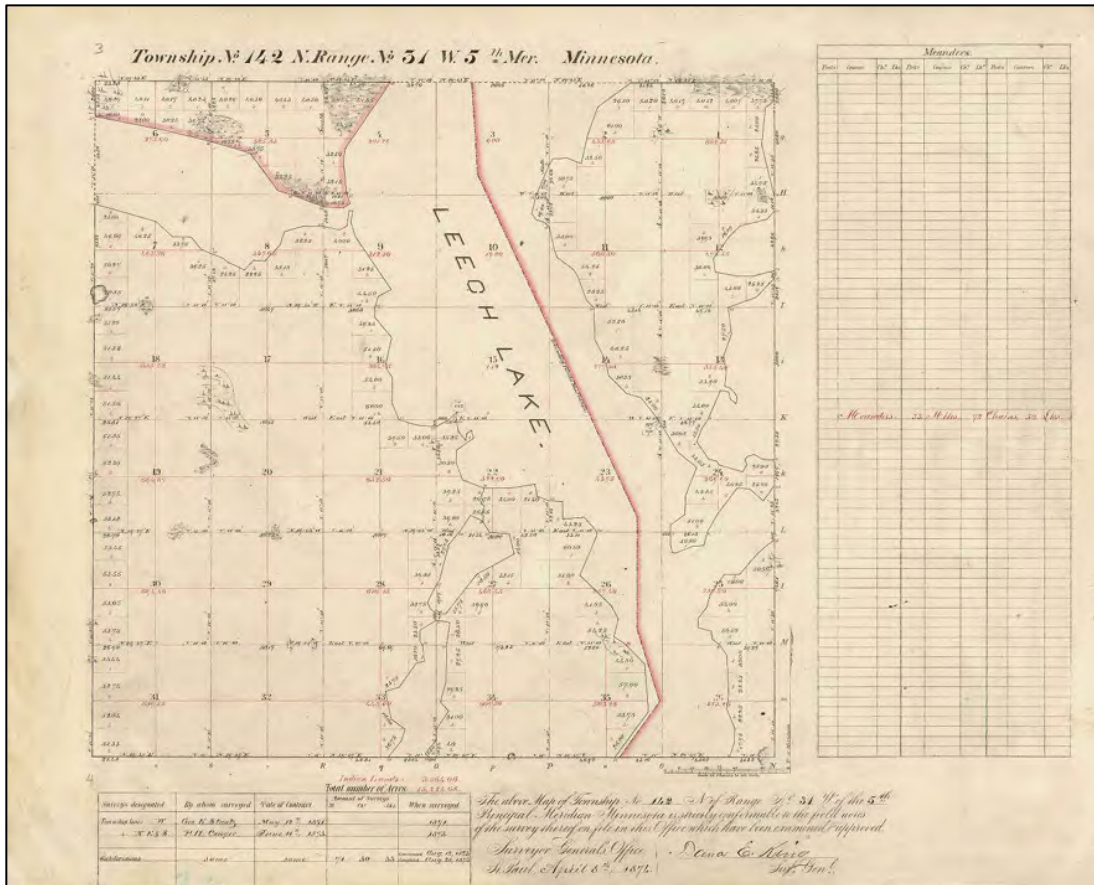
Early History of Water Regulation in MN

- Protection of surface waters began to evolve shortly after statehood
 - Riparian rights
 - Legal protection of deeper “meandered” lakes and “navigable waters”
 - Early laws promoted drainage of shallow lakes/wetlands to convert to ag lands
- Use of term “public waters” first adopted in 1897
 - Included only larger meandered lakes and rivers/streams “capable of substantial beneficial public use” (fishing, waterfowl hunting, boating, water supply); All other waters considered private
- 1933 – New Department of Conservation acquired authority over drainage and water matters
- 1937 – MN legislature passed first comprehensive water resources management law
 - Regulated water use and work that would alter/diminish the course, current, or cross-section of surface waters



“Meandered” lake as shown on
General Land Office (GLO) Map

Early Published Resources



General Land Office (GLO) survey maps of MN

- Plats online
- GLO GIS web service

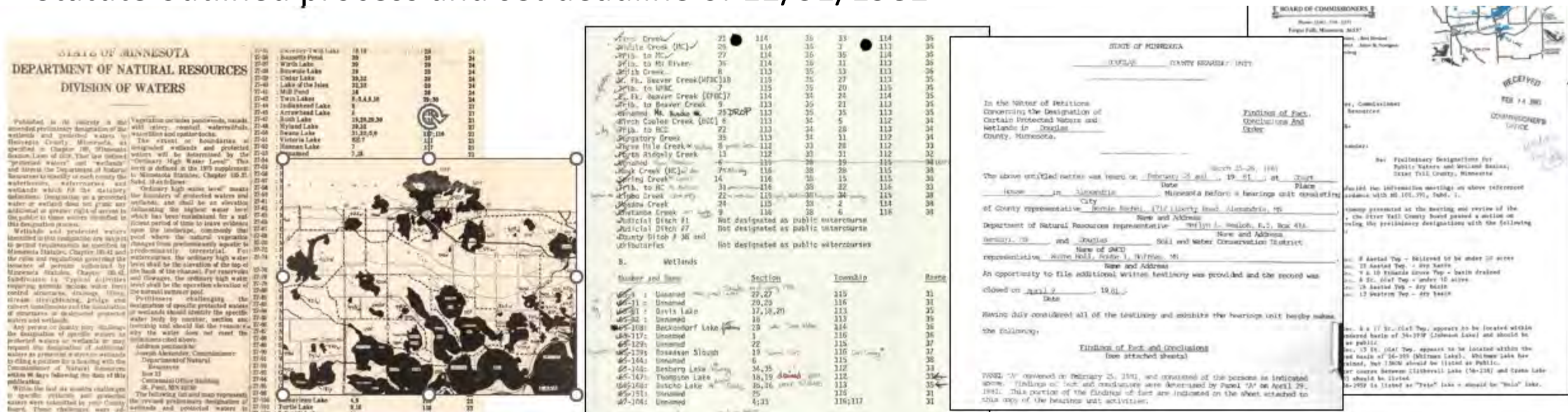
1928 – Gazetteer of Meandered Lakes of Minnesota

