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Members of the Senate Environment, Climate, and Legacy Committee

Dear Chair Hawj and Committee Members:

I am writing on behalf of Minnesota Trout Unlimited to express our support for S.F. 3558. This bill makes a simple, common-sense clarification to the statute, that provides certainty and ensures protection for all public waters.

Minnesota regulates activities in or near streams and waterbodies based upon whether they are “public waters” as defined by Minn. Stat. 103G.005. The law also required the Minnesota DNR to develop a list of all public waters called the Public Waters Inventory (PWI), as well as a map for each county. The PWI list and maps were developed in the early 1980s, but errors were made. Some public waters did not make it onto the list or maps, others were temporarily dropped due to procedural errors. The law (103G.201) acknowledges that errors occur and gives the DNR authority to correct them. Unfortunately, the DNR has been slow to update the maps. This has led to costly litigation. Yet Minnesota appellate courts have consistently ruled that the statutory definition of public waters takes precedence over the inventory.

This bill clarifies that the statutory definition of public waters, not error-prone maps, determine State authority over our public waters. The waterways left off the PWI maps are typically small headwater streams, but they are important. Small meandering waterways and wetlands in the headwaters of streams, including trout streams, are important for water quality and the health of fish and aquatic life downstream. They slow and store runoff, capture sediment, and slowly release clean water downstream. This bill will ensure these important waters – all public waters – are protected. And the greater clarity will prevent more wasteful litigation.

Our thousands of members around the State appreciate the importance of small waters to their recreation and quality of life. Trout angling is an economic boon to the State. A recent economic study found that trout angling in southeast Minnesota alone generates more than \$878 million dollars to the State’s economy.

On behalf of our members, and more than 100,000 trout anglers, we urge passage of Senate File 3558. Thank you for your thoughtful consideration of our comments.

Respectfully,

John P. Lenczewski