

## **Drainage Work Group Meeting Notes**

**February 17, 2012**

11:00 a.m. - 2:00 p.m.

Minnesota Farm Bureau Building, Eagan, MN

### **Attendance**

Don Baloun, NRCS; Rep. Paul Torkelson, Dist. 21B; John Jaschke, BWSR; Tom Loveall, BWSR Brd.; Craig Austinson, Blue Earth Co.; John Thompson, Faribault Co., MACO; Greg Knopff, Senate Analyst; Ray Bohn, MAWD; Janelle Taylor, House Staff; Larry Kuseske, MAWD; LeAnn Buck, MASWCD; Thom Peterson, MFU; Rick Moore, MSU-Mankato WRC; Ron Harnack, RRWMB; Larry Gunderson, MPCA; Wayne Anderson, MPCA; Mark Dittrich, MDA; Les Everett, UMN WRC; Warren Formo, MAWRC; Allan Kuseske, MADI; Rob Sip, MDA; Alan Perish, MVA, MFU; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Kyle Skov, BWSR; Lance Ness, FWLA; Chris Radatz, MFB; Bill Becker, LSOHC; Chuck Wingert, MNLICA; Mark Zabel, MASWCD; Al Kean, BWSR

### **Handouts Prior to or During Meeting:**

1. DWG – Meeting Logistics and Agenda for 2-17-12
2. DWG – Meeting Notes for 1-9-12
3. DWG – MN Drainage Law Analysis and Evaluation – Summary of Recommended Actions and DWG Discussions, DRAFT, 2-9-12
4. NRCS Environmental Quality Incentives Program (EQIP), MN Supplements for: Practice 554 Drainage Water Management, Practice 587 Structure for Water Control, and Practice 747 Denitrifying Bioreactor

### **Introductions and Agenda Overview**

All in attendance introduced themselves. Al Kean provided extra copies and an overview of the agenda, which was revised on 2-15-12 to add the agenda topic regarding drainage water management.

### **Discussion about Federal and State Involvement in Drainage Water Management (DWM)**

Al Kean introduced this topic by noting that the Natural Resources Conservation Service (NRCS) sponsored a national Ag Drainage Water Management Summit in Bloomington, MN in October 2011. The focus was on traditional, new and emerging conservation practices for agricultural drainage water management, such as controlled subsurface drainage, treatment wetlands, woodchip bioreactors, saturated buffers, and associated practices. Summit attendees included many involved experts from around the country, NRCS Chief Dave White, and many other stakeholders, including several DWG members. Rep. Paul Torkelson, Dist. 21B, Don Baloun, NRCS State Conservationist, and John Jaschke, BWSR Executive Director, provided information about ongoing discussions to coordinate state and federal efforts to promote drainage water management in Minnesota. Extensive subsurface pattern tile drainage has been, and continues to be installed by Minnesota farmers in recent years. Controlled subsurface drainage, which helps protect water quality, requires different design and layout than traditional tile drainage.

The NRCS can provide financial assistance for drainage water management planning via Conservation Activities Plan (CAP) 130 of the federal Environmental Quality Incentives Program (EQIP). Currently, both federal EQIP and the state Clean Water Fund Conservation Drainage Program administered by the Board of Water and Soil Resources (BWSR) are limited to retrofitting existing drainage systems only in regard to providing financial assistance for water control structures. For the 2012 EQIP sign-up, NRCS plans to expand financial assistance eligibility for water control structures to include both existing and new tile drainage (planning and water control structures, but not the pattern tile). Rep. Torkelson wants to enable more drainage water management on existing and new subsurface tile systems (planning and control structure cost-share, but not financial assistance for the tile), through coordination of federal and state programs. John Jaschke and Don Baloun support utilizing state and federal conservation drainage programs and practices to achieve the best water quality protection.

Pertinent questions and comments included:

- Will the EQIP drainage water management payment rates apply to controlled acres only, or whole fields?
- Is there enough production improvement and incentive payment for landowners relative to increased drainage system design, installation and operation costs? Need to ensure adequate research, monitoring and

information sharing regarding nutrient retention, ag production and water quality benefits. The ADMC, MDA and UMN have been involved in monitoring a number of controlled subsurface drainage and other DWM demonstration practices in MN.

- Must ensure adequate technical assistance and associated funding for conservation delivery, including training of Technical Service Providers (TSPs).
- Targeted federal and state funding, marketing and timely program payments are needed to help accelerate drainage water management in Minnesota, including for the Red River Basin, where controlled subsurface drainage is feasible for much of the flat valley floor and might help with retention to reduce flood peaks.

A question was asked about cost-share eligibility for diversion of ag drainage water into a retention site for treatment. Al Kean noted that diversion of drainage water into a wetland restoration typically is an eligible project component for RIM and WRP wetland restoration, as is rerouting of a drainage system that can't be outlet into a wetland restoration due to incompatible drainage system and wetland restoration elevations. Component eligibility and associated partnering with drainage systems is site specific. Don Baloun noted that he is encouraging use of WRP wetland restorations for treatment of tile drainage.

Discussion also included agricultural wetland mitigation banking. Don Baloun noted that there is growing interest in dedicated wetland banks for agricultural impacts. John Jaschke indicated that dedicated wetland banks are acceptable under the MN Wetland Conservation Act and the MN wetland mitigation banking system. Concern was expressed about effects of ag drainage on farmed wetlands during waterfowl migration. Questions and discussion included the potential for use of drainage water management (i.e. controlled subsurface drainage) to keep farmed wetlands wet during a critical period of the spring migration. Investigation of existing pertinent research and information was recommended.

### **Approval of 1-9-12 Meeting Notes**

Extra copies of the meeting notes were distributed. Corrections or additions were requested. None were indicated.

### **Discussion about Drainage Related Topics or Bills at the Legislature**

- Local Government Roundtable, 1 watershed – 1 plan: HF 1556 (Rep. Torkelson, Chief Author) was introduced in April 2011. The companion SF 1885 (Sen. Dahms, Chief Author) was introduced in Feb. 2012. Moving forward. Discussion included concern that TMDLs don't drive local water plans.
- Rice Creek Watershed District bill regarding pilot for wetland replacement and ditch repair: HF 1927 (Rep. Dettmer, Chief Author) introduced in Jan. 2012. What the bill is seeking is already possible. Bill may be withdrawn.

### **Follow-up to Questions at 1-9-12 DWG Meeting Regarding CP-39 Constructed Wetland Practice**

Al Kean talked to Alex Dubish at FSA to clarify that CP-39 cannot be used on existing CRP contract lands, because CRP does not allow multiple CRP contracts on the same land. CP-39 is a practice within the federal Farmable Wetlands Program, which is implemented as a continuous sign-up program. It was noted that state and federal agencies have been coordinating to help identify pilot projects in Minnesota to demonstrate CP-39 wetland treatment of agricultural runoff.

### **Review of Documentation to date for DWG Discussion Points Regarding Smith Partners Report**

Al Kean requested any questions or correction regarding documentation of DWG discussion points for recommendations 1.a. – 1.e. and 2.a. – 2.d. of the Smith Partners Report in the 2-9-12 version of the discussion document. No questions or corrections were indicated

### **Continued Discussion of Smith Partners LCCMR Report, MN Drainage Law Analysis and Evaluation**

DWG members discussed recommendations 3.a. – 3.d. of the Smith Partners Report. Documentation of discussion points will be summarized in an updated Summary of Recommended Actions and DWG Discussions.

### **Next Meeting**

Due to DWG member availability challenges during the legislative session, it was agreed that the next DWG meeting would be held in June 2012.