



Board of County Commissioners Agenda Request

7B

Agenda Item #

Requested Meeting Date: October 14, 2025**Title of Item:** Public Waters Inventory Presentation (Discussion Only)

☒ REGULAR AGENDA ☐ CONSENT AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Hold Public Hearing <i>*provide copy of hearing notice that was published</i> ☐ Direction Requested ☒ Discussion Item ☐ Information Only	
Submitted by: Andrew Carlstrom		Department: Environmental Services
Presenter (Name and Title): Wes Saunders-Pearce, DNR Lead Hydrologist		Estimated Time Needed: 15 minutes
Summary of Issue: On August 15, 2025, Aitkin County was contacted by the Minnesota Department of Natural Resources (DNR) informing us that they were beginning work on the Public Waters Inventory (PWI) Update Project. Attached is the notification letter, frequently asked questions about the PWI, and process highlights. Please welcome DNR Lead Hydrologist, Wes Saunders-Pearce who will be presenting.		
Alternatives, Options, Effects on Others/Comments: N/A		
Recommended Action/Motion: No action requested.		
Financial Impact: <i>Is there a cost associated with this request?</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>		



Ecological and Water Resources
500 Lafayette Road
St. Paul, MN 55155

August 15, 2025

Via Electronic and US Mail

J. Mark Wedel, Chair
Aitkin County Board of Commissioners
307 2nd Street NW
Aitkin, MN 56431
mark.wedel@aitkincountymn.gov

RE: Public Waters Inventory Corrections Within Aitkin County

Dear Mark Wedel:

In 2024, the Minnesota Legislature enacted Minn. Stat. § 103G.201 (f) which directed the Department of Natural Resources (DNR) to update the state's Public Water Inventory (PWI) by correcting errors in the original inventory; adding or subtracting trout stream tributaries; adding depleted quarries, and sand and gravel pits; and adding or subtracting public waters that have been created or eliminated as a DNR permit requirement. The DNR will update the inventory on a county-by-county basis. We are now beginning this work in Aitkin County.

What are public waters and the PWI?

Public waters are defined by Minn. Stat. § 103G.005, subd. 15 and include meandered lakes, water basins, altered and unaltered water courses, and public waters wetlands. The state holds title to its public waters and lands thereunder as a trustee for the people for public use. The DNR is responsible for regulating activities in these waters to protect the public's interest.

Although the statutory definition of public waters controls a water's classification as public, the PWI is a tool used to help identify public waters in Minnesota. County PWI lists and maps (which together constitute the PWI) were first created by the DNR in the 1980s and the PWI remains a reliable and robust tool in protecting water resources across the state.

Summary of the original PWI stakeholder process

The creation of the PWI was a rigorous and robust process that involved the development of a preliminary list and map of all public waters in each county (preliminary PWI). This list was submitted to the county, after which the county held public informational meetings to elicit feedback on the proposed PWI. DNR reviewed all comments forwarded by the county on the draft PWI, adjusted the preliminary inventory, and published notice of the revised PWI list and maps in each county.

The notice invited anyone challenging a designation to “list the reason(s) why the particular public water or wetland does not meet the statutory definition” of a public water. These objections were heard in a hearing similar in nature to a contested-case hearing. The hearing panel was required to issue findings of fact and conclusions of law which were then used by the DNR to finalize the PWI for the county. The decisions issued by the three-judge panel were appealable to the Commissioner and ultimately to the appellate court. Given the rigors of this process, it is not DNR’s intent to reopen the PWI in each county.

The PWI Update stakeholder process

The DNR will use the original PWI stakeholder process to update and correct the original PWI as directed by the new legislation. DNR will undertake this work on a county-by-county basis. The process that the DNR will use is:

