

## **Drainage Work Group Meeting Notes December 14, 2017**

11:00 a.m. - 2:00 p.m., Minnesota Farmers Union Building, St. Paul, MN

### **Attendance**

Tom Loveall, BWSR Brd.; Craig Austinson, MADI, Blue Earth Co.; Ron Ringquist, MVA; Matt Detjen, Wright Co.; Chris Otterness, HEI; Alan Perish, MFU, MVA; Ruth Simpson, MAT; Ed Lenz, BWSR; Julia Braulick, MCEA; Heather Luedke, MCEA; Darrell Gerber, MCEA; Elise Larson, MCEA; Gloria Johnson, MnDOT; Kurt Deter, Rinke Noonan; Ben Stanley, Senate Counsel; Amanda Bilek, MCGA; Nathan Zacharias, Conservation Strategies, Inc.; Dan Larson, MRCC; Dave Weirens, BWSR; Mark Hiles, BWSR; Mark Dittrich, MDA; Allen Wold, BDSWD; Jennifer Berquam, AMC; Greg Knopff, Senate Analyst; Mark Ten Eyck, MCEA; Emily Javens, MAWD; Rob Sip, RRWMB; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Harlan Madsen, AMC; Ray Bohn, MAWD; Lisa Frenette, RRWMB; Janelle Taylor, House Research; Kale Van Bruggen, Rinke Noonan; Tim Gillette, BWSR; Don Buckhout, BWSR; Al Kean, BWSR

### **Handouts prior to or during the meeting**

- 1) Meeting logistics and agenda for 12-14-17
- 2) Meeting notes for 11-9-17
- 3) Recommendations for Accelerating Public Drainage System Acquisition of Buffer Strips and Alternative Practices and Associated Landowner Compensation, DWG Review Draft, December 14, 2017
- 4) Runoff and Sediment Delivery Option (RSDO) for Repair Cost Apportionment, Draft Revisions of Minnesota Statutes Chapter 103E, 12-13-17
- 5) Chuck Holtman, Smith Partners PLLP, comments on 11-21-17 RSDO draft revisions of Chapter 103E

### **Introductions and agenda overview**

All in attendance introduced themselves. Al K. provided extra copies and an overview of the agenda.

### **Approval of 11-9-17 meeting notes**

Extra copies of meeting notes were distributed. Corrections or additions were invited. None were identified.

### **Share information about recent and upcoming drainage related events**

- MAWD Drainage Workshop, Nov. 30, 2017, Arrowwood Conference Center, Alexandria, MN
- Drainage related sessions at the AMC Annual Conference, Dec. 4-6, 2017, Kelly Inn, St. Cloud, MN
- Rinke Noonan, Drainage and Waters Conference, Feb. 15, 2018, River Center, St. Cloud, MN
- MNLICA Annual Conference, Jan. 3-5, 2018, Best Western, New Ulm, MN
- MN Viewers Association training seminar, Jan. 10, 2018, Jackpot Junction, Morton, MN
- Drainage Management Team meeting, Jan. 16, 2018, St. Paul, MN

### **CWC Policy Committee request to the DWG regarding storage and drainage**

Al K. shared that the final edits to the DWG report discussed at the 11-9-17 DWG meeting were made, the final draft reviewed by DWG members via email, with one correction noted, and the final report dated 11-13-17. After coordination with John Barten, Chair, CWC Policy Cmte., Al sent the final report with a cover memo to John Barten, c/o Deepa deAlwis, CWC Coordinator, on 11-17-17, and also transmitted the final report and cover memo to all on the DWG email list on 11-17-17. Al attended a CWC Policy Cmte. meeting on 12-8-17 to discuss the DWG report. At the CWC Policy Cmte. meeting, it was noted that the DWG was not opposed to the proposed CWC PC 2016 Policy Statement. The CWC Policy Cmte. thanked the DWG for its work to respond to the request.

### **Acceleration of drainage system acquisition of ditch buffer strips and alternative practices**

Don Buckhout, project manager, noted that the 16-member Project Advisory Cmte. (PAC) met on 11-16-17 and 12-8-17 to refine the definitions of impediments and develop associated draft recommendations. PAC discussion was incorporated into a DWG Review Draft of the report dated Dec. 14, 2017, which was handed out at the meeting. Don provided an overview of the draft report. Don and other members of the PAC provided an overview of the revised language of the impediments and the draft recommendations. Discussion regarding Recommendation O1 about outreach to drainage authorities and their advisors included a recommendation to seek funding for MAWD and AMC involvement, as well as for BWSR to update the Understanding Minnesota Public Drainage Law document as part of this recommendation. It was decided to form a legislation drafting subgroup of the DWG to explore potential revisions of Chapter 103E and other legislation. Volunteers included: Rinke Noonan attorney(s), Mark Ten Eyck, Rob Sip, Ray Bohn / Emily Javens, Jennifer Berquam, Ron Ringquist, Greg Knopff, Alan Perish, Dan Larson, Al Kean and Don Buckhout. Others may volunteer or be invited. Al K. will send out a Doodle Poll to see if this subgroup could meet the first week of January 2018.

Don reminded everyone that in accordance with the legislative directive, the report to the agriculture and environment policy committees of the Legislature is due by Feb. 1, 2018 and that the BWSR Board will need to accept the report at its Jan. 24, 2018 meeting. Don will send an electronic copy of the draft report to involved DWG members requesting them to review the draft report and send him comments by Jan. 1, 2018, with a focus on the draft recommendations.

### **Runoff and Sediment Delivery Option for drainage system repairs**

Al K. noted that on 11-20-17, Mark Ten Eyck, John Kolb, Greg Knopff and Al met to discuss language proposed to address conservation lands and RSDO repair cost apportionment. Al also noted that on 12-7-17 he received comments from Chuck Holtman, Smith Partners PLLP, and on 12-8-17 he received comments from Kale Van Bruggen and John Kolb, Rinke Noonan, both on an 11-21-17 version of the RSDO draft revisions of Chapter 103E. Al handed out a revised version of the RSDO draft Chapter 103E revisions dated 12-13-17 that reflects proposed deletions and additions (in green) to the draft Chapter 103E revisions, based on the 11-20-17 meeting results, his review of these comments and brief coordination with Greg Knopff. Al overviewed the proposed deletions and additions. It was suggested that "drainage" be replaced by "runoff" in a few more locations and that field verification be added to proposed Sec. 103E.728, Subd. 1a, para. (b).

There was only time for very brief discussion about the provision added in Sec. 103E.728, Subd. 1a, para. (i) regarding land with conservation restrictions and RSDO repair cost apportionment, which was based on the small group meeting on 11-20-17. Therefore, Al requested that a DWG subgroup further discuss this topic. Volunteers included: Dan Larson, Mark Ten Eyck, Ray Bohn, Jennifer Berquam, Greg Knopff and Al Kean. Al will coordinate a date and time for this subgroup to meet, preferably during the first week of January.

**Next DWG meetings:** Thursday, Jan. 11, 2018, 11:00 a.m. - 2:00 p.m. at the MN Farmers Union, St. Paul.  
Thursday, Feb. 1, 2018, 11:00 a.m. - 2:00 p.m. at the MN Farmers Union, St. Paul.