Drainage Work Group Meeting Notes

November 21, 2024

11:00AM -2:00PM

MNDOT District 3

St. Cloud Office and Training Center

3725 12th Street North

St. Cloud, MN

*Attendees (in person): Tom Gile and Travis Germundson, BWSR; Ryan Hiniker, MADI; Craig Austinson, Blue Earth Co.; Jacob Rischmiller, ISG; Chris Otterness, HEI; Allen Wold and Lukas Croaker, BdSWD; Alex Trunnell, MN Corn Growers; Randall Doneen, DNR; Jan Voit and Linda Vavra, MW; Rob Sip, RRWMB; Randy Kramer, AMC; Ron Staples, BWSR Board; Myron Jesme, MW and RRWMB; and Akilah Sanders Reed, MCEA. (online attendees) Rita Weaver, BWSR; Britta Torkelson, MRC; Jeff Berg, MDA; Scott MacLean, MPCA; Jim Stark, Leg. Water Policy; Cory Bennett, MN Soybean Growers Assn; Brian Martinson, AMC; Tara Jensen, Wild Rice WD; Kevin Paap, AMC; Jill Crafton, BWSR Board; Ian Marsh, RRWBM; Greg Holmvik,RRWMB; Nayere Ghazanfarpour, DNR; Doug Krueger, April Swenby, Sand Hill River WD; and Mark Ten Eyck, Izaak Walton League*

**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 Watersheds Annual Conference December 4-6, Grandview Lodge Nisswa, MN (Drainage Workshop on December 4th)
* AMC Annual Convention December 9-11, Double Tree Bloomington, MN
* Red Board Conference scheduled for March – will be having a mini drainage seminar.
* Drainage Inspectors Workshop scheduled for February.

**Review revised Memo on DWG recommendation to repeal 103E.067 (Ditch Buffer Reporting)**

Tom G. reviewed a draft memo on repealing M.S. Chapter 103E.067 requirements for ditch buffer strip reporting. The statute provisions in 103E require drainage authorities to annually submit a report to BWSR. The report is to include information on the types of actions where viewers were appointed, miles of buffer strips established, drainage system inspections, and violations and enforcement actions. The memo provides details on requirements outlined in statute and indicates that the data gathered on an annual basis is rarely used, provides minimal value, and is somewhat redundant with M.S. Chapter 103F.48 (the Buffer Law). The memo was revised based on comments received from DWG members. It was noted that most of the content is the same as before except for the number and type of actions that would be lost without replacement. It was mentioned that updates on buffer law compliance numbers are shared with the BWSR Board monthly and posted on the website under Board meeting information.

Discussion: It was mentioned that the Red River administrators met and felt that the process/questions associated with annual reporting of buffer strips is not all that time consuming and would rather not have any changes occur. Several concerns were raised on the possibility that other changes could occur throughout 103E if this section of statute is opened up at the legislature. A statement was made that this reporting takes time and doesn’t provide any value. A comment was made on the possibility of administratively handling this requirement and making it optional. Tom G. noted that this reporting is currently required by the legislature. Without compliance, BWSR may have to withhold grants. Another comment was made that if BWSR wants to pursue this then go ahead.

Next Steps: Finalize the memo and bring it back to the DWG for discussion and a decision at the December meeting.

**Review Draft framing of Minnesota Public Drainage Manual updates**

Tom G. mentioned that comments were received from DWG members on revisions to the drainage manual maintenance plan, however, no major concerns were expressed. A sentence was added to the document indicating that the Wiki format is no longer supported by MNIT and the MPDM was moved to the BWSR website in 2022. As noted in the document, potential revisions to the manual will be provided in track changes and reviewed annually by the DWG.

Discussion: It is important to articulate why changes are being proposed to the manual (i.e. case law, etc.) There was a discussion about forming a technical committee to review any changes. It was suggested that members should start thinking about who should be on this committee. It was mentioned that the formation of a committee needs to be item specific and not a standing committee.

Tom G. indicated that he would add some of these changes to the document and clarified that any changes, minor or major, will be provided to the DWG for discussion. It was suggested that changes to links and other updated materials should be made without waiting for annual review by DWG. Overall members were comfortable with the maintenance plan, including the roles and coordination of staff and members.

Next Steps: This item will be brought back to the December meeting with edits. If there are concerns would like to have those back before the December meeting. Eventually the BWSR Board will have to adopt those changes.

**Possible Survey of DWG members after year is completed.**

Tom G. mentioned that he is working on a developing a survey specific to the DWG process to gather reaction and feedback from the members. The intent is to assemble comments and identify where the concerns are. Gathering this information doesn’t imply that changes will be made to the process currently in place. It was asked if folks are open to completing a survey?

Discussion: The general consensus is that members were fine with this type of survey. There was some frustration expressed about thoughts/agreements on topics changing along the way and not getting anything accomplished. It was mentioned that additional discussion is needed on participation and expectations of members. The general response is that no one wants to see the DWG go away and the survey would be a good idea.

Tom G. will make some decisions regarding a survey but won’t make it available yet. He asked that members to email any thoughts on the content along with questions that should be included in the survey. There was a request to put some clarity on what can be done if we can’t get a consensus on topics. It’s a statutory directive and it’s a high bar. It’s important for the group vet these things. The purpose of this survey is to gather feedback.

Obtaining a consensus has been an ongoing challenge with an open membership of all drainage stakeholder groups like the DWG. The consensus model will be a fundamental part of the survey. Tom G. went through the statute (Minn. Stat. 103B.101 Subd. 13) on drainage stakeholder coordination. It’s a group decision-making process. The BWSR Board does not decide on how this group functions. Lots of discussion was held on expectations. t was mentioned that the goal is to find consensus.

Next Steps: Tom G. will develop the survey and distribute it to members after the DWG has wrapped meetings for the year.

**Other items:**

Concerns were raised about having detailed meeting notes. There is a need for free exchange of ideas and not to record individuals’ positions. We need to think more about what we want to record and the method and type of notes. Tom G. mentioned that meeting notes have been taken since the DWG formation in 2006 and are posted on BWSR website.

Randall Doneen with DNR mentioned that Tim Gieseke will no longer be part of the DWG and someone else will be taking his place on behalf of DNR. Randall also gave a brief update on the PWI Update Project and a link to sign up for updates.

<https://www.dnr.state.mn.us/waters/watermgmt_section/pwi/update.html>

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

**Meeting Adjourn 1:00PM**