Drainage Work Group Meeting Notes

August 10, 2023

11:00AM -2:00PM

MNDOT Contact District 3

3725 12th St. North

St. Cloud, MN 56303

*Attendees (in person): Tom Gile, Travis Germundson, Dave Weirens, Rita Weaver, John Jaschke, and Ron Staples BWSR, Kevin Paap AMC, Ryan Hiniker MABI, Mark Dittrich MDA, Ray Bohm MNW, Jan Voit MW, Doug Krueger MRC, Randy Kramer AMC, Brian Martinson AMC, Alex Trunnell MN Corn, Chad Engels Moore Engineering, Chas Anderson Red River, Linda Varese MN Watersheds, Rob Sip and Bill Peterson RRUMB, Lue Otis Ellingsen, Karl Guetter Prinsco, Gary Nadick Advanced Drainage System, Allen Wold BdSWD, Kaytlin Bemis Farm Bureau, Chuck Holtman Smith Partners, Bruce Kleven MN Wheat/RPU Sugerbeet, Merissa Lore Faribault Co/MADI, Stu Frazeur MNLICA,(on line attendees) April Swenby Sand Hill River WD, Ashlee Ricci, Byron Haley DNR, Carly Griffith MCEA, Craig Austinson Blue Earth Co./MADI, Randall Doneen DNR, Paul Gardner Clean Water Council, Tim Gieseke DNR, Greg Holmvik, Mark Hiles BWSR, Ian Marsh Red Board, Jason Gillard, Kale Van Bruggen Rinke Noonan, Kristine Altrichter, Lukas Croaker BdSWD, Scott MacLean MPCA, Jeffery Metcalf DOT, Philip Solseng MN River Collaborative, Sam Walseth MN Rule Counties,*

**Major Topics Discussed:**

Updates (11:00AM): Drainage Inspectors Association/Auditors Fall Meeting, August 16-18, St. Cloud, Red River Water Management Board , September 19th, Open House Farm of America, Waseca (register at MAR.org)

Notification Requirements and Recommendations Update/Small Group: Tom Gile directed participates to break out into five small groups and assemble certain notification requirements based on decisions that have a higher potential to alter the legal physical system (place further to the left on the board) and those decisions that have less potential to alter the legal physical system (place further to the right). Following that activity, the groups were then directed to shift those same decisions on the board that have a higher potential to increase landowner cost (place further up on the board) and those decisions that have decrease cost (further down on the board).Discussion/Comments: What’s going to peak people’s interest, how much time do we need for notices, and who receives these notices. Some are inconsistently worded differently. Consistent language adds value across the state. Look at how we should notice not change the actions. Look at those that are confusing or have some weaknesses to the noticing requirements. We won’t be about to narrow things down without sharing this information with the subcommittee. There is a need for transparence. Notice early in the process. There was no recollection that this topic was discussed at the legislature. No discussion occurred, language just showed up in the omnibus bill, only one hearing occurred on noticing requirements and portal. Tom G.- The directive is to report back to the legislature on noticing requirements along with recommendations on changes. Need more of a systematic process. The legislature directed us to do this. The exercise was to assess potential changes to the drainage code on notifications. Tom G. was going to access the outcomes of the exercise and document them. In general, it appeared that Improving Drainage Systems, Impounding, Rerouting, and diverting, and Appeals from Orders ranked relatively high among the groups.

Drainage Authority Powers Status Update/Next Steps

Lukas Croaker provided a brief update indicating that several additional statue sections were added from the last meeting. Added 103E.212 and 103E.215 to Section 2. Also added 103E.701 to Section and 103E.075 to Section 3. Everything is now included as to what legislature wanted. Tom G. Mentioned that there is no deadline or action needed from the DWG. The updated list will be routed to the group.

Outlet Adequacy Technical Group Status Update and Storage Contract

Rita Weaver- Currently working on the report and have had four meetings with the technical subgroup. Not everyone has seen the draft report. Plan to move towards virtual meetings at this time. There will be changes, currently the report is based on my interpretation of things. Right now, really focused on flooding characteristics. Hoping to get further, don’t have all the answers. Discussion/Comments: What kind of water quality issue came up (erosion/nitrogen)? Are you going to address water quality? Looking at if it will make water erosion worse, same approach for nitrogen. Tom G. – There is no agreement as to what degree water quality should be part of outlet adequacy. The reason sediment is being discussed is because if the drainage system is depositing more sediment into the outlet which may cause problems/hydrologic effects. Tom G. Will email members of the technical group. What about looking at flooding events as long as everything stays in the banks (its adequate). Ria W. – The 5-, 25-, and 50-year events were looked at and will be covered in the report. How far down stream will flooding be modeled? Until there is no impact. Drainage Engineers can now justify their decisions. We don’t want to take decisions away. How do we define what an impact is? Tom G. – we need to provide some structure as to what the actual outlet is (103E.261). Any discussion on validation of models? Rita W. Validation has been discussed but calibration doesn’t make much sense. The technical group had a lengthy discussion on it but determined that it wasn’t needed. Rita W. Suggested that Drainage Engineers outline efforts in the decisions being made. Tom G. Need to provide a framework that things are being done better and memorialized in reports. Rita W. The scale issue was a good part of our discussion. Looking at erosion as a storm event happening or conditions downstream (channel conditions). Is there a definition of stable? Rita W. Yes, looking at the geometry and 2-year flow. Its subjective, and DNR may want to put something more together. The plan will add a method in the report.

Outlet Adequacy Language and getting started. Tom G. – Need a technical definition of outlet adequacy then discuss with the DWG. Existing outlets may or may not be adequate, what are the potential changes based on the improvement. Would be beneficial to define outlet adequacy . Recommendation on defining an outlet first. Statute indicates that the project should not move forward if the outlet is not adequate for the project. Step 1 define outlet. Step 2 define method to determine adequacy. The problem is describing these things to the legislature in plan language. If there is a recommendation to change 103E, can we live with it. John J. focus on the practical. The process is more useful than the definition. Comment. Outcome could reduce appeals if the record shows that careful thought was given in the decision. Tom G. could be memorialized in the Drainage Manual Report (due Feb 1st) Should document differences in the report.

Runoff and Sediment Repair Cost Apportionment Sunset

Tom G.- Stated that the Legislature adopted language from the WG – added July 31, 2024 as a sunset date for the language. Should we renew the sunset date or just let it go? Discussion/Comments: Extend it to keep it, there is merit to being extended. Don’t see that there is a negative aspect to keeping it in statute. It hasn’t been used so let it go. No issue with extending, at least it provides an option. Rob S. has the modeling that was done. Tom G. will forward the modeling out to the group. It was noted that Rice Creek WD has been using this under 103B and D authorities. Cost vs. benefits – assigning cost would be fair to everyone vs. benefit. Choice lays with the Drainage Authority. Tom G. will come up with alternative sunset suggestions.

Storage Program funds

Rita W. looking for improvements, come up with cost of storage vs improvement. RFP going out within the next week. Storage area will have to become part of the system which makes it an improvement. Will have to discuss project eligibility. Hope that the adequate outlet report will capture some of that. Comment: how do you sell water storage better then drainage. Tom G. Need to have more conversations.

Next DWG Meeting Date

Folks seem to like the St. Cloud location, if a conflict exist on scheduling future meetings throughout the remained of the year will fall back to the St. Paul location.

Next meeting is tentatively scheduled for September 11, 2023 -In person at the same location in St. Cloud, conference room TBD.

Tom G. Adjourned the meeting (2:00PM).