



SIERRA CLUB

NORTH STAR CHAPTER

2300 Myrtle Avenue, Suite 260
Saint Paul, MN 55114
612-659-9124
sierraclub.org/minnesota

To: Senate Environment, Climate and Legacy Committee

Re: Testimony on Senate Bill 3558, Public Waters Definition Modification

February 21, 2024

Dear Chair Hawj and Members of the Committee:

This testimony concerns Senate Bill 3558, Public Waters Definition Modification, which proposes to clarify a gap in the definition of public waters administered by Department of Natural Resources (DNR) for the State of Minnesota and is being considered by the Senate Environment, Climate and Legacy Committee on February 22, 2024. Senate Bill 3558 provides for greater protection of Minnesota waters by preventing destruction or changes to these waters through clarifying the relationship between the Public Water Inventory (PWI) and the statutory definition of a public water. The bill states that water bodies may meet the definition of State public water, even if not listed on the PWI.

The Sierra Club North Star Chapter supports the passage of Senate Bill 3558 as instrumental to protecting Minnesota's waters. The PWI was developed in the 1970's when there was confusion over the definition of a public water and poorer mapping tools. It is an important tool for the DNR's Public Waters Permit Program and the determination of the need for environmental assessment. It plays a crucial role in protecting our waters from destruction and loss, but this bill clarifies that the statutory definition of public waters supersedes the PWI if there are questions about a particular water body.

The State of Minnesota is the primary protector of the waters of our State. While the federal government has jurisdiction over public waters that meet its definition of waters of the United States, their definition and ability to protect the waters of Minnesota is somewhat limited, especially regarding groundwater and wetlands. For this reason, it is critical that the state of Minnesota has clarity in how it defines waters that are subject to a permit or environmental assessment before potentially damaging actions can occur. Due to mapping errors and jurisdictional errors, the PWI has not been fully inclusive of all water bodies that meet the statutory definition of a public water. This issue with the PWI was found when work was proposed in Limbo Creek in Renville County, the County's last free flowing section of stream, and as it was not listed on the PWI, was not considered to meet the definition of a public water. Citizens sued and the State Supreme Court asked the legislature to review the relationship between the PWI and the definition of a public water. Senate Bill 3558 contains provisions that clarify this.

The Sierra Club North Star Chapter supports Senate Bill 3558 as strengthening the ability of the State of Minnesota to protect our water resources by clarifying the role of the PWI and public water definition and requests support of the Environment, Climate Legacy Committee and Legislature. Please do not hesitate to contact us for questions or further information on this matter.

Sincerely,

Sheila Wiegman
Water and Wetlands Stewards
Sierra Club North Star Chapter

Margaret Levin
State Director
Sierra Club North Star Chapter