Drainage Work Group Meeting Notes

June 13, 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, Mark Hiles, and Travis Germundson with BWSR, Ron Staples BWSR Board, Randy Kramer AMC, Chad Engels Moore Eng, Jan Voit MW, Alex Trunnell MN Cron Growers, Linda Vavra MW, Allen Wold BDSWD, Lukas Croaker Ohnstad Law, and Rob Sip RRWMB, Ray Bohm MNW, Myron Jesme WDs, Greg Homoik RRWMB, Mark Dittrick MDA, Criag Austinson and Kevin Paap Blue Earth Co., Ryan Hiniker MADI, Jacob Rischmiller IGH, John Kolb Rinke Noonan, Chris Otternes Houston Eng., Stu Frazer MN LICA, (on line attendees), Rita Weaver BWSR , Kale Van Bruggen Rinke Noonan, Merissa Lore, Molly Jansen, Tim Kelly, Akilah Sanders, April Swenby, Jeff Berg MDA, Britta Torkelson, Chuck Brandel, Haley Byron Ghazanfarpur, and Tim Gieseke DNR, Mark Manderfield,*

**11:00AM**

**Introductions:**

**Agenda Overview:**

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

* ISG Drainage Tour took place on May 30 2024, it was very well attended (80+ people). The focus was on grant funded projects in Faribault and Martin Counties.
* MN Drainage Inspectors Association/Auditors Fall Meeting, scheduled for August 7-8 in St. Cloud.
* Basin Commissioners Tour took place in Valley City and focused on projects along the Cheyenne River.
* Southern Red River Valley Tour is being scheduled- details will be sent out later.
* A field day took place in Cottonwood County looking at automatic control structures.

**Meeting structure discussion:**

2024 calendar year meeting logistics were discussed. It was mentioned that the 2nd Tuesday of the month from 11AM-2PM will be the schedule and plan on in person meetings at the St. Cloud MN DOT District 3 Office and Training Center. A calendar of meeting dates was shared with the group. Those include July 11th, August 8th, September 12th, October 10th, three potential dates in November (7th, 14th, and 21st) and December 12th. It was decided to move the November date to the 21st . It was also suggested that the December 12th date might be in conflict with AMC and Minnesota Watersheds Annual Conferences. In addition, it was also noted that the September 12th is the AMC Policy Conference. No decision was made on changing those dates. It was noted that the hybrid meeting option will continue, but folks were strongly encouraged that if there are topics on the agenda that are important to them they should plan to attend in person.

**DWG Process Summary**

A brief overview on the purpose of the DWG was shared with the group to refresh members on the directive. It was mentioned that the group could discuss some tweaks to the summary document. There was consensus on the overall purpose of the DWG and no request were made to change anything at this time. It was noted that it is important to come to a consensus on items if possible and work though disagreements.

The future meeting operations of the DWG were discussed and the concept of having a third-party facilitator assist in leading discussions was presented as an option. Dave Weirens mentioned that with the growth of the group and the time demand to run the DWG, participation by BWSR alone to continue to run these meetings is becoming more is difficult. No decision has been made on this concept, but BWSR is looking into it. Members were asked if they had any ideas of individuals or groups that could be passed along for consideration. Rob Sip mention that the facilitator option for the Red Board has been working well and supports the DWG doing something different. Tom Gile mentioned that BWSR just wants to explore this option and still intends to be actively engaged in the process no matter the outcome. The desire is to find someone that is a good facilitator and also has a good background and knowledge on drainage law. It was mentioned that the Flood Damage Reduction Work Group has a similar process of using an outside facilitator. It appeared that folks were relatively comfortable with exploring that option.

