

Drainage Work Group Meeting Notes November 13, 2014

12:30 – 3:30 p.m.

Association of Minnesota Counties Building, St. Paul, MN

Attendance

Tim Gillette, BWSR; Tom Loveall, BWSR Brd.; Kyle Hartnett, MAT; Craig Austinson, Blue Earth Co.; Jill Bathke, MCEA; Ray Bohn, MAWD; John Jaschke, BWSR; Dan Wilkens, RRWMB; Joe Birkholz, SRRWD; Kale Van Bruggen, Rinke Noonan; Kurt Deter, Rinke Noonan; Jeff Berg, MDA; Larry Kuseske, MAWD; Laura Nehl-Trueman, MnDOT; Mark Dittrich, MDA; John Thompson, Faribault Co., MACATFO; Mark Ten Eyck, MCEA; Ron Ringquist, MVA; Greg Eggers, DNR; Wayne Anderson, MPCA; Al Kean, BWSR

Handouts prior to or during meeting

1. DWG – Meeting Logistics and Agenda for 11-13-14
2. DWG – Meeting Notes for 10-9-14
3. History of M.S. Section 103D.625 Drainage Systems in Watershed District, 9-28-10
4. MN Public Drainage Manual pages 2.15 – 2.16, Chapter 2. Administration and Legal Issues, Section II. B. Other Laws Affecting Drainage, Subsection 5. Watershed Districts
5. MN Statutes, Chapter 103D Watershed Districts, Section 103D.201 Watershed District Purposes
6. MN Statutes, Chapter 103D Watershed Districts, Section 103D.625 Drainage Systems in Watershed District
7. List of discussion subtopics regarding drainage authority transfer by Kurt Deter, and responses by Dan Wilkens

Introductions and agenda overview

All in attendance introduced themselves. Al Kean provided extra copies and an overview of the agenda.

Approval of 10-9-14 meeting notes

Extra copies of the meeting notes were distributed and corrections or additions requested. None were identified.

Share information about recent and upcoming events involving drainage topics

- IA-MN-SD Drainage Research Forum, Tuesday, Nov. 18, 2014, Iowa State University Alumni Center, Ames, IA. Link to full agenda was sent to DWG members via email.
- MAWD Annual Meeting, Minnesota Drainage Session, Arrowwood Conference Center, Alexandria, MN, Thursday, Dec. 4, 2014. Robust agenda available on MAWD website.

Update regarding DWG Subgroup for Public Waters and Drainage

Al K. indicated that a number of subgroup members met on Thursday, Nov. 6, 2014. Also in attendance were Jim Sehl and Tom Hovey, who served as DNR area or state level hydrologists at DNR for a number of years, prior to their current positions at DNR. Topics and issues discussed included: need for early coordination of drainage projects involving public waters, including repair vs. improvement and repair depth; consistency of interpretation of public waters and drainage law, including by DNR staff and drainage authorities; clarity of who drainage authorities should contact at DNR, and when and how contact is made; when an EAW is required; timeliness of public waters, Sec. 404 and WCA determinations; buffer strip requirements of shoreland rules and drainage law. It was noted that DNR

used to hold a “water school” for new hydrologists and other staff, but hasn’t in recent years. It was determined that example scenario drawings and discussion are needed for common situations. It was asked if DNR could take a lead role in further work of this DWG subgroup.

Update of the Minnesota Public Drainage Manual (MPDM)

DWG response to Al K.’s request for interest in participation on the project advisory committee and the subcommittees for Chapters 2, 3, 4 and 5 identified a need for more information. Therefore, BWSR and the project Contractor developed an Overview of Stakeholder Input Opportunities, 10-8-14, which includes information about about Focus Group meetings and the Project Advisory Committee (PAC). A subsequent addendum dated 10-23-14 was also developed by the project managers to further clarify how stakeholder organizations can provide input to the MPDM update. Both were distributed to the DWG and other stakeholder email lists, and are available on the BWSR website, drainage page. Three stakeholder focus group meetings are being planned for mid-December at Mankato, Marshall and Crookston. Logistics information will be distributed to various stakeholder email lists, as soon as available. Project Advisory Committee membership identification continues.

Transfer of drainage authority between a County and Watershed District

A number of reference documents were distributed (Handouts 3 – 7 above) and reviewed. Those documents included current statute language regarding transfer of drainage authority between a county and watershed district and assumption of authority by a watershed district for drainage system establishment and improvement projects (Sec. 103D.625); watershed district purposes (Sec. 103D.201); some history of these and associated provisions in statute; and discussion in the MN Public Drainage Manual about 103D.625 provisions. A list of 13 subtopics or issues, and associated responses, by two involved and concerned DWG members, were reviewed and discussed in detail. Legislative intent in 1959 regarding watershed district assumption of drainage authority is an underlying question, for which associated documentation has not been found. It was determined that county and watershed district representatives should have a subgroup discussion(s) to further explore how best to address this topic. AMC is currently working on replacing its Environment and Natural Resources Policy Analyst, who is expected to be an interested DWG member. A county commissioner to represent AMC in these discussions is also needed. Al K. will coordinate with AMC in this regard.

Redetermination of Benefits and Damages

Due to the length of discussions regarding the drainage authority transfer agenda item, there wasn’t time to discuss this topic, which was tabled to a future meeting.

Next Meeting

It was determined and agreed that the full DWG would not meet on Dec. 11, 2014, due to busy schedules associated with association annual meetings and the holidays.