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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 1008

02/17/2025 Authored by Schultz, Burkel, Nelson and Anderson, P. H., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; modifying the definition of public waters; eliminating
1.3 appropriation for public waters inventory; amending Minnesota Statutes 2024,
1.4 sections 103G.005, subdivision 15; 103G.201.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2024, section 103G.005, subdivision 15, is amended to
1.7 read:

1.8 Subd. 15. Public waters. (a) "Public waters" means:

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

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

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

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

1.16 (5) water basins designated as scientific and natural areas under section 84.033;

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

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

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

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

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

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

2.8 (b) Public waters are not determined exclusively by:

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

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

2.12 ~~(3) their inclusion in or exclusion from the public waters inventory required under section~~
 2.13 ~~103G.201. This clause is effective July 1, 2027.~~

2.14 Sec. 2. Minnesota Statutes 2024, section 103G.201, is amended to read:

2.15 **103G.201 PUBLIC WATERS INVENTORY.**

2.16 (a) The commissioner shall maintain a public waters inventory map of each county that
 2.17 shows the waters of this state that are designated as public waters under the public waters
 2.18 inventory and classification procedures prescribed under Laws 1979, chapter 199, and shall
 2.19 provide access to a copy of the maps. As county public waters inventory maps are revised
 2.20 according to this section, the commissioner shall send a notification or a copy of the maps
 2.21 to the auditor of each affected county.

2.22 (b) The commissioner ~~must~~ may revise the map of public waters established under Laws
 2.23 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as
 2.24 public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under
 2.25 section 103G.005, subdivision 19. The commissioner may only reclassify public waters
 2.26 wetlands as public waters if:

2.27 (1) they are assigned a shoreland management classification by the commissioner under
 2.28 sections 103F.201 to 103F.221;

2.29 (2) they are classified as lacustrine wetlands or deepwater habitats according to
 2.30 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al.,
 2.31 1979 edition); or

3.1 (3) the state or federal government has become titleholder to any of the beds or shores
3.2 of the public waters wetlands, subsequent to the preparation of the public waters inventory
3.3 map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state
3.4 or federal agency declares that the water is necessary for the purposes of the public
3.5 ownership.

3.6 (c) The commissioner must provide notice of the reclassification to the local government
3.7 unit, the county board, the watershed district, if one exists for the area, and the soil and
3.8 water conservation district. Within 60 days of receiving notice from the commissioner, a
3.9 party required to receive the notice may provide a resolution stating objections to the
3.10 reclassification. If the commissioner receives an objection from a party required to receive
3.11 the notice, the reclassification is not effective. If the commissioner does not receive an
3.12 objection from a party required to receive the notice, the reclassification of a wetland under
3.13 paragraph (b) is effective 60 days after the notice is received by all of the parties.

3.14 (d) The commissioner shall give priority to the reclassification of public waters wetlands
3.15 that are or have the potential to be affected by public works projects.

3.16 (e) The commissioner may revise the public waters inventory map of each county:

3.17 (1) to reflect the changes authorized in paragraph (b); and

3.18 (2) as needed, to:

3.19 (i) correct errors in the original inventory;

3.20 (ii) add or subtract trout stream tributaries within sections that contain a designated trout
3.21 stream following written notice to the landowner;

3.22 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50
3.23 acres and the shoreland has been zoned for residential development; and

3.24 (iv) add or subtract public waters that have been created or eliminated as a requirement
3.25 of a permit authorized by the commissioner under section 103G.245.

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

3.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.