

Mowing & Haying in the State Right of Way Stakeholder Group

MnDOT St. Cloud Office

3725 – 12th Street North, St. Cloud, MN 56303

September 20, 2017 from 10:00 a.m. to noon

Stakeholder workgroup members in attendance: Thom Petersen, Cole Rupprecht, Ashley Kohls, Eran Sandquist, Erin Rupp, Dan Macswain, Don Arnosti, Craig McDonnell, Major Jeff Huettl, Nancy Daubenberger, Wayne Sandberg, Emily Murray.

Meeting Objectives

- I. Discuss listening and stakeholder meetings
- II. Address initial stakeholder questions
- III. Identify stakeholder interests

1. Welcome, agenda review, introductions – Charlie/All

Charlie welcomed everyone to the stakeholder meeting and reviewed the agenda.

2. Approval of meeting notes – Charlie/Sarah

- The stakeholder group reviewed the 8/23 meeting minutes and had no comments or edits. MnDOT stated that they have a webpage to share information about the Mow/Hay stakeholder engagement process, including the listening sessions. Meeting minutes and other materials will be posted on this website, found at www.dot.state.mn.us/mowing.
- Charlie reviewed the ground rules and purpose/scope of the stakeholder group. Don Arnosti shared that he felt the [Governor's Executive Order 16-07](#) should be included in the scope document. Nancy Daubenberger from MnDOT highlighted that at the last meeting Tina Markelsen spoke about how the work on Executive Order 16-07 is being executed and how she is building bridges between the two efforts. In response to Don's request, MnDOT will provide a memo to the Stakeholder Group regarding the connection of these two efforts.

3. Schedule of meetings

- **Listening Sessions:**
 - MnDOT originally planned for four listening sessions in September and October. Based on stakeholder feedback, they have expanded to six listening sessions plus the metro area in late October and into November.
 - Locations identified include: Mankato, Marshall, Morris, Brainerd/Baxter, Crookston, St Cloud, and Metro.
 - Listening sessions will likely be held in the evening, and will include structured questions/discussion and time for open forum, with a worksheet option. The stakeholder group may further inform the listening session agenda in October.

- Themes from the listening sessions will be compiled by Management Analysis and Development and shared with the stakeholder group in December.
- Nancy Daubenberger from MnDOT highlighted that adjusting the listening session timing is intended to foster greater participation. She also mentioned that recommendations will not be determined until after the listening sessions, as comments and suggestions from the public will help to shape the recommendations that will come from the Stakeholder Group.
- **Stakeholder work group meetings**
 - Schedule of meeting dates has been sent to all stakeholder participants (10/18, 11/15, 12/6, 12/13, 1/11, 1/18, 1/25). At the last meeting, stakeholders supported the idea of rotating meeting locations around the state, so please factor in potential travel time. Several meetings will be in the St. Paul/Minneapolis Metropolitan Area, but other meetings may be in Baxter, Detroit Lakes, and Mankato depending on room availability. There will always be a conference call option. One stakeholder suggested considering doing four hour meetings instead of two hour meetings so there are fewer meetings overall.
 - MnDOT will send a scheduling update with the next meeting details as soon as possible.

4. Clarification on MnDOT Right of Way and Responses to Kickoff Meeting Questions – Nancy Daubenberger and Joe Pignato

Nancy Daubenberger briefly reviewed a few items from the previous meeting, including two key statutes:

- One statute restricts full mowing in ditches to just the month of August, and applies to all roadways in Minnesota. This is not on our required list of topics for the stakeholder group, but knowing it is of interest it can be discussed and recommendations to the legislature can come from these discussions.
- The other statute prohibits various activities in MnDOT's state highway Right of Way to ensure safety, and gives MnDOT the authority to issue permits. MnDOT's permitting authority only includes state highways. The stakeholder group is charged with reviewing MnDOT's permitting process and recommending changes.

Nancy highlighted that for purposes of maintaining safety and infrastructure, MnDOT needs to preserve the permitting process while ensuring that the permitting process is as workable as possible so that individuals with permits can carry out necessary activities, and MnDOT can monitor permits for safety, habitat preservation, infrastructure and other potential concerns.

Joe Pignato reviewed data regarding permits with the group (see attached handout). He mentioned that MnDOT itself may mow for safety approximately two to three times per season, and also mows from roadway to Right of Way line every five years to control heavier woody vegetation.

Question and Answers regarding permitting and MnDOT's mowing practices:

- How much does MnDOT spend on mowing or is there an annual mowing budget?

- **Answer:** MnDOT is working to compile data and will provide information to the stakeholder group on this at a future meeting.
- What herbicide does MnDOT use and when do they apply it? Is it applied specifically when noxious weeds are present or more globally?
 - **Answer:** Tina will provide a list of what MnDOT uses, as it is several herbicides. When spraying occurs varies based on location in the state and weather/growth patterns. MnDOT conducts some bare ground treatments early in the season, with treatments continuing through September or October. It is not a blanket spraying. They target weeds that do not turn brown as fast, but sometimes overspraying onto native plants occurs.
- What is the cost of herbicides and related applications?
 - **Answer:** MnDOT is working to compile data and will provide information to the stakeholder group on this at a future meeting.
- Is there ever an inspection done before MnDOT's mowing activities are carried out? What is MnDOT's review process to determine if mowing is needed/appropriate?
 - **Answer:** MnDOT will invite a manager to present at a future meeting regarding MnDOT's practices.
- One stakeholder shared that they heard of three farmers who obtained permits to mow/hay, however MnDOT mowed the Right of Way before they got to it. Is there coordination between MnDOT's mowing and permits issued?
 - **Answer:** This will be discussed/explored further when the stakeholder group walks through MnDOT's permitting process.

5. Stakeholder interests

Charlie asked the group what are the key **interests** for you regarding the issue of mowing and haying on state Right of Way trunk highways? He stressed that position is where you stand, and interest is why you stand there. Stakeholders spent time individually answering questions and then starred their top two most critical interests. Stakeholders split into pairs to talk about their ideas and put key ideas on cards which were passed to Charlie. The key interest areas identified by the stakeholders are:

- A process for safety, cost-effective, timely, well-managed right-of-way habitat that is communicated and understood
- Cost savings
- MnDOT effectively and reasonably manages Right-of-Way (ROW)
- Safety of all persons in traffic-way
- Preserve and expand habitat
- Safe and quality food for livestock, including honey bees, which are livestock
- Site specific ROW vegetation management

For more detail regarding these interest areas, please see the attached document titled "stakeholder interests 9/20."

6. Next steps

- At the next stakeholder meeting, we will review the current permitting process. The seven interest areas identified in the 9/20 meeting will be used as a guide for walking through the process.
- The 10/18 meeting will be at MnDOT's Arden Hills location. Meeting time will be determined by end of next week.

7. Other questions for future meetings:

- Interest in knowing when birds nest in the Right of Way – Hoping DNR can provide that information at a future meeting.
- Request for more information on Iowa's Right of Way management processes and policies