



# Association of Minnesota Counties

February 22, 2024

Senate Environment, Climate and Legacy Committee

**RE: SF3558: Public waters definition modification**

Dear Senator Hawj and Members of the Senate Environment, Climate and Legacy Committee:

The Association of Minnesota Counties (AMC), a voluntary association representing all 87 counties, respectfully submits the following comments on SF3558, which will create regulatory uncertainty related to public waters of the state.

In 1979, the Minnesota legislature directed the Minnesota Department of Natural Resources (DNR) to create a Public Waters Inventory (PWI) to serve as an official record of all the public waters in the state with the intention of helping to end the proliferation of litigation over what are public waters.

This process involved extensive engagement of state and local governments and public, and, in some cases, judicial review.

Counties, other government entities, businesses and the public have relied on this official record to direct work and obligations for decades. From a public policy perspective, if a public water is inventoried, it should be entitled to treatment as a public water.

The DNR has statutory authority to maintain and update the inventory and in the past has taken action to review and reclassify waters, if necessary.

Counties have responsibilities tied to the management and protection of waters and perform functions that require permitting with the state and federal governments based on water designations. For that matter, all Minnesotans must be mindful of potential impacts to public waters and comply with laws protecting those waters.

We deserve to have a well-established inventory of all public waters in Minnesota to reliably fulfill our obligations in accordance with the law. The addition of statutory language saying that inventory no longer serves a purpose takes us backwards. Instead, we could reinvest in a proper public engagement process to update the inventory if necessary.

Thank you for your time and consideration.

Sincerely,



Brian Martinson

*Association of Minnesota Counties*