1968 – Bulletin No. 25, An Inventory of Minnesota Lakes

1976 - First Effort to Inventory Public Waters

- Before 1973, DNR's jurisdiction was based on whether a waterbody was "capable of substantial beneficial public use"
 - Done on case-by-case basis; only included lakes and rivers/streams
- Inventory process outlined in statute – Process wasn't mandatory for the DNR or for counties
 - 20 counties participated, but by 1979 public waters had not been designated in any county
- 1973 definition for public waters in statute was ambiguous – was based on 8 listed beneficial public purposes:
 - Water supply; recharge; flood retention; nutrient entrapment; recreational activities; public navigation, wildlife and fish habitat; natural and scientific areas
- Lessons learned in this first (failed) effort: Need quantitative standards for definition of public waters; Need consistent criteria and guidelines for process
- Process identified basins meeting criteria to be public waters

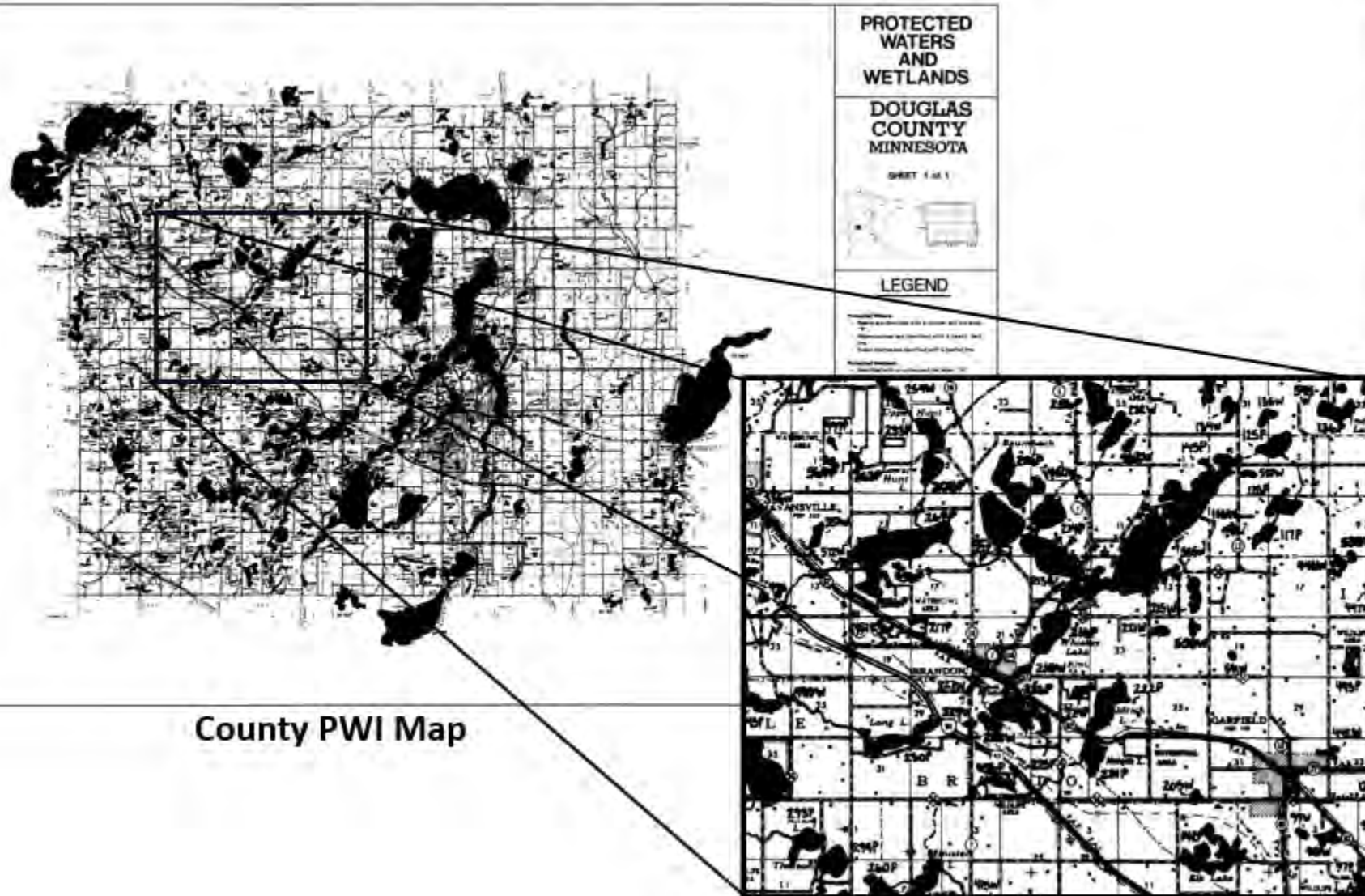
- Current definition for public waters was added to statute; Wetlands also included in definition of public waters
- Purpose of PWI: Provide a tool to identify public waters subject to DNR's regulations
- Statute was updated to make PWI process mandatory for both the DNR and the 87 counties
- Statute outlined process and set deadline of 12/31/1982



1979 – Steps of PWI Process

- DNR prepared preliminary map and list for each county and sent to County Board for comment
- County Board held at least one public meeting on preliminary map/list and gave recommendations to the DNR
- DNR reviewed comments and revised map/list and published as public notice in 2 newspapers
- If County disputed waters included on the revised map/list, County would hold public hearing; 3 - member hearing board would issue Findings of Fact and Order
- If aggrieved of decision, the DNR, County, or any person could appeal
- DNR completed its portion of inventory by 12/31/1982; Last county hearing in 1984; Appeals completed in late 1980s
- Final County PWI maps and lists were authorized by the DNR

Original PWI Map and List – Douglas County



DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATERS
FINAL DESIGNATION OF PROTECTED WATERS AND WETLANDS WITHIN DOUGLAS COUNTY, MINNESOTA

A. Listed below are the townships of Douglas County and the township/range numbers in which they occur:

Township Name	Township #	Range #
Alexandria	128	37
Belle River	129	36
Brandon	129	38
Carfax	129	37
Excelsior	129	40
Holmes City	127	39
Hudson	127	37
Ma	129	38
Lake Mary	127	38
Lead Valley	130	38
La Grand	129	38
Lund	130	40
Millerville	130	39
Milona	130	37
Mec	128	39
Orange	127	36
Golden	128	36
Salem	127	40
Spouse Hill	130	36
Union	128	40

