

Drainage Work Group Meeting Notes November 8, 2018

11:00 a.m. - 2:00 p.m., Minnesota Farmers Union Building, St. Paul, MN

Attendance

Tom Loveall, BWSR Brd.; Jason Dinsmore, MCF; Chris Otterness, HEI; Ron Ringquist, MVA; Alan Perish, MFU, MVA; Darrell Gerber, MCEA; Julie Ekman, DNR; Emily Javens, MAWD; Allen Wold, BdSWD; Amanda Bilek, MCGA; Tim Dritz, MAWD; Jennifer Berquam, AMC; Doug Krueger, MRC; Randy Kramer, AMC; Kurt Deter, Rinke Noonan; Greg Knopff, MN Senate Analyst; Jerome Deal, RRWMB; Dan Wilkens, SHRWD; Thom Peterson, MFU; John Jaschke, BWSR; Jill Crafton, IWLA; Harvey Kruger, HLWD; Dave Weirens, BWSR; Tom Gile, BWSR; Ben Stanley, MN Senate Counsel; Ruth Simpson, MAT; Mark Dittrich, MDA; Lisa Frenette, RRWMB; Al Kean, BWSR

Handouts prior to or during the meeting

- 1) Meeting logistics and agenda for 11-8-18
- 2) Meeting notes for 10-11-18
- 3) DWG - Fact Sheet - Draft 11-4-18
- 4) DWG - Drainage System Repair Cost Apportionment Option - Overview 11-2-18R
- 5) DWG - Drainage System Repair Cost Apportionment Option - Chapter 103E Revisions - Cover Page 11-4-18
- 6) DWG - DSACBS Overview of Recommendations - Draft 11-7-18
- 7) DWG - DSACBS Recommendations S2, S3, S6, P4 - Draft 11-4-18
- 8) DWG - Reestablishing Records - Alternative Next Steps Discussion Paper Draft 11-4-18
- 9) ISU-UMN-SDSU Annual Drainage Research Forum, Tues. Nov. 13, 2018, Cabela's, Owatonna

Introductions and agenda overview

All in attendance introduced themselves. Al K. provided extra copies and an overview of the agenda.

Approval of 10-11-18 meeting notes

Extra copies of the notes were distributed. Corrections or additions were invited. None were identified.

Share information about recent and upcoming drainage related events

- UMN Water Resources Conference, Tues. - Wed., Oct. 16-17, 2018, RiverCentre, St. Paul
- Minnesota Viewers Association, Training Seminar, Thurs., Nov. 1, 2018, Jackpot Junction, Morton, MN; primary topic separable maintenance
- ISU-UMN-SDSU Annual Drainage Research Forum, Tues. Nov. 13, 2018, Cabela's, Owatonna
- MAWD Pre-Conference Drainage Seminar, Thurs., Nov. 29, 2018, Arrowwood, Alexandria
- Interagency/UMN Drainage Management Team update; Altered Hydrology Whitepaper, 2-Stage Ditch Fact Sheet, in process

Updated DWG Fact Sheet

Al Kean had coordinated with stakeholder organizations, past and new, to verify which to include on the updated DWG Fact Sheet. Stakeholder categories were updated, as well as some of the text about the DWG and its products to date. Discussion and recommendations to revise MRCC to MRC, replace Rinke Noonan Attorneys and Smith Partners Attorneys with "Drainage Attorneys" and "Drainage Engineers", and to add a note under the Stakeholder Organizations table about other stakeholders being on the DWG email list and attending meetings based on the agenda topics. Al will make the changes on a new version of the fact sheet, which is anticipated to be used with the plain language information about the current DWG recommendations.

Plain language overviews of current DWG recommendations

The DWG Communications Committee met on 11-2-18 to further discuss plain language information about the DWG recommendations for the Drainage System Repair Cost Apportionment Option (renamed from Runoff and Sediment Delivery Option). The goal remains to better inform drainage stakeholder groups and legislators about what these recommendations are and are not. The final draft dated 11/2/18 was discussed by the full DWG. The Purpose summary of the option was revised to better highlight county and watershed district drainage authorities as users of the option, and to include reference to use of both current “and future” technology. Also added “and future” to Characteristic 3). It was decided to eliminate the GIS map and consider a separate document or page for some type of simple graphics. DNR will inquire about communications and graphic artist assistance.

It was decided that update of the cover page for the Drainage System Repair Cost Apportionment Option recommended revisions of Chapter 103E was not necessary, because the revised overview document can replace that page.

The DWG Communications Committee had also recommended renaming the Accelerating Drainage System Acquisition of Buffer Strips recommendations to “Drainage System Acquisition and Compensation of Buffer Strips”, for improved clarity of purpose. The overview of recommendations document dated 11-7-18 was discussed. The Purpose description was revised to clarify that the DWG recommendations are focused on acquisition and compensation of public drainage system buffer strips. Summary of Recommendations item 2) was revised for clarity of drainage authority discretion regarding appointment of viewers to redetermine benefits and damages.

The Drainage System Acquisition and Compensation of Buffer Strips recommendations document was discussed, including the title change and a suggestion supported by DWG members to revise the DWG recommendation for Section 103E.351 revisions to more clearly define the drainage authority determination on a petition. It was decided that Greg K. and Al K. will draft a change for DWG review at the next meeting. It was also discussed and decided that the DWG should recommended statute revisions of Section 17.117 to streamline use of AgBMP Loans for public ditch buffer strip financing. Al K. will coordinate with others to draft revisions and include in the document for DWG review.

Reestablishing drainage system records

As a follow up to the presentations by Chris Otterness, HEI, and Jim Sehl, DNR, about Lac Qui Parle CD-24 at the 10-11-18 DWG meeting and associated DWG discussions, Al K. had prepared a handout document with three alternative next steps for the DWG for this topic.

Alternative 1) – Determine that no further work on this topic by the DWG is warranted until the Minnesota Supreme Court publishes a decision on the DNR vs. Chippewa-Swift Joint Board of Commissioners (JD-9) case.

Alternative 2 – Further investigate CD-24 and other drainage systems involving public waters where DNR disagrees with the reestablished records.

Alternative 3) – Investigate and discuss how Section 103E.101, Subd. 4a **Reestablishing records** might be revised to enable DNR involvement in reestablishing records for drainage systems that involve public waters. Several potential consideration questions were included in the draft discussion paper.

The DWG decided to go with Alternative 1) at this time, primarily because there isn’t time to investigate and draft revisions of Section 103E.101, Subd. 4a yet this calendar year and the current DWG recommendations will require additional decision making at the next meeting.

Next DWG meeting

Thursday, December 13, 2018, Minnesota Farmers Union building, St. Paul.