

Frequently Asked Questions – Public Waters Inventory Update

What is the PWI Update Project?

Public waters are defined in statute and include lakes, wetlands and watercourses of certain sizes and characteristics. A 2024 statute revision clarified that public waters are not determined by their inclusion in or exclusion from the Public Waters Inventory (PWI). However, because the PWI is such an important tool, the DNR has been directed to update the PWI.

The PWI Update process will proceed with a goal of averaging 12 counties a year, concluding by 2032. The update effort will be organized with review of four counties at a time, distributed across DNR's four administrative regions.

Is the PWI being completely rebuilt?

No. The PWI Update project is a targeted effort and is not a re-inventory of the state's public waters. Statewide, the Project's baseline review areas are:

- Designated trout stream tributaries to be added.
- Watercourses that qualify as a public water but were removed from the PWI in 2017 by Commissioner's Order due to errors found during the Buffer Protection Map project.
- Public water wetlands that clearly did not conform to statutory criteria for size.

During the county review process, DNR Area Hydrologists may inform the project of case-by-case potential corrections in addition to the baseline data. However, past decisions, including those tied to the original PWI effort and subsequent final agency actions, will remain in place and are not subject to review.

When will the PWI Update occur in my County?

Counties will be updated on a quasi-alphabetic basis with adjustment as needed to defer areas with intricate topics such as ongoing trout stream designations.

Counties will be notified by letter prior to the work commencing. The project webpage and email notification will be used for notice and display county status statewide.

How will the PWI Update Project proceed?

The DNR has assembled a team of hydrologists to use the best available technology, within the time constraints of the project, to conduct technical analysis of needed PWI corrections.

A diagram illustrating the process is available on the project website. A general outline of the process is as follows:

- DNR will send a notification letter to a county and begin technical review.
- DNR will prepare a map of preliminary corrections with opportunity for review, questions and comments.
- Potentially affected landowners will receive direct mail notice of the preliminary map.
- A public meeting will be held in each county, with notice of the meeting provided via GovDelivery.
- Any comments received will be considered prior to finalization of PWI corrections for that county.
- Parties wishing to challenge a decision made by the DNR will have an opportunity to request a Commissioner's Review.
- A final map and list will be published.

Will landowners and others have opportunities for input and feedback?

Yes. As preliminary corrections are provided for each county, there will be opportunity for review, questions and comments. Any comments received

will be considered prior to finalization of PWI corrections for that county.

What types of feedback is being sought?

The DNR will receive public comments on the PWI update preliminary map through a web-based tool accessible through the project website.

Useful feedback will be specific to proposed corrections shown on the preliminary map and related statutory definitions of public waters. Feedback not sought by the DNR includes refinements to digital line placement or public water name adjustment. Those data management activities are not a statutory definition error and are not part of the PWI Update scope of work.

Feedback on Buffer Law requirements for any new public waters will be accepted only after the finalization of a county's updated map.

When is the comment period?

The stakeholder outreach phase begins when the DNR publishes the preliminary map of proposed corrections for a county. The comment period will close thirty days after the public meeting is held.

How will the preliminary map be distributed?

The preliminary map of proposed corrections will be available for viewing on an interactive web-based tool accessible through the project website. Additionally, static PDF versions of the preliminary map will be created.

The DNR will announce the preliminary map along with details of the public meeting via multiple channels.

- Emails and printed mail will be sent to a County Board, County Administrator, SWCD, and tribal governments as applicable.
- Potentially affected landowners will receive printed mail. Notice will be published in the county newspaper of record.
- GovDelivery subscribers will receive a notification.

What is the Commissioner's Review process?

DNR will review the feedback received during the comment period and make necessary modification to the preliminary map. This revised map, now a provisional final map, will be submitted to the county and made available on DNR's project website. Parties wishing to challenge a decision made by the DNR will have 90 days to request a Commissioner's Review of the modified and updated PWI. This request must be accompanied by a submission form provided by DNR and all required evidentiary materials.

How does the PWI Update project relate to Minnesota's existing Buffer Law?

Minnesota's Buffer Law requires perennial vegetation buffers of up to 50 feet along rivers, streams and ditches that help filter out phosphorus, nitrogen and sediment.

The DNR's role in Minnesota's buffer law is to produce and maintain a map of public waters and public ditch systems that require permanent vegetation buffers.

The PWI Update may change the buffer requirements on some public waters subject to corrections. Any waterbody added to the PWI will be subject to applicable buffer requirements. The update to the buffer map would occur after the PWI updates in a county are finalized.

How will the PWI Update project affect local requirements such as shoreland ordinances?

The project will not change shoreland regulations on existing public waters on the PWI. Any waterbody added to the PWI will not automatically have a shoreland classification. Local governments interested in revising or amending their shoreland ordinance as a result of an updated list of public waters can contact Dan Petrik, DNR Shoreland Program Manager, at Daniel.Petrik@state.mn.us with questions.

Where can I find out more?

A webpage with project updates and a link to sign up for email updates is available at mndnr.gov/pwi-update