B. PROTECTED WATERS

1. The following are protected waters:

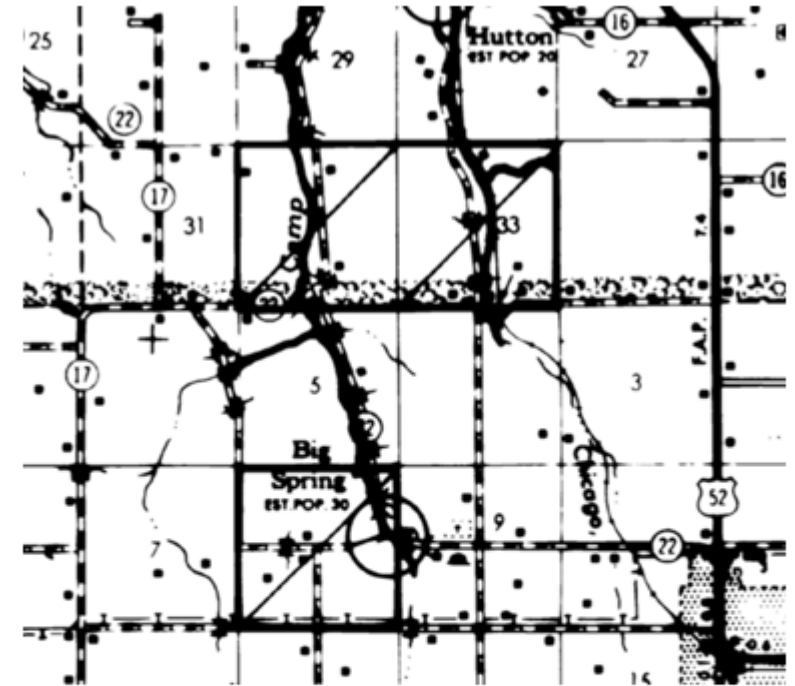
Number and Name	Section	Township	Range
21-1 Unnamed	n.31, 1, 36	127, 128	35, 36
21-2 Unnamed	1	127	36
21-3 Clifford (Swims) Lake	1, 2	127	36
21-4 Unnamed	7	127	36
21-6 Golden Lake	12	127	36
21-7 Herberget Lake	13, 24	127	36

Page 1

County PWI List

Trout Unlimited Lawsuit and Settlement

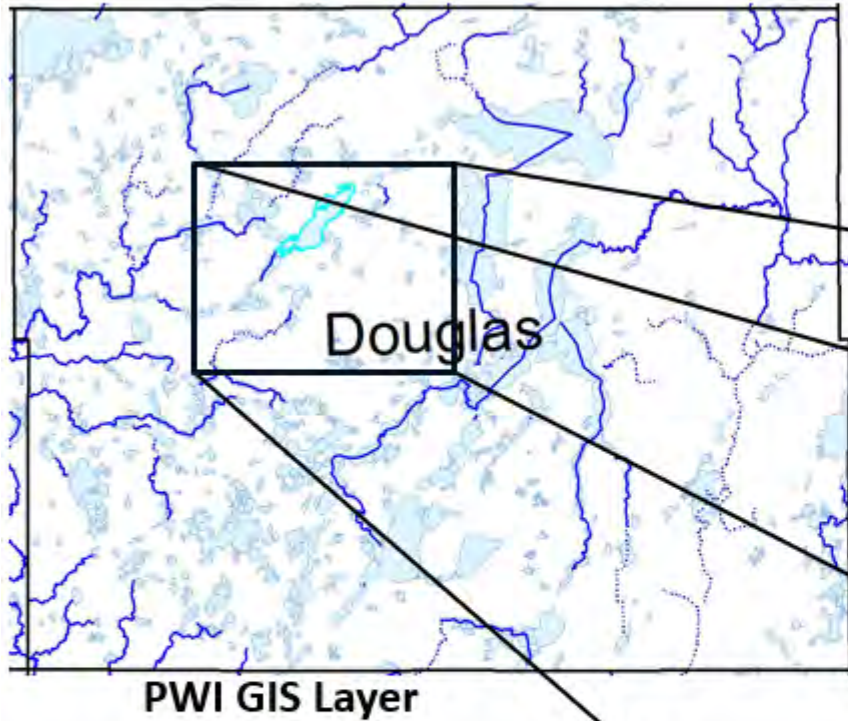
- In 1994, Trout Unlimited (TU) filed lawsuit demanding that the DNR add additional trout stream waters to the PWI
 - Challenged DNR's reliance on using PWI for determining regulatory jurisdiction
 - TU wanted all designated trout streams and their tributaries included on PWI
- DNR's position: Since completion of PWI, the DNR confined its regulatory jurisdiction to only those waters on the PWI
- DNR moved to dismiss case, but it went forward to District Court, resulted in settlement
- DNR shift in thinking about public waters definition and PWI



Notice:

Highlighted sections contain additional designated trout stream tributaries subject to permit requirements that are identified on detailed maps available for inspection at the County Auditor's office and Division of Waters offices serving this county during normal office hours.

