

Public Waters Inventory Update

Response to Public Comments, Clay County

In 2024, the Minnesota Legislature enacted Minn. Stat. § 103G.201 (f) which directed the Minnesota Department of Natural Resources (DNR) to update the state's Public Waters Inventory (PWI). As a part of this process, the DNR prepared a map and list of preliminary corrections within Clay County (County) based on whether an identified water feature appeared to meet the statutory definition of public water. The DNR provided a 60-day public comment period and hosted a public meeting in the County to obtain feedback on the preliminary corrections.

The preliminary map and list were submitted to the County board, soil and water conservation district, the Wild Rice Watershed District, and the Buffalo-Red River Watershed District. Potentially affected landowners received direct mail notice including a township map locating the proposed correction(s). Details about the public meeting and public comment period were provided to all notified parties.

Additionally, notices of the public meeting and public comment period were published in the State Register (50 SR 571), EQB Monitor (Vol. 49, No. 50), PWI Update project notification subscribers (i.e., GovDelivery), and county newspapers of record. The preliminary map and list, and details about the public meeting and public comment period were posted on the project webpage (mndnr.gov/pwi-update).

Following this, the DNR accepted written public comments on the initial maps for a period of 60 calendar days, beginning December 20, 2025, and ending at 4:30 pm on February 19, 2026. The public meeting was held at Hjemkomst Center, 202 1st Avenue N, Moorhead on January 20, 2026. On February 19, 2026, the comment period was extended to March 6, 2026, providing an additional 15 days for public input.

The DNR received public input through a web-based tool accessible on the project webpage. Written comments could be submitted to Public Waters Inventory Update, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4025, or PWI.Update.dnr@state.mn.us. Comments requesting the addition or removal of a feature from the PWI were asked to submit evidence supporting the request.

A total of 17 substantive comments were received. The DNR evaluated each substantive written public comment to determine whether it warranted a modification to the preliminary map and provided the following determinations based on the available evidence:

- No Further Action. These comments were reviewed and warrant no modification to the PWI preliminary map of corrections.
- Removal from PWI. These comments were reviewed and warrant modification to the PWI preliminary map of corrections to show a waterbody as a new proposed removal on the PWI provisional final map, or remove a waterbody included on the PWI preliminary map as a proposed correction.
- Addition to PWI. These comments were reviewed and warrant modification to the PWI preliminary map of corrections to show a waterbody as a new proposed addition on PWI provisional final map.

The substantive comments are grouped by the DNR determination in tables on the following pages. The ID number included for each comment is the unique ID assigned to the comment received.

This Response to Public Comments document as well as a PWI provisional final map and list of corrections will be submitted to the County and made available on the DNR's project webpage. Potentially affected landowners will be notified by mail.

No Further Action

The following comments were reviewed and warrant no modification to the PWI preliminary map of corrections.

ID	Waterbody Type	Waterbody ID	Comment	Comment Response
878	Watercourse	H-026-047-007-002-006	There is no bed or bank in this entire stretch.	This stream was reviewed prior to the public comment period. The analysis found that the bed and bank of the stream rely on the breaks in the emergent aquatic vegetation which creates a separate channel from Felton Creek and has persisted through time within the wetland. These vegetation breaks are visible in aerial photos dating back to 1939 and align with U.S. Geological Survey topo maps which also show multiple channels in the wetland surrounding Felton Creek. DNR reviewed the comment and determined that it did not outweigh the evidence found in the initial review. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
908	Watercourse	H-026-047-007-002-006-001	Please remove this feature, there are not multiple creeks at this location, Felton Creek is the only watercourse in this area. See accompanying documentation.	This stream was reviewed prior to the public comment period. The analysis found that the bed and bank of the stream rely on the breaks in the emergent aquatic vegetation which creates a separate channel from Felton Creek and has persisted through time within the wetland. These breaks in vegetation are visible in aerial photos dating back to 1939 and align with U.S. Geological Survey topo maps which also show multiple channels in the wetland surrounding Felton Creek. DNR reviewed the evidence submitted and determined that it did not outweigh the evidence found in the initial review. DNR will continue to include this

