

Drainage Work Group (DWG) Meeting Notes

September 10, 2026

11:00AM – 2:00PM

MN DOT District 3 – St. Cloud Office and Training Center

3725 12th Street North, St. Cloud, MN 56303

w/ Virtual Online Attendance Option

Attendees (In-person): Tom Gile, Chad Hildebrand, Ron Staples, Mark Hiles, Rita Weaver – BWSR, Jan Voit, Myron Jesme – MN Watersheds, Bill Petersen, Greg Holnvik, Rob Sip – RRWMB, Tim Gieseke – U of MN WRC, Randall Doneen – MN DNR, Linda Vavra, Allen Wold – BdSWD, Andrew Hillman – MCEA, Ron Ringquist – MVA, Ryan Hiniker – MADI, Kevin Paap, Brian Martinson – AMC, Will Bomier – St. Louis County, Chris Otterness – Houston Engineering, Jacob Rischmiller – Moore Engineering, Additional attendees virtually online for attendance.

Agenda

Tom Gile (BWSR) provided an overview of the agenda items, an update regarding the DWG Assessment and other updates.

Sharing Information about recent and upcoming drainage related events

MN Watersheds Drainage Workshop – December 2, 2026, at Grandview Lodge in Nisswa, MN.

AMC Drainage Conference – March 2-4, 2027, in St. Cloud, MN at Kelly Inn Best Western.

Overview was given regarding both events:

- BWSR Board / Red Board / MN Watersheds + Joint Tour – August 26, 2026, in Detroit Lakes, MN.
- U of MN Extension Drainage Event, FarmAmerica – August 13, 2026

Other Group Updates / Information

N/A

Wetland Conservation Act Rule Making Update

Les Lemm (BWSR) gave a presentation and discussion regarding the Wetland Conservation Act (WCA) Rule Making process and gave a general update. Gave an overview of what the

“scope” and “out of scope” items are being reviewed for the WCA Rule update and discussed the process in which is being followed.

Informed the DWG that all material and information that is being discussed can be found on the BWSR website or if there are any questions, contact BWSR wetland staff.

Presented an expected timeline for the WCA Rule update with a potential completion of approximately Summer 2028.

Questions from the DWG:

- Topics regarding the “out of scope”, what will happen with these, or will they be reviewed later?
 - Currently items determined to be “out of scope” will not be considered in this rulemaking process.
 - They could be brought in or be discussed in the future if there are future statute changes or future opportunities for future rulemaking.
- What does reconcile the rule with the changes to the statute mean?
 - WCA Rules have been in place for years and when statute changes occur, it takes additional time to bring the “rule” up to date with those statute changes.
 - There is a delay between statute change and updating the rule with what is already listed in statute.
 - Statute has precedence over the rule.
- Is the new / updated WCA rule going to “extend” what is regulated by WCA as it relates to a MN DNR public water?
 - That is “out of scope” of the current rule making.

Be aware, DWG can contact BWSR wetland staff with any questions, comments or clarifications with the WCA Rule update, but note, if the comment wants to be considered a “Formal or Official Comment”, that will require it to be submitted during the official comment period and follow the legal comment period process.

Drainage Authority Initiated Abandonment Initial Concept – Subgroup Overview

Tom gave an update regarding the Subgroup continued discussion about Section 103E.811 Abandoning Drainage Systems and provided an overview where the Subgroup is currently at. The Subgroup has developed a DRAFT of some proposed changes solely focused on Section 103.811 and parts in the Drainage Manual. There are additional edits needing to be done before they feel it is ready to be shared with the DWG for future discussions, feedback and recommendations.

Discussion Items:

- Having the Drainage Authority be able to initiate the abandonment process.
- Identified a common percentage in 103E Drainage Law > 26% is referenced in other parts of 103E Drainage Law.

Question to DWG:

- Do you believe putting in a middle tier (smaller group of landowners) to initiate a dialogue and formally bring to the Drainage Authority the process in which the Drainage Authority may initiate an abandonment.
 - Allen Wold (BDSWD) commented that 26% of landowners is used for repairs and other aspects of 103E Drainage Law.
 - Allen Wold (BDSWD) asked: is there a process to follow a Defacto process which is like township roads not being maintained for a specified amount of time and the road is just “defacto” gets abandoned.

Subgroup proposed changes are to help provide clarity and consistency within 103E Drainage Law.

MCEA – currently are stating that they do not support any statute changes. Tom (BWSR) would like to have further discussion to better understand their concerns and reasoning.

Subd. 4. Filing petition; jurisdiction:

- Make more clarification and being consistent with other parts of the statute.

Subd. 5. Notification and Publication Process:

- Overview of some changes and additions to the statute focused on this subsection.
- Ron (Ditch Viewers) suggested the language could be changed to “likely impacted” or “generally impacted”.
- Ron (Ditch Viewers) brought up the topic of “absentee landowners” and the concern there. It was noted that **legal notice has to go to the LANDOWNER of the property.**

Concerning changes and additions to the statute, is the need to be careful that these 103E systems are not just abandoned to be abandoned, and that the due process of the landowners is still followed and allowed.

Abandonment would still follow the process and be completed through an “order” and the “order” can still be appealed by the landowners following that process.

Question – If Drainage Authority initiates the abandonment process, how does it get paid for?

Next Steps:

- Complete the framework of how use 26% with the wording and addition to the statute.
- Finish the updates and additions for the language to be shared with the DWG for further discussion, provide additional recommendations / inputs / insights to help the Subgroup finish up a refined final draft.
- Subgroup will be reconvened to continue discussion.

Drainage Authorities & Conservation Contracting

Tom presented an overview and provided a more detailed discussion regarding conservation contracts / implementation on drainage systems. Tom had updated his previous version to help follow a Yes/No question process.

Intent is to be more of a Guidance for staff and Drainage Authorities to use.

Next Steps:

- Determine within each step what is the relationship or legal basis / citation with 103E Drainage Law.
- Clean up the appearance and improve on clarity and correlation to 103E with a revised version to be shared with DWG.

103E Notice Streamlining Overview of where we left off

Tom (BWSR) gave an overview and presentation of what is being proposed for changes, edits and removals within 103E.033 Forms and Notice.

Question: We need to know WHY it was originally put into Statute and why are we proposing changes now?

- Not proposing ADDING or REMOVING how a notice is being completed, just making changes to the dates associated with the current Notice process.

Next Steps:

- Think about drafting ways and how to apply this to the statute. Make sure that it is not changing the due process of other materials.
- Tom (BWSR) will reach out to a few legal staff for assistance, if possible, to help frame up better the process and bring back to the DWG for future discussions and review. Anticipate sometime possibly in 2027.

Next DWG Meeting

Date: Thursday, October 8, 2026

Time: 11:00AM – 2:00PM

Location: MN DOT District 3 - St Cloud Office and Training Center (In-Person) or Microsoft Teams (Virtual)

Adjourn

Actual Time of Adjournment = 1:37 PM