PWI GIS Layer and Attributes – Douglas County



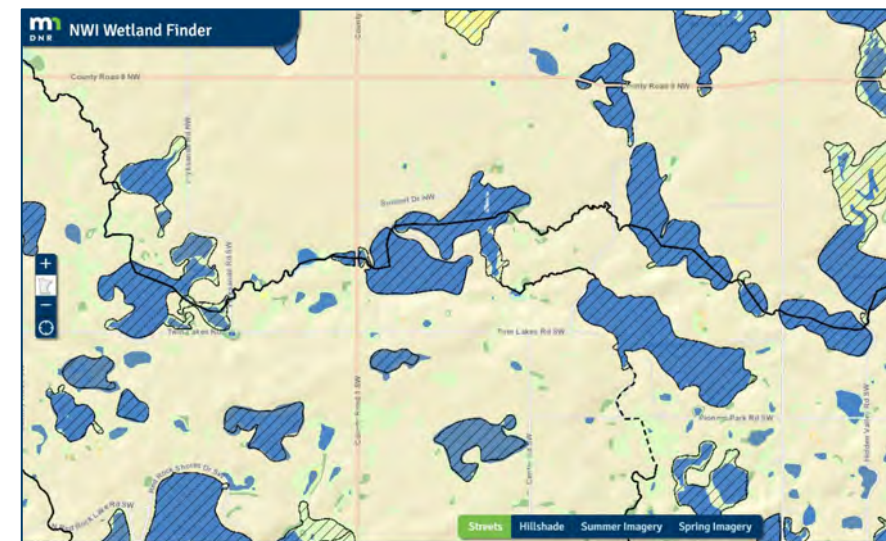
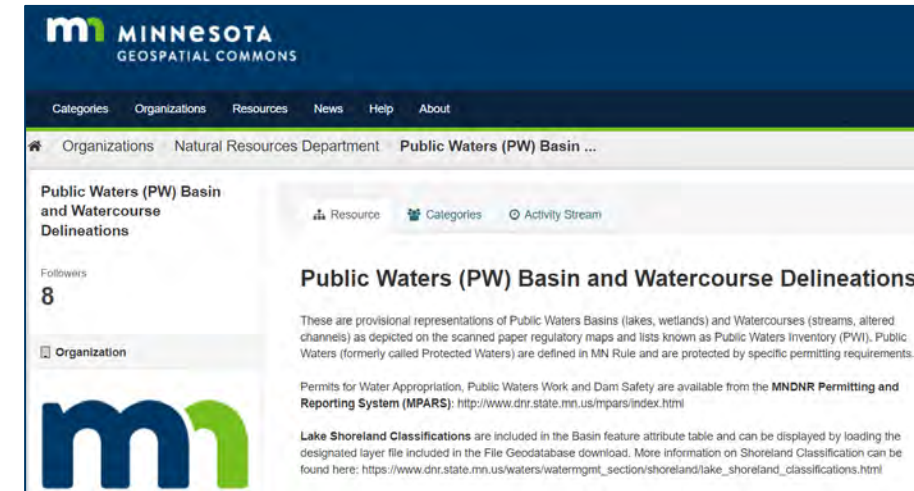
Attribute Data for
Highlighted Feature
(Chippewa Lake)



Identify	
Identify from:	< Top-most layer >
Public Waters Basins	
Chippewa	
Location: 302,948.799 5,095,969.169 Meters	
Field	Value
OBJECTID	20048
SHAPE	Polygon
GNIS_ID	641165
LKSCB_BASIN_ID	7082
DOWLNUM	21014500
GNIS_NAME	Chippewa Lake
PW_BASIN_NAME	Chippewa
PW_PARENT_NAME	Chippewa
PW_SUB_NAME	
SUB_FLAG	N
WETTYPE	5
PWT_CLASS	P
PWT_LABEL	Public Water Basin
ACRES	1331.057966
SHORE_MI	14.407688
UTM_CENTER_X	303344.114357
CENTER_UTM_Y	5096731.570388
DELINEATED_BY	Waters
DELINEATION_DATE	1/1/2008
DELINEATION_SRC	Source not recorded
DELINEATION_NOTES	Staff delineation effort 2008
APPROVED_BY	<null>
APPROVAL_DATE	<null>
APPROVAL_NOTES	<null>
PUBLISH_DATE	7/27/2016
HAS_FLAG	<null>
FLAG_TYPE	
DOW_MAIN	21014500
created_user	<null>
created_date	<null>
last_edited_user	DNR\HYDRO
last_edited_date	3/25/2020 1:46:20 PM
bufmap_use	Y
dnr_shoreland_class	Recreational Development
SHAPE_Length	23186.97221
SHAPE_Area	5386600.476077
Identified 1 feature	

Resources Available to View the PWI

- Link to download/view original County PWI maps and lists:
https://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html
- GIS data layer:
 - MN Geospatial Commons – Public Waters (PW) Basin and Watercourse Delineations:
<https://gisdata.mn.gov/dataset/water-mn-public-waters>
- Can view PWI displayed in online maps:
 - DNR's NWI Wetland Finder
 - DNR's Lake and Flood Elevations Online (LFEO)
 - MN Natural Resource Atlas <https://mnatlas.org/gis-tool/>



Bonus – Discussion of Two Terms: Public Waters / Protected Waters

- As it relates to public waters:
 - There's no difference in meaning between the terms "public waters" and "protected waters"
 - This is specific to the statutes and rules related to public waters
- For waters outside of what are regulated as public waters, the term "protected waters" has a broader meaning

Term “Protected Waters” is Still Found in 6115

Minn. Rule 6115 – Public Water Resources

6115.0030 Definitions

F. "Project cost" means the total cost of all materials, services, equipment purchase or rental, and labor expended for the portion of the project proposed in the permit application which are directly governed by **protected** waters permit rules, parts 6115.0150 to 6115.0280.

G. "**Protected** waters" means those waters of the state identified as public waters or wetlands under Minnesota Statutes, sections 103G.005, subdivisions 15 and 15a, and 103G.201.

H. "Ordinary high water mark" means the boundary of **protected** waters as defined in Minnesota Statutes, section 103G.005, subdivision 14.

6115.0170 Definitions

Subp. 31d. **Public waters inventory or protected waters inventory.** "Public waters inventory" or "protected waters inventory" means the map prepared by the commissioner on file with the auditor of a county under Minnesota Statutes, section 103G.201.

History of Definition of Public Waters - Statute

- 1976 statute definitions:

- Waters of the state Subd. 7. "Waters of the state" means any waters, surface or underground, except those surface waters which are not confined but are spread and diffused over the land. "Waters of the state" includes all boundary and inland waters.
- Beneficial public purpose

- List of waters of the state by purpose

Subd. 6. "Beneficial public purpose", in relation to waters of the state, includes but is not limited to any or all of the following purposes:

- (a) Water supply for municipal, industrial, or agricultural purposes;
- (b) Recharge of underground water strata;
- (c) Retention of water to prevent or reduce downstream flooding, thereby minimizing erosion and resultant property damage;
- (d) Entrapment and retention of nutrients and other materials which impair the quality of natural resources;
- (e) Recreational activities such as swimming, boating, fishing, and hunting;
- (f) Public navigation other than for recreational purposes;
- (g) Wildlife habitat areas for the spawning, rearing, feeding, and nesting of wildlife; or
- (h) Areas designated as scientific and natural areas pursuant to section 84.033.

