

Drainage Work Group (DWG) Meeting

August 11, 2022

Following the welcome and introductions, Tom Gile, Board of Water and Soil Resources (BWSR) gave an overview of the agenda. He gave an extensive recap of the July 14 meeting. Information was provided about the following drainage-related events. Information of particular interest to watershed organizations are highlighted in gray.

- 11th International Drainage Symposium. This will be held August 30 to September 2 in Des Moines, Iowa.
- Minnesota Association of Drainage Inspectors. This meeting will be held August 17-18 in Alexandria.
- AMC Policy Committees will meet on September 15-16.
- Red River Partners Summer Tour. This event will be held on August 23-25 in Grand Forks, ND.

Water Management Coordination and Communication Efforts in the Red River Basin of Minnesota

Rob Sip gave a PowerPoint presentation that included an overview of the Red River Watershed Management Board (RRWMB), coordination with the MN DNR, 1998 Mediation Agreement and Flood Damage Reduction Work Group (FDRWG), technical guidance and tools, communication tools, and results of consensus and partnerships.

Feedback from Group

A question was asked about what it took for people to come together and cooperate with partners that were not originally at the table. Rob responded that it took the flooding in the 60s and 70s for people to realize there was a problem and decide to work together. There was discussion with commissioners, legislators, and landowners about the issues and the need for a regional entity with taxation authority. The RRWM levy is about \$1/acre. It is important to communicate what constituents are getting for the money. Communication helps local and state policymakers understand the importance of what is being done.

A question was asked about how the project team process is managed. Rob explained that it is done through local watershed districts (WD). When they have a concept, the WD begins using a Local Project Team to guide the development of the project(s) which involves local people, agencies, partners, and stakeholders through different phases of a project. Project teams can also come into play to advise on maintenance and operation plans. Multiple partners come together to find common ground. Project teams provide a way to meet at the local level to discuss components of a project, get landowner support, and bring everyone to the table. Natural resource enhancements are also incorporated using guidance from the 1998 Mediation Agreement but can add considerable costs.

A question was asked about the technical committees, goals, objectives, and what should be considered. Rob explained that technical committees of the FDRWG are composed of technical experts that 15 technical papers have been developed since 1998. These papers guide how projects are sited/located and designed. A wetland bounce technical paper related to flood projects was the first technical paper developed by the FDRWG. Committee work years ago was done to come to an agreement that no more than a two-foot bounce is acceptable in flood impoundments.

A question was asked about the development of three drainage technical guidance documents. Rob stated that about 15 to 20 engineers and hydrologists came together in about 2010 to develop drainage technical papers for the Red River Basin as a whole. The Red River Retention Authority commissioned the reports and created the Basin Technical and Scientific Advisory Committee. These technical papers guide the management of surface and tile drainage and provide culvert sizing guidance related to flood control.

There was spirited discussion during document development. The result was technical guidance that was well received because of the cooperative work that is science based.

A question was asked about interaction with or take on the relationship with local governments. Ray Bohn explained that it's been a significant help. Occasionally there is friction. The RRWMB brings stability and consistency across the entire Red River Basin. The coordination between the different entities is remarkable.

A question was asked about whether this framework could be applicable to drainage. Rob said that it could, especially the water course excavation guidance.

A comment was made that there are demographic and infrastructure differences between the Minnesota River Basin and the Red River Basin in population and size of cities. Rob responded that the topography is different, as well as the crop rotations. There are differences, but there are also similarities. The process used in the RRWMB is transferable to other portions of the state.

It was noted that the RRWMB has local dollars for match that has resulted in major state funds for projects to help with local water management. Rob replied that having local match is powerful. He explained the funding agreement process and how it helps to explain local matching funds to legislators. The RRWMB works with MAWD on the statewide flood hazard mitigation bill. This session the request was for \$90M statewide. Of that, \$48M was requested for the Red River Basin. They had 50% match. If funded, it would have helped with more than 100,000 ac/ft of additional water storage on the landscape. When the cycle is missed, it messes up timelines with external funding sources.

