Drainage Work Group Meeting Notes
June 12, 2014
12:30 – 3:30 p.m.
Minnesota Farm Bureau Building, Eagan, MN

Attendance
Tom Loveall, BWSR Brd.; Craig Austinson, Blue Earth Co.; Mark Morreim, MNLICA; Greg Knopff, Senate Analyst; Jill Bathke, MCEA; Larry Kuseske, MAWD; Anna Boroff, MCGA; Wayne Anderson, MPCA; Les Everett, UMN; Adam Birr, MCGA; Doug Busselman, MFB; Kyle Hartnett, MAT; Rob Sip, MDA; Jerome Deal, MAWD; Lori Krider, UMN; Prof. Bruce Wilson, UMN; Mark Dittrich, MDA; Dave Schad, DNR; Ron Harnack, RRWMB; Tim Gillette, BWSR; Al Kean, BWSR

Handouts prior to or during meeting:
1. DWG – Meeting Logistics and Agenda for 6-12-14
2. DWG – Meeting Notes for 2-13-14
3. DWG - Prioritized Discussion Topics List - Draft 6-5-14

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

Approval of 2-13-14 Meeting Notes
Extra copies of the meeting notes were distributed. Corrections or additions were requested. None were indicated.

LCCMR Project: Conservation-Based Approach for Assessing Public Drainage Benefits
This project was funded by an LCCMR grant to BWSR for FY 2012-14. BWSR had applied for the project based on discussion by the DWG about the potential to assess Chapter 103E drainage system benefits based on runoff (similar to a stormwater utility), which could provide an incentive for land use that reduces runoff into drainage systems. Dr. Bruce Wilson, UMN, provided a PowerPoint overview about the work performed by UMN research fellows and him for the project under contract with BWSR. That work included a literature search, communications and evaluations about ag drainage system assessments in other states; communication and work with viewers to understand how drainage benefits are currently determined in Minnesota; and evaluation of GIS methods to simulate viewer determined drainage benefits; and evaluation of runoff based method to determine drainage benefits. The study identified strengths, weaknesses and complexities of existing methods to assess drainage benefits on ag land, and some potential to advance a conservation (runoff) –based assessment approach. The final project report is due to LCCMR in August and will be available to the public sometime thereafter.

Outcomes of 2014 Legislative bills involving drainage
- Chapter 164, SF-2221: DWG consensus recommendations for Section 103E.015 and associated updates – will become effective August 1, 2014.
- Chapter 289, HF-2733:
  - Sec. 50; Section 103E.065 Drainage Inspectors. – Prohibition of county commissioners serving as drainage inspectors – this provision will become effective August 1, 2015.
  - Sec. 54; In DWG discussion, it was noted that this section amended Section 103G.245, Subd. 2, repealing clause (3) which was an exemption from Public Waters Work Permits for removal of debris, including dead trees, that does not alter the original alignment, slope, or cross section of

public waters. There reportedly has been some controversy between LGUs and DNR about debris removal from public waters.

- Chapter 226, HF-1874, Sec. 2, Subd. 5(c): LCCMR project funding – Drainage Records Modernization and Statewide GIS Database – $230,000 to BWSR (partial funding for database, portal at MnGeo and update of Drainage Records Modernization Guidelines) (no DRM cost-share – $500,000 had been included in the project application, but was not recommended by the LCCMR) There was a question about this database including private drainage. The only drainage authority known to have permitted tile maps dating from the late 1990s is the Bois de Sioux Watershed District. Private ditches and tile are permitted and tracked in most of Minnesota. Data privacy is a current concern of counties and watershed districts.
- Chapter 253, HF-1984: Section 16C.285 Responsible Contractor Requirement Defined. It was noted that this provision is applicable for counties and watershed districts as drainage authorities and will become effective 1-1-15.
- Chapter 312, HF-3172, Art. 14, Sec. 4: Clarifies a FY14 CWF appropriation to BWSR, clearly enabling contracting rather than a grant for updating of the Minnesota Public Drainage Manual and Understanding Minnesota Public Drainage Law document. BWSR has selected a contractor, based on an RFP process and is working to develop the contract and initiate work, at which time the contractor selection will become public information.

Share information about recent and upcoming events involving drainage topics

Tim Gillette, BWSR, had prepared a list of known events involving drainage and shared that information. It was requested that Tim email the list to DWG members. A brochure for an Agricultural Drainage and the Future of Water Quality workshop on 6-26-14 in Mankato was distributed. This workshop is in relation to the Blue Earth CD-57 project, which had received an LCCMR grant.

Review DWG Prioritized Discussion Topics List

The draft list dated 6-5-14 was discussed. Based on the DWG 2014 consensus recommendations that were adopted by the Legislature, the Section 103E.015 topic is done and came off the list.

- There was substantial discussion about redetermination of benefits remaining a high priority topic, due to continuing high demand for redetermination of drainage system benefits, a need for more clarity of WD authority and process, and related issues. A question was asked about the potential need for a DWG subgroup to help address this topic.
- As indicated above regarding the LCCMR project presentation, there is support to look at providing an option in drainage law for runoff based drainage benefits assessment.
- Some discussion about drainage system transfer from county to watershed district and flexibility.
- Drainage system assessment to road authorities. The DWG has a subgroup that continues to investigate this topic, including a runoff based method recently used in the Metro area.
- Some discussion about Chapter 103E and public waters statute and rule interaction.
- Watershed district model rule as a potential information topic.
- 2014 MOU between Corps of Engineers, USDA and EPA, as well as the proposed EPA rule defining the scope of waters protected under the Clean Water Act as an information topic.

It was agreed to further discuss and finalize a prioritized list at the next DWG meeting.

Next Meeting

It was agreed to have the next DWG meeting on Thursday, July 31, 2014 at the Minnesota Farm Bureau building.