- Also: waterbasin, natural watercourse, altered natural watercourse defined in statute

History of Definition of Public Waters - Statute

- Current definition for public waters (originally added to 1979 statute):

§ Subd. 15. **Public waters.** (a) "Public waters" means:

- (1) water basins assigned a shoreland management classification by the commissioner under sections [103F.201](#) to [103F.221](#);
 - (2) waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
 - (3) meandered lakes, excluding lakes that have been legally drained;
 - (4) water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
 - (5) water basins designated as scientific and natural areas under section [84.033](#);
 - (6) water basins located within and totally surrounded by publicly owned lands;
 - (7) water basins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;
 - (8) water basins where there is a publicly owned and controlled access that is intended to provide for public access to the water basin;
 - (9) natural and altered watercourses with a total drainage area greater than two square miles;
 - (10) natural and altered watercourses designated by the commissioner as trout streams; and
 - (11) public waters wetlands, unless the statute expressly states otherwise.
- (b) Public waters are not determined exclusively by:
- (1) the proprietorship of the underlying, overlying, or surrounding land;
 - (2) whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union; or
 - (3) their inclusion in or exclusion from the public waters inventory required under section [103G.201](#). This clause is effective July 1, 2027.

Subd. 15a. **Public waters wetlands.** "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

History of Definition of Public Waters - Rule

- 1983 rule definition (6115.0170, Subp. 31):

Subp. 31. **Public waters.** “Public waters” means any waters of the state which serve a material beneficial public purpose as defined in Minnesota Statutes, section 105.37, subdivision 6.

- 1987 rule definition (6115.0030, G.)

G. “Protected waters” means those waters of the state identified as public waters or wetlands under Minnesota Statutes, sections 105.37, subdivisions 14 and 15, and 105.391, subdivision 1.

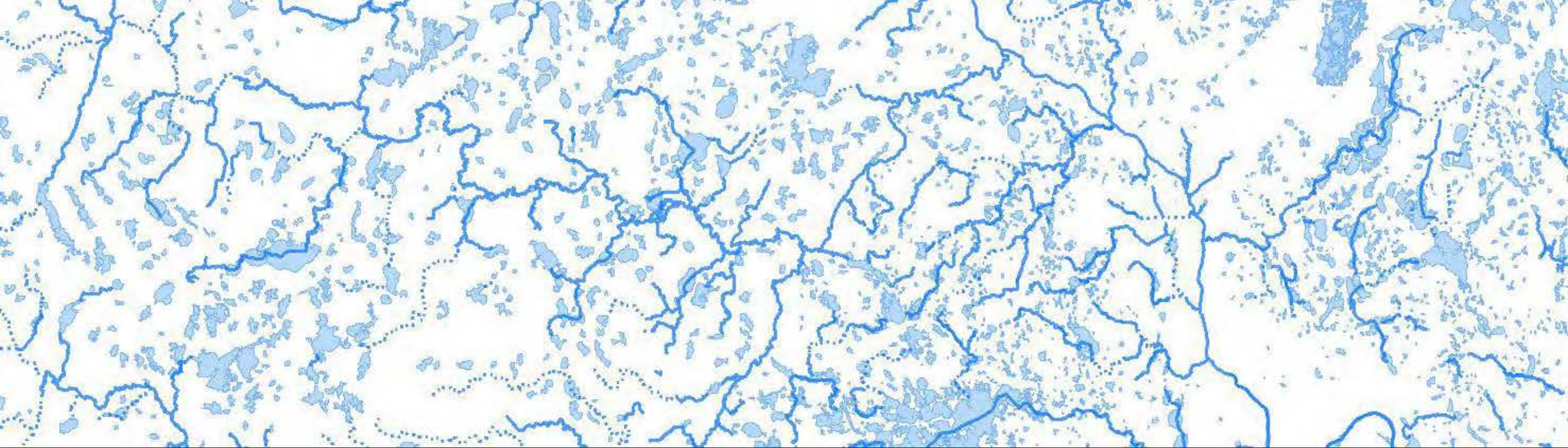
- 2000 rule definition (6115.0170, Subp. 31 and 31a); updated in 2002:

Subp. 31 **Public water or public waters.** “Public water” or “public waters” means those waters of the state identified under Minnesota Statutes, section 103G 005, subdivision 15 or 15a, or 103G 201

Subp 31a **Public water wetlands.** “Public water wetlands” means those public waters of the state identified as public water wetlands under Minnesota Statutes, section 103G 005, subdivision 15a, or 103G 201, as shown on the public water inventory maps.

Why the switch back and forth between terms?

- MN law first adopted term “public waters” in 1897
- 1976/1979 Public Waters Inventories:
 - Term “public” connoted that public waters were open to the public regardless of their proximity to private lands (not correct)
 - Because of concern of misinterpretation, DNR considered eliminating the term “public waters”
 - MN Attorney General’s office advised legislature not to change (used in case law, legal opinions)
 - To address the concern, “public waters” was changed to “protected waters” in 1987 in rule (6115) but not in statute
 - Changed back in rule from “protected waters” to “public waters” in rule in 2000



Introduction to Discussion of Public Waters and Public Waters Inventory

Randall Doneen

Manager, Conservation Assistance and Regulation Section

Introduction

- Two talks today:
 - History of the Public Waters Inventory
 - PWI Update Project
- Brief summary of recent issues related to public waters and the PWI
 - MN Buffer Law and buffer mapping – kicked off questions of public waters and the PWI
 - 2017 DNR Order to remove list of public watercourses
 - Legal case involving Limbo Creek, Renville County – appealed to the MN Supreme Court
 - Supreme Court decision
 - Portion of Limbo Creek meets definition of public water and requires EAW
 - DNR has authority to correct errors to the PWI; Legislature to decide whether the statutory definition or PWI decides what is public water
 - 2024 Legislation