Tom gave a wrap up. This is a timely conversation given the DWG topic of early coordination. Discussion must come with good intentions from everyone. The trust factor needs repair. There is value in having some technical framework for projects and activities so they can be less contentious.

[Break until 12:50 p.m.]

Petition Notice

Tom Gile explained that the language he provided was not intended to be a proposed real solution. It was an example to clarify points in the conversation. If there is a need to do something, we don't have to use the language introduced during the legislative session. There are already notice requirements. Maybe a paragraph could be added in the petition notice requirements. Is there a way we can ask the folks that want to see this concept move forward to put something in writing to identify a result. Ted Suss spoke about communicating the perspective of those wanting this concept moved forward at the last meeting.

Ray stated that it was his suggestion to start with a clean slate. Lay the drainage registry language aside. It gets in the way. First, we need to establish that we agree there is a problem before we can talk about goals and objectives. We need something from the proponents of the drainage registry that outlines their issues with notification. If they have potential solutions, those should be defined. We need to understand the scope of the issue. Perhaps this can be done in a one- or two-page memo to the DWG. Then, after reviewing the memo, the DWG would decide if they wanted to tackle the issues. Most people would be willing to start at that level. That corresponds with the way things have been done in the past. Once we have something more clearly defined, then we can move forward. Everybody must agree that there is a problem before we discuss goals and objectives. If there isn't agreement, then there needs to be negotiation. This was done with subcommittees in the past. It is cumbersome when done as a group. If it is pursued, there needs to be a decision on how it is handled. Timelines would need to be established. If a legislative change is going to be considered, that must be taken into account. That is the step-by-step process that was followed in the past. We are wasting time talking about the language that was

introduced. At this point, he is not interested in looking at this subject until he understands the scope of the problem.

Tom replied that what he presented may be ill-conceived. Ted Suss had said, let's set the bill language aside. Whether or not something is broken, can we make something better? Let's see if we can get something clear to articulate the concern. He has heard from several members with the same question - what are we trying to accomplish?

Ted thanked Ray for providing the history and proposing a process to move forward. The language introduced is history. That bill is dead. If there is any language in the future, it would need to be drafted. Providing a written description of what we perceive to be the problem that needs addressing is a good next step. Some of that was provided in a letter to BWSR supporting the drainage registry. He committed, on behalf of his colleagues, to providing a memo to describe the problem and how to repair it. One of his concerns was that we do not start looking at specific solutions until there is common agreement that there is a problem and what that is. He was surprised at the last meeting when people said there isn't a problem. We feel there is. Petitioners and water management authorities are spending money when there are people who feel they have a vital stake in the outcome are not involved. When that happens, projects must be redesigned. Funding and time are wasted. Notification is really intended to get all the key players at the table as early as possible. It has been expressed that by having these project noticed at a single portal there will be more conflict in the future. There is a perception that if there isn't notice concerned folks will never find out. The Izaak Walton League has a person on a contract who regularly contacts every water management authority in the Minnesota River Valley asking for public information about petitions, orders, and reports. We already get the information. This is an attempt to get it as early as possible. Then concerned individuals can weigh in before a huge project is done and designed. Public information is being publicly available on a timely basis. This effort is not to stop projects. The intent is for discussion ahead of expenditure instead of after. We want to discuss, agree on the nature of the problem, and then look for strategies to solve the problem. He appreciated Tom sharing suggestions, but those are premature at this time. Let's see if we can agree on the nature of the problem and let potential solutions percolate from the community.

Tom responded that he saw where his intent missed the mark. It is important that we think about what the next steps are, goals, and objectives and discuss similarities and differences.

Craig Austinson said that the next presentation directly answers some of the questions and how early coordination is done with ISG's clients. It reflects and agrees with Ted in a lot of aspects.

Tom explained that was part of the reason he asked Chuck and Rob to be here. In conversations he has heard an interest in formalizing when early coordination is triggered. He has also heard that early coordination can work and has worked, but it doesn't seem to happen anymore. Then it turns into a finger pointing game. He sees this as an opportunity to formalize early coordination. There have been trust issues over the years and a perception that the intent is to stop projects. Trust matters a lot. One thing that has been repeatedly an expression of concern is repairs. Drainage authorities need the ability to address repairs in a timely manner to maintain systems and ensure there are no adverse effects for landowners.

