Drainage Work Group Meeting Notes

October 10, 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, Rayan Hiniker MADI, Chris Otterness HEI, Allen Perish MFU, Suzanne Jawani Isaac Walton, Brian Martinson AMC, Jan Voit and Linda Vavra MW, Alex Trunnell MN Corn Growers, Allen Wold and Lukas Crocker BDSWD, Chad Engels Moore Engineering, Greg Holmvik and Rob Sip RRWMB, Myron Jesme WDs, Britta Tokelson MRC, Carly Griffith and Akilah Sanders Reed MCEA, and Randall Doneen DNR (on line attendees) April Swenby Sand Hill River WD, Jeff Berg MDA, Erik Brenna DOT, Bruck K, Haley Bryron Ethan Jenzen, and Tim Gieseke DNR, Craig Austinson Blue Earth Co, Doug Kruger McLeod Co, Craig Engwall and Mark Hiles BWSR, Hunter Pederson, Jacob Rischmiller ISG, Kevin Papp AMC, Kristine Altrichter, Lori Cox, Ron Staples, and Neil Peterson BWSR Board Members, Scott MacLean PCA, Mark Maderfeld Blue Earth Co, Mark Ten Eyck Ikes, Merissa Lore Assoc of Drainage Inspectors , Randy Kramer AMC, Ray Bohn MNW, Tara Jensen, Tim Kelly,*

**11:00AM**

**Introductions:**

**Agenda Overview:**

Tom provided an overview of the agenda topics. Meeting notes were discussed, and information was shared as to where they are posted on BWSR’s webpage. People felt comfortable with the current process of notes being posted online versus having them be sent with the agenda. A link to the meeting notes will be attached to future agenda notices.

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

* MN Drainage Inspectors Association/Auditors Fall meeting – August 7-8, St. Cloud
* Drainage and Conservation Summit- August 22nd, Nordick Farms Rothsay
* MN Water Resource Conference is October 15-16 at St. Paul River Center
* DNR Webinar on PWI Update took place October 2nd and DNR received over 70 questions that they are currently going through. Randall Doneen shared a link to the PWI update page in the chat. The process is scheduled to start in January and there was a request to have another update provided to the group once the process and schedule becomes finalized. <https://www.dnr.state.mn.us/waters/watermgmt_section/pwi/update.html>

**Brief Discussion on Drain Tile Disclosure from last session:**

Tom went through some of the language that was proposed. The disclosure information in 103F is not fundamental to 103E drainage policy. The DWG didn’t feel that there was a role for this group regarding this action and its currently not a workgroup thing as framed.

**DWG Outlet Adequacy Report Overview Prioritization and Next steps**

Tom shared a power point on the summary consensus items contained in the report and mentioned that the survey was intended to capture information on what issues/topics are important for the DWG to work on. The rankings ranged from 0-10 and 15 individuals responded to the survey. The score results by issue item were shared with the group. The top scores (those that ranked above 6.0) were related to issues on definitions, evaluating impact, information needed for the FER/PER, and natural channel stability. It was mentioned that the full survey results will be shared with the entire group. A comment was made that natural channel stability/storm events should be a high priority and this process shouldn’t be piecemealed. It was noted that these are complicated topics, and it will take years to work through this process and there is a desire to have a positive attitude to see what the group can end up with. These items will likely be addressed through changes to the drainage manual or policy changes, not legislative changes. Additional discussion occurred on natural channel stability. It was mentioned that if an existing outlet is stable, it’s not causing any more harm. However, if an existing outlet is not stable then it’s prudent to describe why it’s unstable and ways to make it better. A comment was made that no work should be done on the system until the outlet is stable. It was mentioned that statue language contained in 103E.261 is important to keep in mind. An outlet may be unstable for other reasons not associated with the drainage system. Need to capture this assessment in the engineer’s report. The engineer’s report is a critical component of the project for communication. Rita Weaver mentioned that there is no description for guidelines written out in statute, just trying to come up with a better way to do this. It was mentioned that the technical group made some adjustments, and the DWG needs to accept the work that was done so as a group we can move forward. There needs to be some level of predictability that the statute criteria are being applied consistently. Rita Weaver mentioned that the group should start on bullet item #3 on page 20 of the report. A comment was made that when looking at flood impacts its important to look at stability and bank flow events along with geomorphology. Tom stated that the 2yr flow vs the 2yr modeled event needs some technical discussion. The approach is to move forward and hopefully provide less conflict and more predictability, not going to fix everything. Next step in the process is that the DWG needs to start to tackle some of these topics that have risen to the top.

**103E Notice Streamlining feedback from staff group.**

Tom spent time going through the noticing requirements associated with direct, mailed, and general. Making noticing more predictability seems like it would be a good idea. There was a meeting with six staff members from MW, Red Board, and AMC on the September 13th. Those individuals agreed that it would be a good idea to add the noticing streamlining language into statute. There was some concern that this could open up other sections in statute if moved to the legislature. The intent would be to keep it as its own item, but there is no guarantee. Next steps are to proceed with legal counsel review. Several members of the group have agreed to aid in this process. Tom will reach out to those folks and try to organize this group and process for review. This is a big lift but worth the effort to frame up. Not looking at anything for this year.

**Review Comments on Memo on DWG recommendation to repeal 103E.0678 (Ditch Buffer Report):**

This requirement came into existence back in 2006/2007 before the buffer law and now it’s somewhat redundant. The requirement is the same between buffer strip vs. buffer law. Tom showed some of the data that is being tracked and where it’s located on BWSR website. It’s collected and put online, not sure if the data is being used at all. It was suggested that the data was being collected to show patterns and trends before the buffer law was established. There is no spatial information associated with the data, which limits its value. Tom went through the differences between buffer strip reporting and the requirements under the buffer law. There is some overlap and questions on value of the data. Tom will revise the memo to address MCEA’s comments and asked if folks are comfortable with moving forward with repealing this section/requirement or at the very least change the requirement to “may” in the report. The general agreement of the group was to move forward with repealing this requirement.

**Review Draft farming of Drainage Manual updates:**

The drainage manual is a guidance document that was published back in 2016. The BWSR Board now needs to update and adopt the drainage manual. The purpose and scope of the manual were discussed along with legislative changes from last year. There was some discussion on how this process will unfold. There is a difference in roles between minor revisions and major revisions and how that gets processed (staff vs board). The fundamental change is that document is now a publication prepared and adopted by the BWSR Board. Tom will share the document pertaining to updates on framing up this process and comments need to be provided by October 25th. Tom will bring those comments to the Board.

**Next DWG Meeting is scheduled for November 21, 2024 at this same location from 11AM-2PM.**

**Meeting Adjourn 1:27PM**