Public Waters Inventory (PWI) Update Project

Wes Saunders-Pearce | Lead Hydrologist

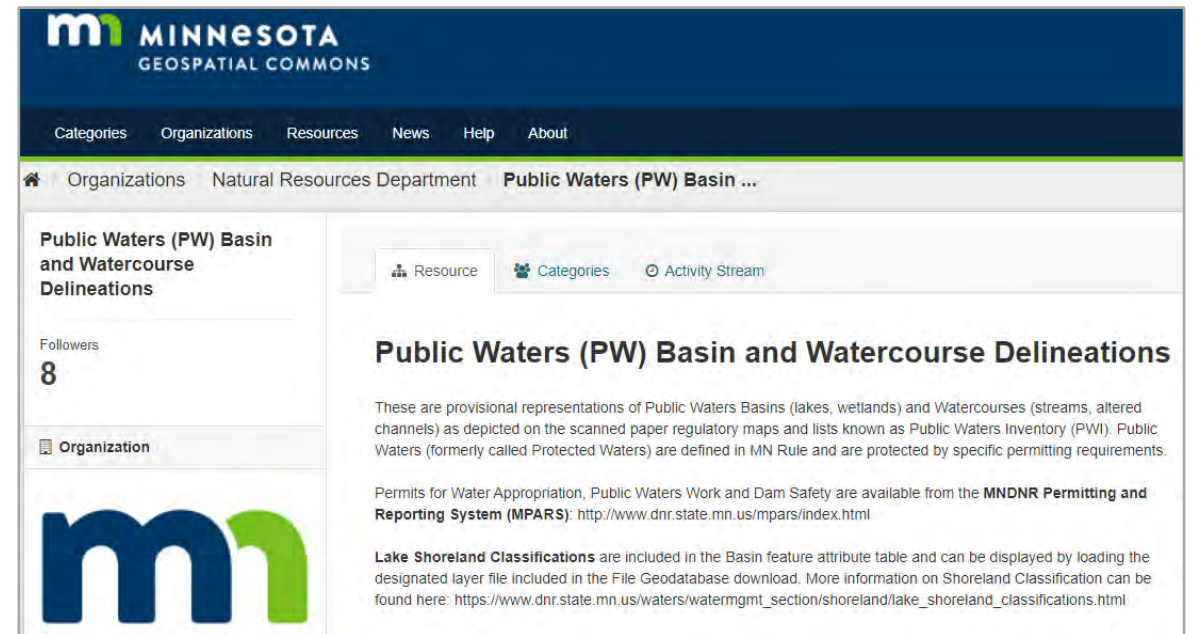
Goals of Public Waters Program

- Manage public waters in the best interests of the public
- Protect people and property from flooding
- Protect riparian rights
- Protect the aesthetic properties of public waters
- Protect the ecology of public waters