- Prepare a preliminary map reflecting the proposed corrections and any modifications and submit it to the county board. Potentially affected landowners will receive direct mail notice.
- Host a public meeting, in conjunction with a county board meeting, to elicit public feedback on the preliminary revisions to the map. Public meeting details, including date and location, will be provided in the preliminary map notice sent to all parties. After the public meeting, the DNR will provide a 30-day comment period on the corrections and modifications made in the preliminary map.
- Review the feedback received during the comment period and make necessary modification to the preliminary map. This revised map, now a provisional final map, will be submitted to the county and made available on the DNR’s project webpage.
- Provide 90 days for parties (including riparian landowners) or counties wishing to challenge a decision made by the DNR to request DNR Commissioner’s Review of the modified and updated PWI. This request must be accompanied by a submission form provided by DNR. The form requires a challenge to include technical rationale of statutory definition(s) not met; comprehensive supporting maps and imagery; and, if warranted, evidence from the original PWI review process. Commissioner’s Review requests that do not include a submission form and required materials will be denied.
- Issue the updated PWI list and map for the county, upon completion of Commissioner’s Review process.

Past decisions, including those tied to the original PWI effort and subsequent final agency actions, will remain in place and are not subject to challenge. The PWI Update Project is not a stakeholder opportunity to re-make past PWI decisions.

Examples of known PWI errors and corrections

The PWI Update Project addresses known errors identified by the DNR. The project is a targeted effort and is not a re-inventory of the state’s public waters. Examples of corrections and revisions the DNR has identified statewide include:

- Designated trout streams and trout stream tributaries that are not identified on the PWI.
- Watercourses that qualify as a public water but were removed from the PWI in 2017 by Commissioner’s Order due to errors found during the 2016 Buffer Protection Map initiative.
- Existing public water wetlands that clearly did not conform to statutory criteria for size (estimated area).
- County boundary corrections.

In addition to the example corrections above, DNR Area Hydrologists will inform the PWI Update Project of case-by-case potential corrections when their assigned county is under review.

The following is not considered to be an "error in the original inventory":

- Areas initially proposed on the preliminary inventory that were subsequently removed by the DNR as part of the public information meeting process or dropped from or remained on the PWI as part of the petition, hearing, and appeal process.

How does this impact landowners in this county?

The updated PWI will provide a better tool for water resource protection, regulatory clarity and a shared understanding of where public waters are located on the landscape. The PWI Update Project will likely result in adding or removing some waters from the inventory. Landowners adjacent to added public waters will be subject to the State Buffer Law.

For more project information see the [Public Waters Inventory Update Project | Minnesota DNR](#). Additionally, the project webpage features a map tool showing the county update status statewide. Questions about the PWI Update Project can be sent to pwi.update.dnr@state.mn.us.

Our project team is available to meet with you, either individually or at a scheduled board meeting, to discuss any items as we begin work on the PWI Update. Please contact me directly by email at wes.saunders-pearce@state.mn.us or by phone at (651) 259-5416 if you would like to arrange an initial meeting.

Sincerely,



Wes Saunders-Pearce
Lead Hydrologist, PWI Update Project

cc: Aitkin County Administrator (vacant)
Darrell Schindler, DNR Regional Manager
Darrin Hoverson, DNR District Manager
Jacob Frie, DNR Area Hydrologist

Frequently Asked Questions – Public Waters Inventory Update

What is the PWI Update Project?

Public waters are defined in statute and include lakes, wetlands and watercourses of certain sizes and characteristics. A 2024 statute revision clarified that public waters are not determined by their inclusion in or exclusion from the Public Waters Inventory (PWI). However, because the PWI is such an important tool, the DNR has been directed to update the PWI.

The PWI Update process will proceed with a goal of averaging 12 counties a year, concluding by 2032. The update effort will be organized with review of four counties at a time, distributed across DNR's four administrative regions.

Is the PWI being completely rebuilt?

No. The PWI Update Project is a targeted effort and is not a re-inventory of the state's public waters. Statewide, the Project's baseline review areas are:

- Designated trout stream tributaries to be added.
- Watercourses that qualify as a public water but were removed from the PWI in 2017 by Commissioner's Order due to errors found during the Buffer Protection Map project.
- Public water wetlands that clearly did not conform to statutory criteria for size.

During the county review process, DNR Area Hydrologists may inform the project of case-by-case potential corrections in addition to the baseline data. However, past decisions, including those tied to the original PWI effort and subsequent final agency actions, will remain in place and are not subject to review.

When will the PWI Update occur in my county?