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				watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
909	Watercourse	MAJ-09027838	This marked line isn't very close to where the stream actually is.	The stream was reviewed prior to the public comment period. The analysis found that the linework reflects the best fit of what is shown in aerial photos over time, LiDAR, and previous U.S. Geological Survey mapping. The boundaries of public waters shown on the map are drawn as accurately as possible, consistent with the map scale, but are still approximate. Linework geometry will not be modified because the precise regulatory boundary of public waters are established by an ordinary high water level survey which is outside the scope of this project. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
910	Watercourse	H-026-047-012-020		This "Request for Removal" comment pertains to an existing watercourse. After the comment was submitted, no review was done because no narrative or supporting evidence was submitted. It will remain on the PWI.
911	Watercourse	H-026-047-012-019	Would like you to consider removing this ditch in section 1 and 2 of Ulen township from the protected waterway inventory. Does not have a defined bed and bank, we are able to farm through it most years, and is not a protected waterway in Norman county.	Following submittal of this comment, DNR reviewed this watercourse for possible removal from the PWI. A detailed technical review and site visit provided clear evidence that this feature has a defined bed and bank and a drainage area of 12.5 square miles. The bed and bank evidence included aerial images, contour data, visual inspection, and other available information. A natural channel does not need perennial flow to qualify as a public water. DNR will not include this watercourse as a removal to the PWI on the provisional final map of PWI corrections.

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912	Watercourse	MAJ-09027838	The original PWI used a robust and rigorous process in the 1980s to create this map and my land was not on there and no one was notified then This is not public property we make the payments and pay the taxes I question the 2 mile drainage. Not navigable	The stream was reviewed prior to the public comment period. The review determined that the drainage area is 12.45 square miles and meets the statutory definition of a public watercourse. DNR reviewed the comment and determined that it did not outweigh the evidence found in the initial review. Navigability isn't a requirement for a water to be a public water, and the drainage area is met. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
1278	Watercourse	H-026-047-007-002-006-001	There is no bed or bank in this stretch either.	This stream was reviewed prior to the public comment period. The analysis found that the bed and bank of the stream rely on the breaks in the emergent aquatic vegetation which creates a separate channel from Felton Creek and has persisted through time within the wetland. These breaks in vegetation are visible in aerial photos dating back to 1939 and align with U.S. Geological Survey topo maps which also show multiple channels in the wetland surrounding Felton Creek. DNR reviewed the comment and determined that it did not outweigh the evidence found in the initial review. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
1300	Watercourse	H-026-047-012-013	This section of the identified water course is not part of the natural channel. This was a drainage ditch that was dug in 1966 by Harald Moen to provide drainage to the wet pasture.	The stream was reviewed prior to the public comment period. DNR reviewed the submitted evidence, that the headwater of this watercourse was artificially created. Aerial photos, included in the initial review, provided clear evidence that this section of watercourse was historically a natural channel and meets the statutory definition of a public water. The private ditch altered a previously natural

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				channel segment that is visible in an aerial photo from 1939 and therefore remains part of the overall public watercourse. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
1307	Watercourse	H-026-047-007-002-006	Please remove this feature, there are not multiple creeks at this location, Felton Creek is the only watercourse in this area. See accompanying documentation.	This stream was reviewed prior to the public comment period. The analysis found that the bed and bank of the stream rely on the breaks in the emergent aquatic vegetation which creates a separate channel from Felton Creek and has persisted through time within the wetland. These breaks in vegetation are visible in aerial photos dating back to 1939 and align with U.S. Geological Survey topo maps which also show multiple channels in the wetland surrounding Felton Creek. DNR reviewed the evidence submitted and determined that it did not outweigh the evidence found in the initial review. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
1309	Watercourse	MAJ-09027838	Very little water is present here much of the year once spring runoff has subsided. Much of what can be seen on GPS is actually flood scarring. There is heavy beaver presence at the moment, causing the spots viewable on GPS to appear bigger.	The stream was reviewed prior to the public comment period. A natural channel does not need perennial flow to qualify as a public water. Aerial photos included in the initial review show that a channel is present in a 1939 aerial photo and in other aerial photos following 1939. DNR reviewed the comment submitted and determined that it did not outweigh the evidence found in the initial review. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
1310	Watercourse	MAJ-09027838	Marked stream is not close to where stream actually is, suggesting very minimal	The stream was reviewed prior to the public comment period. Linework geometry will not be modified because the precise regulatory boundary