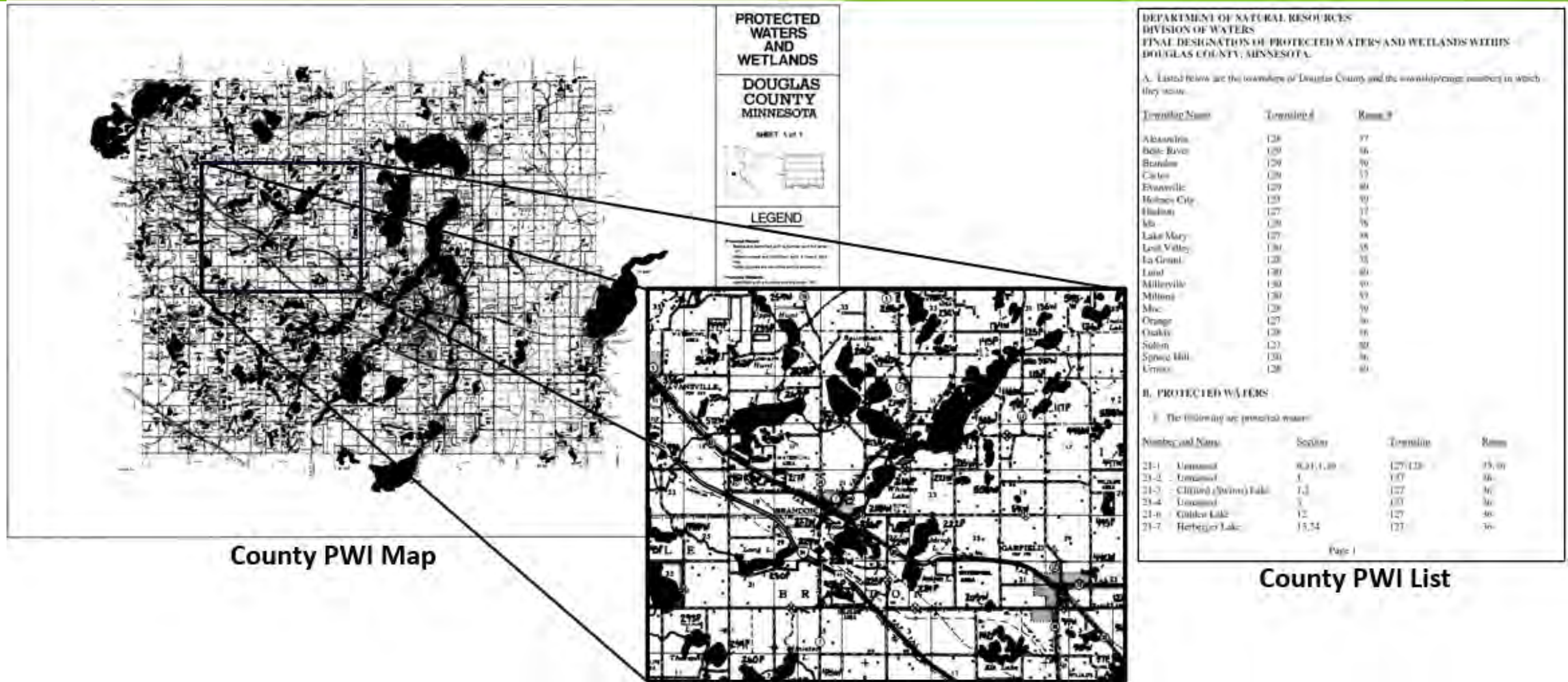


Public Waters Inventory

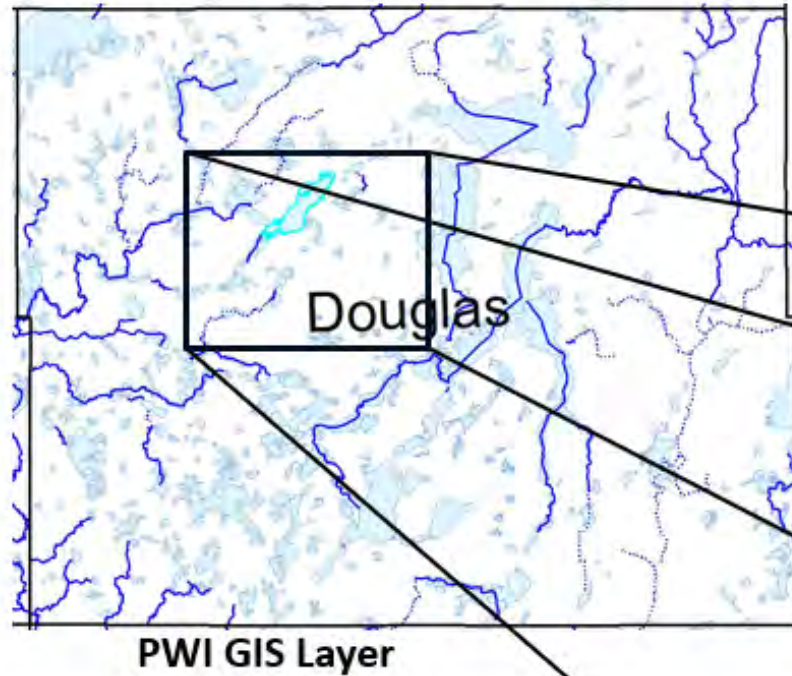
- The Public Waters Inventory (PWI) is a tool to help identify whether a water body meets the definition of “public water”
 - Historical:
 - County PWI maps
 - County PWI lists
 - Current PWI:
 - GIS layer on MN Geospatial Commons:
*Public Waters (PW)
Basin and Watercourse Delineations*



Historical PWI Map and List – Douglas County



PWI GIS Layer and Attributes – Douglas County



Attribute Data for
Highlighted Feature
(Chippewa Lake)



Identify	
Identify from: <Top-most layer>	
Public Waters Basins	
Chippewa	
Location: 302,948.799 5,095,969.169 Meters	
Field	Value
OBJECTID	20048
SHAPE	Polygon
GNS_ID	641165
UKSDB_BASIN_ID	7082
DOWLKNUM	21014500
GNS_NAME	Chippewa Lake
PW_BASIN_NAME	Chippewa
PW_PARENT_NAME	Chippewa
PW_SUB_NAME	
SUB_FLAG	N
WETTYPE	5
PWI_CLASS	P
PWI_LABEL	Public Water Basin
ACRES	1331.057966
SHORE_MI	14.407688
UTM_CENTER_X	303344.114357
CENTER_UTM_Y	5096731.570388
DELINATED_BY	Waters
DELINEATION_DATE	1/1/2008
DELINEATION_SRC	Source not recorded
DELINATION_NOTES	Staff delineation effort 2008
APPROVED_BY	<null>
APPROVAL_DATE	<null>
APPROVAL_NOTES	<null>
PUBLISH_DATE	7/27/2016
HAS_FLAG	<null>
FLAG_TYPE	
DOW_MAIN	21014500
created_user	<null>
created_date	<null>
last_edited_user	DNR\HYDRO
last_edited_date	3/25/2020 1:46:20 PM
bufmap_use	Y
dnr_shoreland_class	Recreational Development
SHAPE_Length	23186.97221
SHAPE_Area	5386600.476077
Identified 1 feature	

2024 Legislative Changes to Definition of Public Waters

- Change to Minn. Stat. 103G.005, Subd. 15 (b):

(b) Public waters are not determined exclusively by:

(1) the proprietorship of the underlying, overlying, or surrounding land ~~or by~~;

(2) whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union; or

(3) their inclusion in or exclusion from the public waters inventory required under section 103G.201. This clause is effective July 1, 2027.

(strikethrough → removed; underlined → added)

2024 Legislative Changes to Public Waters Inventory

- Change to Minn. Stat. 103G.201 (b):

(b) The commissioner ~~is authorized to~~ must revise the map of public waters established under Laws 1979, chapter 199...

- Change to Minn. Stat. 103G.201 (f):

(f) \$1,000,000 is appropriated from the general fund each year in fiscal years 2025 through 2032 to the commissioner to update the public water inventory as required in this section. The commissioner must develop and implement a process to update the public water inventory. This paragraph expires June 30, 2032.

(strikethrough → removed; underlined → added)

Public Waters Inventory Update Outreach

The background of the slide is a map showing a dense network of blue lines and shapes representing water bodies, including rivers, streams, and lakes, set against a white background. A dark blue rectangular box with a light blue border is positioned on the left side of the map.

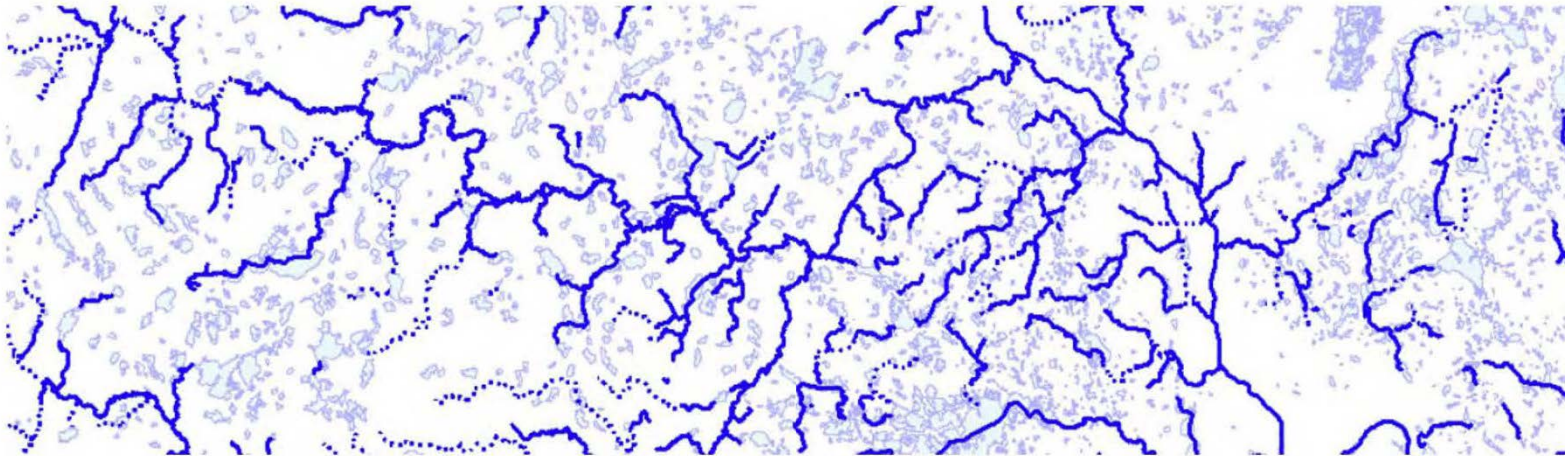
Public Waters Inventory Update Project

Informational Webinar
Wednesday, Oct. 2

AGY_010125

Public Waters Inventory Update Webpage

Public Waters Inventory Update Project



 Sign up for updates

Enter email address

Submit

[Public Waters Inventory Update Project | Minnesota DNR \(state.mn.us\)](https://state.mn.us/dnr/pwi-update)

mndnr.gov/pwi-update

- Recorded webinar
- Document with answers to ~70 questions from webinar

[Email: pwi.update.dnr@state.mn.us](mailto:pwi.update.dnr@state.mn.us)

