

Drainage Work Group Meeting Notes December 11, 2006

Attendance

Ray Bohn, MAWD; Dan Wilkens, MADI, SHRWD, RRWMB, RRBC; Allan Kuseske, MADI, NFCRWD; Alan Perish, MVA, MFU; Scott Moen, FWLA; Chris Radatz, MFB; Jeremy Geske, MFB; Rep. Rick Hansen, District 39A; Wayne Edgerton, DNR; LeAnn Buck, MASWCD; Joe Martin, MDA; Shannon Fisher, MSU-M, MRB; Wayne Anderson, MPCA; Greg Knopff, Senate Analyst; Gary Botzek, MCF; Gerald Amiot, MACO Drainage Cmte.; Craig Austinson, Blue Earth Co.; Valerie Jerich, MN Corn Growers Assn.; Ron Jerich; Harlan Madsen, AMC/Kandiyohi Co.; Matt Norton, MCEA; Kurt Deter, Rinke-Noonan, Doug Thomas, BWSR; Al Kean, BWSR

Handouts Prior to or During Meeting:

1. Drainage Work Group Meeting Logistics and Agenda for 12-11-06
2. Drainage Work Group Meeting Notes for 11-13-06
3. DWG Consolidated Draft Recommendations, dated 12-7-06
4. Draft discussion paper for Technical subtopic c): Clarify procedures and maintenance responsibilities under Section 103E.227, dated 12-7-06
5. Draft discussion paper for Technical subtopic d): Clarify procedures for removal and partial abandonment under Section 103E.805, dated 11-9-06
6. Revised Draft Recommendations for Clarify Point of Beginning for Measuring Buffers, dated 12-7-06

Introductions and Agenda Overview

People in attendance introduced themselves. Doug Thomas provided an overview of the meeting agenda and objectives. He noted that the Drainage Work Group has agreed to only move consensus recommendations forward. Doug and Al Kean will present recommendations of the DWG at the BWSR Board meeting on 12-20-06 and seek support to move consensus recommendations forward via a policy and budget placeholder for drainage in BWSR's request to the Governor.

Review of Meeting Notes for 11-13-06

No questions, additions or corrections.

Updates Regarding Feedback from Annual Meetings and Discussion

Doug Thomas asked DWG members to provide an update regarding their discussions within their organizations at annual meetings since the 11-13-06 meeting. Following is a brief summary.

- MAWD reviewed draft DWG recommendations and does not have concerns.
- RRWMB supports the work of the DWG.
- MVA has concern that the crown of spoil banks can be located a wide distance from the ditch, which can be an impediment to redetermination of benefits and damages.
- MFU tabled discussion about the DWG recommendations until its January meeting.
- FWLA is supportive of the work of the DWG and draft recommendations.

- MFB supports the right side of the example cross section for the current draft recommendations regarding the point of beginning for measuring required buffer strips (16 ½ ft. buffer from top of the constructed channel), but not the left side (buffer width from ditch to a point 16 ½ ft. outward from the crown of the spoil bank).
- MASWCD supports the work of the DWG and draft recommendations, particularly point of beginning for measuring buffer strips, drainage records preservation and modernization and the need for an education component. Some discussion of when changes would take affect.
- AMC convention indicated support for the direction of the DWG, including perennial vegetation, being proactive and clarification of the point of beginning for measuring required ditch buffer strips. Some support only the right side of draft example cross section.
- MCF favors left side of draft example cross section.
- MACO Drainage Cmte. will meet January 9, 2007. Expect support of drainage records preservation and modernization and update of the MN Public Drainage Manual.
- MN Corn Growers meet in January.
- MCEA pleased with progress of DWG discussions to date.

Discussion of Consolidated Draft Recommendations

A question was asked about drainage records preservation and modernization state grants to date. Al Kean referred to the Public Drainage Ditch Buffer Study, which documented 24 grants since 1997 via the Local Water Management Challenge Grant Program, averaging about \$25,000 each. The maximum cost-share rate is 50%, but it is expected that the actual state cost-share rate has typically been lower, sometimes substantially lower. Some concerns about cost and source for state and local funding. Comment that drainage authorities might seek reimbursement for records modernization to date. Al indicated state grant program does not allow after-the-fact state cost-share. It was noted that some RDCs are involved in GIS for ditches. The draft recommendation for additional state cost-share helps enable partnerships for drainage records preservation and modernization. There was DWG consensus for the draft recommendations for this topic.

Vegetation, Point of Beginning and Width of Required Buffer Strips

Discussion about definition of perennial vegetation, the purpose for allowing other than grass, and concern that the type of perennial vegetation approved by the drainage authority does not impede future maintenance of the ditch. Al Kean will add a sentence to the draft recommendations in 103E.021 Subd. 1 and 6 to address these concerns. It was suggested that the draft clarifications in both of these subdivisions (and other draft DWG recommendations) do not refer to a drainage system easement, but rather to drainage system right-of-way, which is the terminology used elsewhere in Chapter 103E.

After further discussion, there was consensus for defining the point of beginning for measuring Subd. 1 and 6 buffers as the top edge of the constructed channel of the ditch resulting from the proceeding. However, there was much related discussion about the width of required buffer. It was suggested that requiring the width to the crown of the leveled spoil bank is an impediment to implementing buffer strips, particularly for redetermination of benefits and damages proceedings, for which no dirt is moved. The crown of spoil may be substantially more than 16 ½ ft. from the ditch and may be variable width from the ditch. This led to a recommendation to

eliminate the phrase “or to the crown of the leveled spoil bank, whichever is the greater” in 103E.021 Subd. 1 and 6. There was support for this as a draft recommendation, but not full consensus to adopt it, and some DWG members had left the meeting before this draft recommendation was made.

Responsibility to Restore Conservation Practices Damaged Adjacent to Ditch ROW

It was suggested and agreed that the word “installed” should be changed to “existing” in the recommended addition of 103E.315, Subd. 8, item (5) and 103E.701, Subd. 7, because several state and federal conservation programs and practices have limited durations.

Inspection of Drainage Ditches

Reviewed the draft DWG recommendation to add a minimum open ditch inspection period of 5 years and annually where a violation of 103E.021 is found. Some concern about effect on drainage authorities with many miles of public drainage ditches. However, consensus support for this as a proactive recommendation.

Coordination with FSA Regarding CRP Policies

It was suggested and agreed that clarification of CRP policies regarding CRP implementation along public drainage ditches should be done in consultation with the DWG.

Update of Minnesota Public Drainage Manual

It was suggested that the recommended update could include information about perennial vegetation approved by drainage authorities and diagrams about drainage system BMPs.

Next Meeting

It was suggested that the DWG is due for a break, maybe until February 2007. However, it was recognized that there is not yet DWG consensus on a recommendation regarding the width of required ditch buffer strips.