Drainage Work Group Meeting Notes
January 8, 2015
12:30 – 3:30 p.m.
Minnesota Farm Bureau Building, Eagan, MN

Attendance
Due to snow and blizzard conditions in some parts or Minnesota on 1-8-15, a call-in option was provided for this meeting.
In-person: Tom Loveall, BWSR Brd.; Rylee Main, MCF; Larry Kuseske, MAWD; Michelle Ulrich, CCWD; Mark Dittrich, MDA; Jennifer Berquam, AMC; Doug Busselman, MFB; Trevor Russell, FMR; Alicia Uzarek, FMR; Darrell Gerber, FWS; Ray Norrgard, Mn Wildlife Society; Jim Sehl, DNR; Alan Perish, MFU, MVA; Dan Larson, MN RCC; Les Everett, UMN WRC; Mark Ten Eyck, MCEA; Ron Harnack, RRWMB; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Ray Bohn, MAWD; Laura Nehl-Trueman, MnDOT; John Jaschke, BWSR; Wayne Anderson, MPCA; Larry Kramka, HEI; Tim Gillette, BWSR; Al Kean, BWSR
Via Phone: Harlan Madsen, AMC; Randy Kramer, AMC; Rob Sip, MDA; Craig Austinson, Blue Earth Co.; Steve Colvin, DNR; Blake Carlson, WSN; Kale Van Bruggen, Rinke Noonan; John Kolb, Rinke Noonan

Handouts prior to or during meeting
1. DWG – Meeting Logistics and Agenda for 1-8-15
2. DWG – Meeting Notes for 11-13-14
3. DWG – Prioritized Discussion Topics List - 9-11-14

Introductions and agenda overview
All in attendance introduced themselves. Al Kean provided extra copies of the agenda for those attending in-person and an overview of the agenda.

Approval of 11-13-14 meeting notes
Extra copies of the meeting notes were distributed and corrections or additions requested. On page 2, under the Transfer of Drainage Authority topic, it was suggested that although there may not be documentation regarding legislative intent regarding Sec. 103D.625, Subd. 4 provisions, for many years there had not been controversy about watershed districts becoming the drainage authority for new drainage systems or improvement of existing drainage systems. No other comments, corrections, or additions were identified.

Share information about recent and upcoming events involving drainage topics
- Brief review of:
  - IA-MN-SD Drainage Research Forum, Tues., 11-18-14, Iowa State University;
  - MAWD Annual Meeting, Drainage Workshop, Arrowwood, Alexandria, MN, Thurs., 12- 4-14;
  - MASWCD Annual Convention, Emerging Conservation Practices and Ag Drainage, Mon., 12-8-14, Bloomington, MN
- MNLICA Annual Convention, Side Inlets and Saturated Buffers, Jan. 15-16, 2015, New Ulm, MN

Update regarding DWG Subgroup for Public Waters and Drainage
DNR has identified Jim Sehl, DNR, EWR S. Asst. Reg. Mgr., to help lead the DWG Public Waters and Drainage Subgroup. Consistency of interpretation of public waters statute and rule, as well as drainage law, was discussed as a key concern of DWG members, including different perspectives. Work in public waters generally requires a DNR permit, with some exception (Sec. 103G.245, Subd. 2) for projects in

altered natural watercourses conducted under Chapter 103D or 103E. Drainage law includes a requirement for DNR permission for work in public waters (Sec. 103E.011, Subd. 3) which DNR is discussing. Concern was expressed about past vs. current interpretation, again including different perspectives. Jim Sehl is working on some scenario drawings to help illustrate different public waters and drainage law situations.

Update of the Minnesota Public Drainage Manual (MPDM)
Larry Kramka, HEI Project Manager, and Tim Gillette, BWSR Project Manager, provided an update. Four focus group meetings were held between mid December 2014 and early January 2015 at Mankato, Marshall, Crookston and Arden Hills. Questionnaires were also used. The focus was on who uses the MPDM and UMPDL, how, as well as objectives for updating these documents. Online access and the ability to find and use information pieces easier are included in the update objectives. It was suggested that the MN Assn. of Drainage Inspectors manual (currently draft) should be referenced or otherwise connected. Much discussion about the update of the MPDM reflecting, but not changing drainage law - - guidance not rule, but substantial guidance, including case law reference. The Project Advisory Committee (PAC) is nearly complete, with thirty-some members, including subcommittees for Chapters 2, 3, 4 and new Chapter 5. The first PAC meeting is anticipated in approximately late February. More information about the meeting will be provided to PAC members prior to the meeting.

Transfer of drainage authority between a County and Watershed District
This topic did not get on the AMC legislative platform for this year. AMC supports DWG discussion about this topic as a next step. AMC and MAWD representatives on the DWG are discussing internally to identify representatives for a DWG subgroup for this topic. The Minnesota Rural Counties Caucus also wants to participate on this subgroup.

Redetermination of Benefits and Damages
A reminder of legal issues experienced by the BDSWD with JD-14 redetermination of benefits was shared. Those issues have been an impediment to redetermination and might indicate a need for statute clarification. It is hoped that update of the MPDM provides an opportunity help clarify use of 103E process for redeterminations to avoid administrative problems. The ongoing desire to have a more rapid and less costly method for redetermination was expressed. This includes support for a runoff-based approach that correlates assessments to use of the drainage system (stormwater utility approach) and the potential of reduced assessments for reduced runoff. The mass appraisal by parcel methods used in MN drainage law enables required benefit / cost analyses, while also serving as the basis for drainage system assessments. However, because current assessments are relative percentages of 100%, a change in benefits for one parcel necessitates a change in all percentages. The current Section 103E.315 Assessment of Drainage Benefits and Damages includes some provision for assessing benefits for accelerated runoff. There is some concern about disparity in how viewers assess accelerated runoff. The MPDM update may be able to help address this. Concerns were expressed that the viewing process must be reasonably uniform and legally defensible.

Next Meeting
It was agreed that the full DWG would not meet during the legislative session, unless an emergency need surfaced. However, some subgroups will try to meet to advance discussions on priority topics.