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			thought has gone into the belief that this piece needs to be added.	of public waters are established by an ordinary high water level survey which is outside the scope of this project. The linework reflects the best fit of what is shown in aerial photos over time as well as LiDAR and previous U.S. Geological Survey mapping. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.
1318	Watercourse	H-026-056-002	I do not believe it meets the definition of 2 square miles of drainage area. Every mile it is interrupted by a road ditch which carries water north to public ditch 10. The only water the creek carries comes from each section. It does not flow water.	Following submittal of this comment, DNR reviewed this watercourse for possible removal from the PWI. A detailed technical review and site visit showed that the drainage area is 4.36 square miles and has a defined bed and bank. A natural channel does not need perennial flow to qualify as a public water. DNR will not show this watercourse as a removal to the PWI on the provisional final map of PWI corrections.
1666	Watercourse	MAJ-09027838	This whole area is a large beaver creation. We have not owned this land long and are remedying the beaver issue after many years of them running rampant.	The stream was reviewed prior to the public comment period. The proposed public watercourse is 1.6 miles long, has a 12.5 square mile drainage area, and discharges into the Wild Rice River. Desktop review of aerial images showed a natural channel persists through time; this watercourse was mapped on an 1871 General Land Office survey. Impoundments to the channel's flow were seen during the desktop review. Landowner efforts to mitigate beaver activity would not be precluded by a public waters designation. The comment submitted did not change the DNR's decision to include this watercourse as an addition to the PWI. DNR will continue to include this watercourse as an addition to the PWI and will be shown on the provisional final map of corrections.

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2074	Watercourse	H-026-047-012-019	Remove feature from PWI. No on sight visitation has been done. Farm to ditch bottom. The feature starts in Norman County coming into Clay County and exits Clay County back into Norman County with no such distinction/classification.	Following submittal of this comment, DNR reviewed this watercourse for possible removal from the PWI. A detailed technical review and site visit provided clear evidence that this feature has a defined bed and bank and a drainage area of 12.5 square miles. The bed and bank evidence included aerial images, contour data, visual inspection, and other available information. The status of a watercourse in a neighboring county does not impact the statutory requirements for inclusion on the PWI. DNR will not show this watercourse as a removal on the provisional final map of PWI corrections.

Removal from PWI

The following comment was reviewed and warrant modification to the PWI preliminary map of corrections to show a waterbody as a new proposed removal on the PWI provisional final map, or remove a waterbody included on the PWI preliminary map as a proposed correction.

ID	Waterbody Type	Waterbody ID	Comment	Comment Response
896	Watercourse	H-026-047-007-002-007	I would like you to come out and actually look at this part of the Felton creek. It is in a field that has been farmed for as long as I can remember. There is no ditch or bank on this part of the unnamed creek.	The stream was reviewed prior to the public comment period and was included on the preliminary map. A site visit was completed after the public comment period. Visual inspection confirmed that this feature does not have (and has not had) defined bed and bank of a natural channel. DNR will no longer propose this watercourse as an addition to the PWI and it will not be shown on the provisional final map of PWI corrections.

Addition to PWI

The following comments were reviewed and warrant modification to the PWI preliminary map of corrections to show a waterbody as a new proposed addition on PWI provisional final map.

ID	Waterbody Type	Waterbody ID	Comment	Comment Response
887	Watercourse	H-026-056-011	I have not found any information regarding whether the changes from the recent Glyndon East Tributary Restoration Project were incorporated in the MN PWI Project. Water flow has dramatically changed as shown in the information I am providing via email.	Following submittal of this comment, DNR reviewed this watercourse for possible addition to the PWI. The channel restoration was authorized by DNR Public Waters Work Permit #2021-1963. DNR will include the new channel alignment as an addition to the PWI on the provisional final map of PWI corrections.
1274	Watercourse	H-026-056-011	Feedback point created by Project Team for email comment received on 12/16/2025. Water no longer goes through Township road (12th Ave S) location between Section 8 and Section 17 in Riverton Township, Clay County. See SharePoint for details.	Following submittal of this comment, DNR reviewed this watercourse for possible addition to the PWI. The channel restoration was authorized by DNR Public Waters Work Permit #2021-1963. DNR will include the new channel alignment as an addition to the PWI on the provisional final map of PWI corrections.