Ted replied that he believed members of his group have expressed repeatedly that they do not want to require additional notice for small scale repairs. He did not know how a small repair would be defined. He did not believe they intended to be involved in small, emergency repairs. The concern is system-wide major repairs that look like a drainage improvement.

Allen Wold was glad to know they are looking at our website, calling our administrator, or looking at the newspaper. The Bois de Sioux WD has fulfilled its legal responsibility to the people who have a vested interest, that pay taxes and receive benefits. He didn't see a need for more than that. The drainage

authority has nothing to discuss before a preliminary report. Ted replied that when he has shown up to testify at a preliminary hearing, he was told by the chairperson that he was coming late and should have been there a lot sooner. He has no doubt that every drainage authority is properly complying with the current law as it exists.

Randy Kramer said that he didn't think this was worth arguing. It's a waste of time. The solution could be as simple as the suggested language. He didn't have any problem with putting the petition online, but he drew the line at repairs. He did not believe discussing this issue with a task force would be beneficial. Tom said that it would be helpful to understand what the objective is. Then we can discuss the concerns or objectives. Ray said that we are already arguing. Parameters for the discussion are necessary. We need to decide what the issues are.

Tom explained next steps. Let's pretend the other bill doesn't exist. He asked Ted if he could provide a response by the end of month to share with the DWG. Ted said that he would make sure it is submitted by the end of the month or sooner if possible.

Don Arnosti explained why repairs are a concern. Sometimes we find that drainage improvement projects become labeled repair projects and proceed in that manner. It is important for trust and faith to recognize that this is not an appropriate means to proceed with a project. This is a current situation.

Tom stated that trust needs to work both ways. Doug asked if this needed to be 100% agreement or a majority/minority report. If it must be 100%, he didn't believe there would ever be agreement.

Tom explained that at the next meeting he will provide the framework for the decision-making process. The DWG meetings are open in terms of who is allowed to attend. To make recommendations, the presumption is the stakeholder groups say yeas or nays.

Early Coordination with Landowners – Feasibility Study Process

Chuck Brandel gave a PowerPoint presentation that included an overview of the 103E process and ISG's feasibility study process.

Tom said that it is good to see work that is done before there is even a petition. It shows the value of engagement. He asked if this led to better engagement as a whole or identified some projects that are not feasible. Chuck explained that they have done multiple studies that have shown an improvement doesn't work. Sometimes landowners agree to do wetland restorations or holding areas for the project to work.

Rita Weaver asked if ISG ever recommended less runoff volume than the industry standard across the entire drainage area. Chuck said that they have. It's a balancing act. Some landowners want more than 0.5 in/day some can get production with less. But they will consider options that are feasible.

Don stated that all this prior consultation is good with landowners and potential petitioners. It would be beneficial for the downstream interest to be notified before the petition is filed. It would be a lot cheaper and more flexible to consider concerns or explain how concerns were addressed in preliminary work. Chuck replied that in the past there have been discussions about what should be general considerations. We need to set an understanding of what should be addressed. Then we could bring those up when we first start meeting with landowners.

Peg Furshong asked what amount of margin is held back or considered related to the flexibility in a project due to climate. It seems like our rain events are more frequent and intense and stress the landscape. Do the rules and processes in place accommodate the change? Things are different than 10 years ago. How does a model adapt to what is happening in real time? This feasibility process is localized watershed consideration. It seems the controversy around this process is that people outside of this process are

impacted financially because of downstream flooding. Chuck explained that they look at changing conditions from what they have learned in the past. They have done many different projects and know what works. Storage used to be done at the outlet before it hit a stream. We know it is more cost-effective further upstream. There is no way to force people to do storage. Until we figure out a way to engage people to do it, it will be an uphill battle.

Next Meeting

Thursday, September 8 from 11 am to 2 pm in person. Location TBD.

The meeting adjourned at 2:03 p.m.

Meeting notes by
Jan Voit