Drainage Work Group Meeting Notes

January 11, 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, and Travis Germundson with BWSR, Ron Staples BWSR Board, Randy Kramer AMC, Mark Ten Eyck Ikes, Don Asnosti FUM, Doug Krueger MRC-McLeod Co., Chad Engels Moore Eng, Bill Petersen RRWMB, Jan Voit MW, Allen Perish MFU, Ted Suss FMV-IWLA, Craig Austinson and Ryan Hinker Blue Earth Co., Chuck Holtman Smith Partners, Alex Trunnell MN Cron Growers, Brian Martinson AMC, Linda Vavra MW, Allen Wold BDSWD, Lukas Croaker Ohnstad Law, Bill Petersen, and Rob Sip RRWMB, Ray Bohm MNW, Myron Jesme WDs, Mark Dittrich MDA, Al Perish MFU, Randall Doneen DNR, Carly Griffith MCEA, Jacob Rischmiller ISG, (on line attendees), Rita Weaver BWSR and Craig Engwall, Neil Peterson BWSR Board, Aaron Goemann, Bruce Kleven, Haley Byron and Tim Gieseke DNR, Reid Christianson, Paul Gardner and Scott MacLean MPCA, Kevin Paap, Kristine Altrichter, Jessica Kristine, Jessica Lindeen, Molly Jansen, Dam Walseth.*

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

* AMC Drainage Conference Feb 7-8, Arrowwood Conference Center Alexandria, MN
* MADI Winter Meeting Feb 21 and 22, Kelly Inn St. Cloud, MN

**DWG Draft Legislative Report Overview and Review**

Initial instructions were provided by Tom Gile. It was mentioned that the group attempt to stick to the content of the report verse positions. Not everyone is going to agree on what is in the report. Would like to work through the comments people have and move something forward. So far comments were received from 10 to 12 individuals. Tom G. has worked through most of those comments and was able to get the report out to everyone by January 9th. May need some help on next steps. Attempting to get the report to a place where people can live with it. If that’s not the case, a report will still need to be submitted to the legislature. It was asked that folks try to focus on the content in the report as much as possible. The intro and purpose section of the report did not have a lot of comments. The next BWSR Board meeting is scheduled for January 24th.

Discussion/Comments on the Intro and Purpose of the Report: The title page should just address the items specific to the statutory changes. The report does not address what the legislature wanted and should indicate that the DWG did not come to a consensus. Language in the last paragraph should be in the introduction and purpose. What was accomplished or not can be placed in some other section or summary. There was a fair amount of discussion on including an executive summary and that there is no consensus on legislative action. Tom G. indicated that he would attempt to convert the introduction and purpose section into a brief executive summary.

Discussion/Comments on Outlet Adequacy Section: Tom G. provided a brief overview on this section in the report. The committee helped define what the policy issues were, but the DWG did not have enough time to discuss and vet fully. Should provide more content on describing efforts that occurred and that there were good discussions that took place. The first paragraph is to provide some content, this comes from 103E. Also need to include a purpose statement on role of the subcommittee. Should modify the last sentence of the 1st paragraph. The group is comfortable with removal of the last sentence. It was mentioned that the formation of the subcommittee pre-dates the legislative mandate. Should identify some of these items that this group agreed to address or work on in the report. Tom G. indicated that the debate as to what extent water quality belongs in outlet adequacy section is not associated with its overall importance in drainage projects. Its just a debate where this should live in the document. Rita Weaver mentioned that the technical level wasn’t all about flooding, just needed to limit our conversation to fit within the allotted time period. The DWG still needs to work on this and chart a path forward. There is disagreement that an unstable outlet can be an adequate outlet. What was asked by legislature was not going to be accomplished by this group, just too broad. Let’s just acknowledge what was accomplished. Tom G. mentioned that there will be some account of the amount of effort that went into this report. This will be more of a BWSR report noting the discussion by the DWG. At this point BWSR will be deciding on the report since there is no consensus. The final report that will go to the Board and will be provided to the DWG members prior to the Board decision. Should focus on the topics in the report more and outline areas of disagreement. Need to recognize that there are disagreements on those categorizes. Tom G. indicate that the report will call out areas of disagreement but not expand on those areas. Need to put together a list of topics verse content on those topics/issues. The content can live in the technical report. Several comments were made regarding disagreement at the technical level and that there are too many topics. Tom G. indicated that he would work with Rita on the report and add more content and noted that there was some progress on outlet adequacy.

Discussion/Comments on Notice Requirements for 103E Activities:

It was mentioned that there is no consensus or further direction from the subcommittee on this topic. There is agreement that this is important but it’s the level of importance. How do we go about applying this to sections in the statute. Recommendation should be simplified, seem to confusing and complex. Interested parties are those directly affected, need due process. Comments were made that all individuals need to receive notice. The intent was not to change the current method or time of notice. Tom G. asked if we should change the term modernization to better clarify other benefits to this process. The subcommittee was working towards what could be achieved. There was some movement to make things better. Tom G. asked if folks were generally okay with some tweaks and to make recommended changes. The subcommittee talked about a lot of things that are not mentioned in the report. The subcommittee ended discussions and need help with a path forward. There was some debate as to how this came about at the legislature. There was a suggested change to the wording of the report to indicate “ without consideration from the DWG”. Everyone seemed comfortable with that suggestion and the change was made. The subcommittee was tasks to respond to the legislative mandate. It didn’t say it had to be a registered portal. The actual language indicated the need to evaluate the development and recommendation on noticing including a drainage registry portal. The legislative language is important to describe the intent. The subcommittee was working towards agreements before members left the table. It was recommended that the word disbanded be removed from the report and indicated that the committee didn’t have a recommendation so there was no opportunity for the DWG to consider anything. It was recommended to use the word discontinued instead. The report should clarify some of the conversation that occurred between subcommittee members. There was a fair amount of discussion as to why the subcommittee discontinued meeting on this topic and what the legislature wanted. Tom G. asked for some help from committee members on summarizing what was discussed and were we sit. Need to figure out next steps. It was mentioned to have DNR make noticing more boarder, and there is no need to have the DWG take any future action. Question was asked if there is still interest in the subcommittee meeting on the topic? Tom G. will work on language and remove sections 3 and 4 from the report. Folks were comfortable with removing those sections. It was clarified once again that this is not going to be a DWG report. Tom G. asked that any additional comments be sent to him by noon on Monday January 15th in order to be considered.

2:00 Adjourn