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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3385

02/12/2024 Authored by Pursell
The bill was referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to water; modifying the definition of public waters; amending Minnesota
1.3 Statutes 2022, section 103G.005, subdivision 15.

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

1.5 Section 1. Minnesota Statutes 2022, section 103G.005, subdivision 15, is amended to
1.6 read:

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

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

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

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

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

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

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

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

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

- 2.1 (9) natural and altered watercourses with a total drainage area greater than two square
2.2 miles;
- 2.3 (10) natural and altered watercourses designated by the commissioner as trout streams;
2.4 and
- 2.5 (11) public waters wetlands, unless the statute expressly states otherwise.
- 2.6 (b) Public waters are not determined exclusively by:
- 2.7 (1) the proprietorship of the underlying, overlying, or surrounding land ~~or by~~;
- 2.8 (2) whether it is a body or stream of water that was navigable in fact or susceptible of
2.9 being used as a highway for commerce at the time this state was admitted to the union; or
- 2.10 (3) their inclusion in or exclusion from the public waters inventory required under section
2.11 103G.201.