Drainage Work Group Meeting Notes

August 8, 2024

11:00AM -2:00PM

MNDOT District 3

St. Cloud Office and Training Center

3725 12th Street North

St. Cloud, MN 56303

*Attendees (in person): Tom Gile, Dave Weirens, Rita Weaver, and Travis Germundson with BWSR, Ron Staples BWSR Board, Brian Martinson AMC, Jan Voit MW, Alex Trunnell MN Cron Growers, Linda Vavra MW, Allen Wold BDSWD, Rob Sip RRWMB, Myron Jesme WDs, Kevin Paap AMC, Jacob Rischmiller ISG, Akilah Sanders Reed MCEA, James Guler Moore Eng, Jamie Beyer BdSWD, Bill Petersen RRWMB, Greg Holmuik RRWMB, Mark Manderfeild Blue Earth Co. Randell Doneen DNR (on line attendees) Randy Kramer AMC, Stu Frazeur MNLICA, Tera Guetter Pelican Lake WD, Ethan Jenzen DNR, Kristine Altrichter, Dan Larson, Nicholas Tomczik, Jeff Berg MDA, Erik Brenna MNDot, Haley Bryon DNR, Chad Engels Moore Engineering, Doug Krueger, Nayere Ghazanfarpour DNR, Mark Hiles BWSR*

**11:00AM**

**Introductions:**

**Agenda Overview:** Tom Gile provided an overview of the agenda topics.

**Sharing of Information on recent and upcoming drainage related events:**

* Mn Drainage Inspectors Association/Auditors Fall meeting, August 7-8 in St. Cloud,
* Drainage Conservation Summit, Thursday August 22, from 9AM-3PM, Nordic Farms Rothsay. The registration deadline is August 12th and admission is free.
* The AMC Fall Policy Conference is scheduled for next month on the same date as the DWG meeting and there was some discussion on changing the meeting date for the September meeting. It was noted that it is difficult to reschedule these meetings and the desire is to keep the schedule as is. It was noted that different dates can be explored, and meeting content adjusted if needed.

**Drainage Manual Status under 103E:**

Changes to 103B.101 Subd. 13 were discussed. The revisions acknowledge the Public Drainage Manual and indicate that it’s a publication adopted by the BWSR Board. Prior to those revisions the drainage manual wasn’t a statutory thing. Previously, the manual was on PCA’s Wikki page and now it’s posted on BWSR website. Primarily because there were issues with housing the Wikki page. Any substitutive changes to the manual still need to go through the DWG for consensus . There was a question as to if statement in statute “consistent with and supplementing.” is open to interpretation? Tom Gile mentioned that it should be treated as supplement information on how to interpret the data. This doesn’t turn the manual into anything more than it is, which is just guidance. The report stands as it is, unless the group wants to take further action. The manual was referenced in one appellant court opinion and was basically used as information. It was mentioned that it holds less weight than an Attorney General’s Office opinion. Folks were asked if they had any information on the level of detail that would not require approval of the Board. Examples listed included hyperlinks, general word editing, etc. Tom Gile indicated that he will work on a process for making future changes to the manual and if folks have ideas on how to address substantive changes let him know. Tom indicated that he would draft something and share with the group. Jane Voit offered to assist in that effort.

**DWG Outlet Adequacy Report Overview and Discussion on Next Steps:**

Rita Weaver provided an overview/refresher on the content of the report along with some highlights. The report is intended to be used by DWG members to provide options of best management practices and considerations on decisions. It’s not intended to be guidance or replace other requirements .

* The SWOT (Strengths-Weaknesses-Opportunities-Threats): This analysis provided a process for evaluating an adequate outlet and assisted in developing a purpose statement. A summary of the analysis is listed in Appendix A of the report. The analysis provided a list of items that had consensus from the subcommittee. Items that did not have consensus were moved to the parking lot. It was mentioned that there was no agreement by the subcommittee on what is an outlet and there is a need to find better definitions on several terms listed in the report.
* Parking lot items: There items did not have full agreement by the subcommittee members, and are listed in Appendix B. The intent was to identify those items and possibly get back to those topics later. The focus of an adequate outlet centered on flooding considerations under 103E.015 1 (4). Rita mentioned that this is not a uniform standard, its more case by case. It depends.
* Modeling: Is there a best way to model and are there specific models that should be used or noted? There was a focus on certain storm event occurrences and acknowledgement that an engineer may need to look at longer durations.
* Purpose Statement: There was a desire for everyone to agree to a purpose statement, however, it needed to be narrowed down. This took a lot of time and effort by the subcommittee. It was generated from the SWOT analysis were there was agreement. As noted in the report the purpose is to reduce conflict and improve efficiencies in drainage review process.
* Definitions: most important was the outlet and downstream limit. Figure 1 in the report was discussed with the group along with the decision to use terminus as the downstream point of a petitioned project. The outlet starts at the terminus and extends to the extent of the potential project impact.
* Impact: The focus was on flood impact (needs to be quantifiable and address economic damages associated with flood stage and duration) specific to flooding events in 103E.015 Subd 1. (4).
* Recommended Approach: The purpose is to provide enough information in the report so reviewers can comment. It’s designed to determine if the current outlet is stable and if the project will have an adequate outlet. Basically, just put all this information out in the report. There are so may what ifs, difficult to put into a document. There still needs to be room to use best professional judgement. Its unlikely this will result in a check list.
* Stability Analysis: The purpose is the determine if the existing outlet is unstable and what is causing that. It was mentioned to build a robust record. A suggested approach is listed in the report but there was no consensus on this.
* DWG Considerations: Discussed the bullet items in the report, which are topics the subcommittee suggested that the DWG should consider. Some of those items included how and if definitions and a recommended approach should be added to the drainage manual. In addition to adequate outlet statutory considerations, agency training of staff, etc. A fair amount of discussion occurred on the process and how statute is interpretative. It was noted that recommendations from the DWG have been broadly supportive by the BWSR Board and the Legislature. Tom mentioned that he would as BWSR staff support a recommendation from the workgroup to the committee and the Board. There was some support for education and training along with the proposal of the MN River Basin wide effort.
* Table 1 (list consensus and non-consensus items): There was some agreement up to a point but not on the end products. It was asked what do we want to address? It was mentioned, defining how to use an outlet in the manual not in statue. An outlet is about a proceeding. Need a train of logic on how you got to a decision. The DWG needs to focus on the list in the table and bullet points and start talking about next steps. This will be a topic of future meetings.

**Water Storage and us of external funds during repairs discussion**

This was put on the agenda as a conversation piece. The ability to use outside funding opportunities and what is currently allowable under 103E. It was mentioned that Minn Stat 103E.715 Subd. 6 is a possible place where changes could be made. Its not directly related to construction of benefits. Minn. Stat 103E.227 was also referenced. Are these the right spots to account for this? A comment was made that state funding programs are somewhat restrictive and need to open up more, can’t always be voluntary. Statutory changes may be needed to make the process more adaptable and nibble to bring in external funds. Tom mentioned he’ll provide future opportunities to discuss further and will write up a history on reporting requirements in 103E.

**Next DWG Meeting is scheduled for September 12, 2024 at this same location from 11AM-2PM.**

**Meeting Adjourn 1:20PM**