What does this project include

- Correcting errors in the existing PWI
- Likely corrections
 - Adding trout stream tributaries
 - Re-adding some watercourses that were removed by a 2017 Commissioners Order
 - Removing public water wetlands that don't meet the statutory definition
 - Removing old mine pits that were not a water feature before mining began
- Better water resource protection by regulatory clarity and shared understanding



Approach and Process (Not Final)

- Average 12 counties a year
- Public, Landowners, and Government Entity (including Tribal Governments) notice
 - Initial scoping to identify all potential corrections
 - Review of preliminary corrections after DNR analysis
- Public meeting in each county with preliminary corrections
- Finalize PWI county-by-county



Comments and Input

- Comment period not finalized, likely between 60 – 90 days.
- Format possibly to be web app, similar to DNR's Buffer Map project



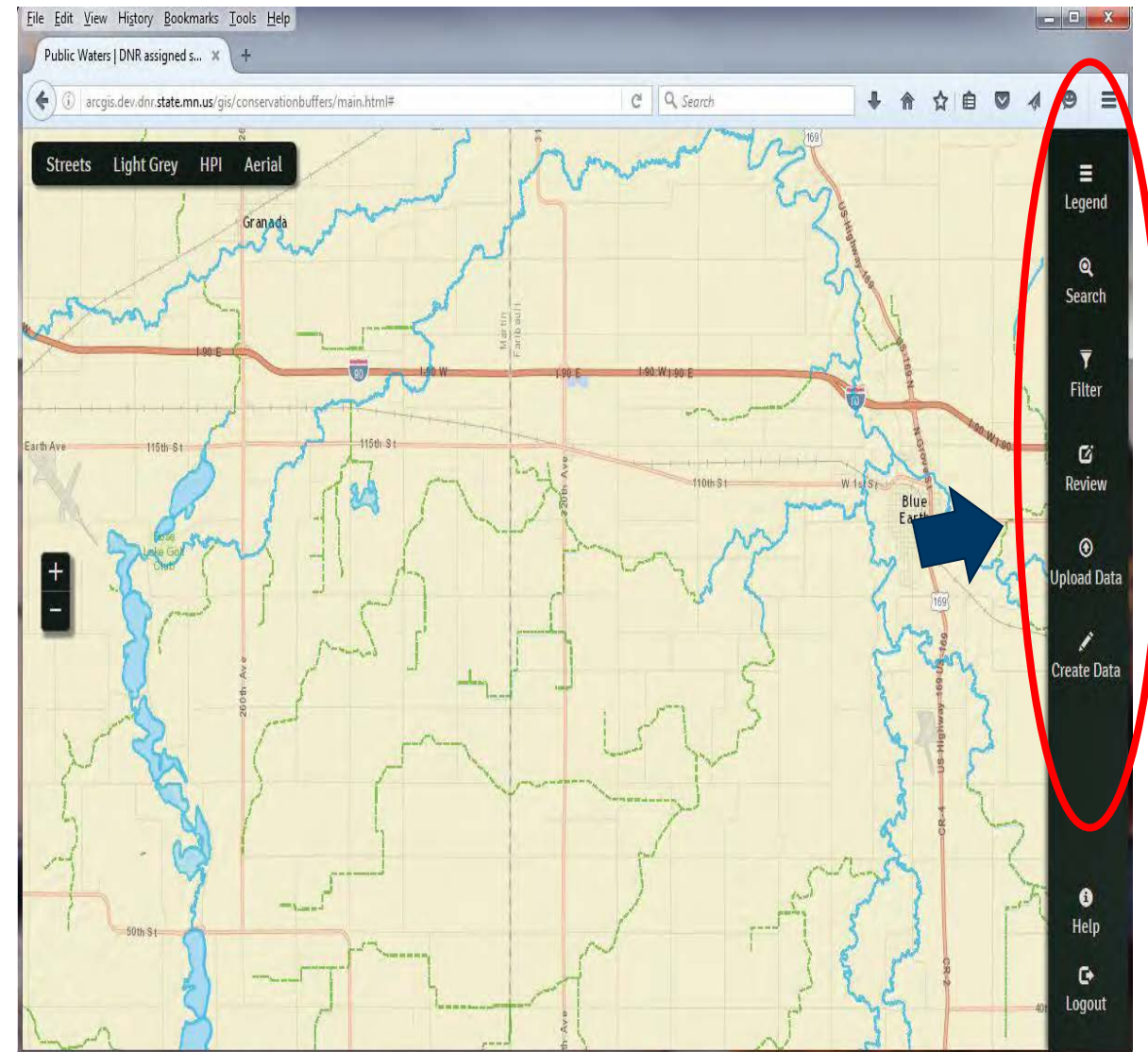
Comments and Input

- High value comments identify:
 - The specific resource(s) of interest
 - Public waters statutory criteria
- Low value comments
 - Linework (geometry/typology)
 - Ordinary High Water Level topics



Potential Comment Tool for PWI Update

- DNR's Buffer Map initiative (2016) used an online web app for comments
- PWI Update comment tool and mechanics still under discussion
- Comments based on review of preliminary corrections after DNR scoping analysis



Status and Next Steps

- 5.0 FTEs have been hired
 - Lead Hydrologist and 4 Regional Hydrologists
- Working with Minnesota IT on desktop application and data management
- Working to finalize schedule of work across the state
- Second quarter CY 2025 may have first scoping notices go out



Thank You!

Wes Saunders-Pearce

wes.saunders-pearce@state.mn.us

651-259-5416