

Public Waters Inventory Update Project

Commissioner Review Request Form

Background

Aggrieved parties wishing to dispute a DNR finding made as part of a county's Public Water Inventory (PWI) Update project may request a Commissioner's Review. The 90-day Commissioner's Review process allows for escalated dispute resolution prior to issuing a final PWI map for a county. The process requires aggrieved parties to present evidence to DNR.

The dispute must regard a DNR finding related to:

- A PWI error correction shown in the preliminary map issued before public input.
- A PWI error correction shown in the provisional final map issued after public input has been considered.
- A PWI determination regarding public input submitted during the comment period about a PWI error correction.

Commissioner's Review Process

Aggrieved parties wishing to dispute a PWI error correction must submit this form and related materials within 90 days of when a provisional final PWI map is issued for the corresponding county.

The dispute request will be evaluated by DNR's Ecological and Water Resource Division's executive staff. Parties will be notified of the evaluation outcome and next steps. Evaluations will be made on a case-by-case basis.

All meetings will be held no later than 60 days after the party is notified. Meetings will be arranged as remote (i.e. via Microsoft Teams) unless the aggrieved party requests an in-person meeting. Meetings held in person will be at DNR's Central Office in Saint Paul, MN.

Required Information and Evidence

Dispute (select all that apply): ☐ Preliminary PWI map correction ☐ Provisional Final PWI map correction
☐ PWI determination regarding public input

Resource Type (select one): ☐ Watercourse ☐ Wetland ☐ Basin

Comment Period Feedback ID (if applicable) _____

(continued on next page)

Aggrieved parties must submit specific and credible evidence demonstrating whether the resource met the statutory definition of public water at the time of inventory and throughout the relevant period. Characterizing a resource as recently or currently “farmed through” or piped (tiled or sewerred) is not evidence for removal.

Submit a written analysis that must include:

- A clear description of how the aggrieved party believes DNR erred in its decision.
- A narrative of the water feature:
 - How it does or does not meet the applicable statutory definition(s) of public water.
 - What evidence demonstrates how it does or does not meet the applicable statutory definition over time, including prior to and at the time of the original inventory.
 - At least two distinct types of evidence, one of which must be aerial photos. Additional supporting documentation may include, but is not limited to, civil engineering plans, public drainage system records, or similar technical materials.

Submittal

Prior to the close of the 90-day period, email this form and the required document with exhibits to pwu.update.dnr@state.mn.us or mail to Public Waters Inventory Update, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4025.

Privacy Notice Acknowledgement

If an aggrieved party is a private individual, the DNR will need to collect non-public information such as a phone number and/or email address for the purpose of contacting the aggrieved party to coordinate next steps. The government must give individuals notice when collecting private or confidential information from them.

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I consent to providing the requested information.

Name: _____

Email: _____

Phone: _____