**Multipurpose Drainage Management program delivery**

Background information on the Multipurpose Drainage Management (MDM) program was shared. The program is funded through Clean Water mony. In past years, BWSR has been unable to use all the available funds. BWSR has since changed the process to quarterly batching with an open RFP to make it more useable for drainage authorities. Currently there is $6,613 remaining after the third cycle out of total of $950,000. On July 1, 2024 the funds will increase to $950,000 again for next fiscal year. It was mentioned that if there are no funds remaining, still submit projects so BWSR can go back and potentially get more funding for the program. The process is first come first serve with the purpose of funding good quality projects. The program is directed at public systems. Rita Weaver commented that the practice can be on private systems if contributing to a public system. A list of current projects was shared with the group. Concerns were raised that one entity could possibly get all of the funding. It’s not necessarily equal distribution. Currently there is no max amount per request at the moment, the goal is to show that the funding is being utilized. It was mentioned that no one entity has requested the entire amount, but it’s good to be aware of these concerns associated with distributing the funds. If it becomes a problem BWSR can change the process. Overall, the quarterly batching process has been well received and helpful in getting money out the door. Several comments were made that it’s been a positive change making the process more workable for folks. It was noted that if a project isn’t accepted, one will need to reapply again next year (projects/requests are not left on a list until selected). Currently, feeling good about going back to Clean Water Counsel for more funding base on the outcome of the past two batching processes.

**Outcomes from Legislative Session**

The focus of this discussion will be on things this group talked about. The five-year extension to the sunset date in 103E.635, that was recommend by the DWG, is now in place until July 31, 2029. Language was added to 103B.101 Sub.13 clarifying that the manual is to be adopted by the BWSR Board. BWSR will need to adopt the current drainage manual. Authorization of this document does not carry the weight of statute, it’s more like an administrative rule. Substantive changes to the manual will go through the DWG for recommendation. House cleaning items will not require a recommendation from the DWG. Conversations will need to be had with the BWSR Board on future changes to the manual. Other changes from the 2024 legislative session there mentioned included the Buffer Law, Public Water Inventory, and WCA. There was a fair about of concern/interest in how those changes may affect future drainage projects and a lot of interest in obtaining more information.

**Planning for this year- DWG Task**

The current DWG Topic Worksheet was shared, and the group was asked what other topics of interest do they want to work on this year? There was conversation on continuing along with adequate outlet and noticing requirements. The Registry Portal Concept -was also mentioned currently there is no commitment on this, suggest removing from the list. The discussion moved along to last year’s worksheet on policy topics. The Buffer strip reporting (103E.067) process was discussed. Requests are submitted in Jan/Feb and the report is posted on our web site. If this was spatial data, it would be more valuable to folks. No one has yet to ask for the data. The general sense of the group is that this may not be needed any more. Outlet Adequacy – should the group continue with this? Its back on for now. Dave Weirens gave a brief overview on the WCA Rule making process. There are a number of concerns over the changes to the drainage exemption. Dave mentioned that information regarding the process was sent to the stakeholders and is available on BWSR’s website. DNR early coordination process regarding the feasibility phase of projects was also mentioned. Tim GiesekewithDNR stated that their response time is now getting closer to 30 days. Tom Gile suggested that some of the priority items on the list could be changed. Certain items could drop off the list and priority levels could change.

**Planning for this year -DWG Task continued by topic rating.**

Individual topics were discussed and assess new priority rating by the group as noted below:

* Outlet Adequacy- high (stay the same)
* Noticing Requirements in 103E -spent time on this, not a priority (have in the background)- keep this as a high priority will not lead with this in future agendas
* DNR Guidance on Public Waters Permits- this is a policy document
* Transfer of Drainage Authority- move from medium to low
* 103E.067 Ditch Buffer Strip Reporting - move from medium to low
* Minn. Stat. 103E.241 Engineer bonding information – remove, (it’s been resolved through the use of an insurance commitment in leu of a bond)
* Drainage System Road Crossing – move from low to medium (need more conversations on the classifications)
* Drainage Registry Bill – move from low to remove (lose of interest in this process)
* Tile Registry List- wasn’t on list and won’t be (informational)
* Public Inventory – high (informational item) – request to have monthly updates
* WCA Rulemaking – high (informational item)- request to have monthly updates
* DNR Review (early coordination) - move from h/m to m/l
* Drainage Management Practice for Ag – move from h/m to low
* Storage initiative needs – medium (stay the same)
* CWC/LCCMR related drainage - medium (stay the same)
* Impaired waters TMDL – low to remove
* Tiered aquatic life use – low to remove
* Separable Maintenance in relation to tile drains- low (stay)

It was mentioned that an update topic priority list will be sent out to the group for review.

**Next DWG Meeting is scheduled for July 11th at this same location from 11AM-2PM.**

**1:33PM Meeting Adjourn**