Counties will be updated on a quasi-alphabetic basis with adjustment as needed to defer areas with intricate topics such as ongoing trout stream designations.

Counties will be notified by letter prior to the work commencing. The project webpage and email notification will be used for updates and to display county status statewide.

How will the PWI Update Project proceed?

The DNR has assembled a team of hydrologists to use the best available technology, within the time constraints of the project, to conduct technical analysis of needed PWI corrections.

A diagram illustrating the process is available on the project website. A general outline of the process is as follows:

- The DNR will send a notification letter to a county and begin technical review.
- The DNR will prepare a map of preliminary corrections with opportunity for review, questions and comments.
- Potentially affected landowners will receive direct mail notice of the preliminary map.
- A public meeting will be held in each county, with notice of the meeting provided via GovDelivery email.
- Any comments received will be considered prior to finalization of PWI corrections for that county.
- Parties wishing to challenge a decision made by the DNR will have an opportunity to request a Commissioner's Review.
- A final map and list will be published.

Will landowners and others have opportunities for input and feedback?

Yes. As preliminary corrections are provided for each county, there will be opportunity for review, questions and comments. Any comments received

will be considered prior to finalization of PWI corrections for that county.

What types of feedback are being sought?

The DNR will receive public comments on the PWI update preliminary map through a web-based tool accessible through the project website (mndnr.gov/pwi-update).

Useful feedback will be specific to proposed corrections shown on the preliminary map and related statutory definitions of public waters. Feedback not sought by the DNR includes refinements to digital line placement or public water name adjustment. Those data management activities are not a statutory definition error and are not part of the PWI Update scope of work.

Feedback on Buffer Law requirements for any new public waters will be accepted only after the finalization of a county's updated map.

When is the comment period?

The stakeholder outreach phase begins when the DNR publishes the preliminary map of proposed corrections for a county. The comment period will close thirty days after the public meeting is held.

How will the preliminary map be distributed?

The preliminary map of proposed corrections will be available for viewing on an interactive web-based tool accessible through the project website (mndnr.gov/pwi-update). Additionally, static PDF versions of the preliminary map will be created.

The DNR will announce the preliminary map along with details of the public meeting via multiple channels.

- Emails and printed mail will be sent to a county board, county administrator, SWCD, and Tribal governments as applicable.
- Potentially affected landowners will receive printed mail. Notice will be published in the county newspaper of record.
- GovDelivery subscribers will receive a notification. A link to sign up for

GovDelivery updates is available on the project webpage (mndnr.gov/pwi-update).

What is the Commissioner's Review process?

The DNR will review the feedback received during the comment period and make necessary modification to the preliminary map. This revised map, now a provisional final map, will be submitted to the county and made available on the project webpage. Parties wishing to challenge a decision made by the DNR will have 90 days to request a Commissioner's Review of the modified and updated PWI. This request must be accompanied by a submission form provided by the DNR and all required evidentiary materials.

How does the PWI Update Project relate to Minnesota's existing Buffer Law?

Minnesota's Buffer Law requires perennial vegetation buffers of up to 50 feet along rivers, streams and ditches that help filter out phosphorus, nitrogen and sediment.

The DNR's role in Minnesota's buffer law is to produce and maintain a map of public waters and public ditch systems that require permanent vegetation buffers.

The PWI Update may change the buffer requirements on some public waters subject to corrections. Any waterbody added to the PWI will be subject to applicable buffer requirements. The update to the buffer map would occur after the PWI updates in a county are finalized.

How will the PWI Update Project affect local requirements such as shoreland ordinances?

The project will not change shoreland regulations on existing public waters on the PWI. Any waterbody added to the PWI will not automatically have a shoreland classification. Local governments interested in revising or amending their shoreland ordinance as a result of an updated list of public waters can contact Dan Petrik, DNR Shoreland Program Manager, at Daniel.Petrik@state.mn.us

Where can I find out more?

Questions about the PWI Update Project can be sent to pwi.update.dnr@state.mn.us

PWI Update Project | Process Highlights

This diagram shows a simplified view of the DNR's process to review the Public Waters Inventory Updates for each county.

Author	PWI Update Project Team
Date	July 2025
Contact	pwi.update.dnr@state.mn.us

