

Drainage Work Group Meeting Notes August 10, 2017

12:30 - 3:30 p.m., Minnesota Farmers Union Building, St. Paul, MN

Attendance

Tom Loveall, BWSR Brd.; Craig Austinson, MADI, Blue Earth Co.; Mark Morreim, MNLICA; Stu Frazier, MNLICA; Mark Dittrich, MDA; Alan Perish, MFU, MVA; Kale Van Bruggen, Rinke Noonan; Chris Otterness, HEI; Thom Peterson, MFU; Rob Sip, MDA; Bill Thompson, MASWCD; Allen Wold, BDSWD; Ruth Simpson, MAT; Gloria Johnson, MnDOT; Mark Ten Eyck, MCEA; Les Everett, UMN WRC; Jennifer Berquam, AMC; Ron Harnack, RRWMB; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Dan Larson, MRCC; Warren Formo, MAWRC; Janelle Taylor, House Research; Ben Stanley, Senate Counsel; Cole Rupprecht, MFB; Amanda Bilek, MCGA; Mark Hiles, BWSR; Ron Ringquist, MVA; Kurt Deter, Rinke Noonan; Ray Bohn, MAWD; Tim Gillette, BWSR; Al Kean, BWSR

Handouts prior to or during the meeting

- 1) DWG Meeting logistics and agenda for 8-10-17
- 2) DWG Meeting Notes for 7-13-17
- 3) Revised DWG Prioritized Discussion Topics List 8-1-17
- 4) DWG - Communications Committee Functions and Process - Draft 8-4-17
- 5) DWG - Drainage System Buffer Strips and Alt Practices - Discussion Paper - Draft 8-6-17
- 6) DWG - CWC Policy Committee request – Discussion Paper - Draft 8-2-17
- 7) DWG - Runoff and Sediment Delivery Charge Option - Discussion Paper - Draft 7-27-17

Introductions and agenda overview

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

Approval of 7-13-17 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

- *Soil and Water Management Field Day*, 7-18-17, UMN SWROC, Lamberton, MN
- MN Farm Bureau, *6th Annual Ag Water Issues Forums*, 7/18-20/17, Badger, Ada, Dumont, MN
- Minnesota Viewers Assn., *Training Seminars*, July 20, 2017, Morton, MN, Aug. 23, Alexandria, MN
- *Field Day for 4R Workshop*, with saturated buffer, 7-25-17, David Legvold farm, Northfield, MN
- MN Farmers Union, *Water Quality and Soil Health Field Day*, Aug. 11, 2017, Oronoco, MN
- [Plowville Field Day](#), September 19, 2017, Co. Rd. 34 near Dodge Center, MN
- Governor Dayton's [25 by 25 Water Quality Town Hall Meetings](#), July 31 - Oct. 5, 2017, statewide
- Nitrogen Fertilizer Rule, MDA, [Public Input period and listening sessions](#), open until Aug. 25, 2017

Updated DWG Prioritized Discussion Topics List

Based on discussions at the 7-13-17 DWG meeting, the highest priority discussion topics for 2017 were numbered and reordered a bit on the list dated 8-1-17 to help maintain DWG focus on completing discussions that potentially lead to consensus recommendations or other resolution of the topic. It was noted that resolution of priority H-3 about DNR policy for public waters permits and permission in public waters law and drainage law needs to move forward, because the DWG needs to determine if/how to respond to HF-2687/SF-2419.

DWG Communications Committee Functions and Process proposal

Based on DWG Exploratory Communications Subgroup discussions, Al Kean and Rob Sip presented a proposal for a standing committee with functions including serving as an advisory group to BWSR for DWG

and other drainage information on the BWSR website, drainage information dissemination and DWG new member orientation, as well as a sounding board for DWG member organizations regarding drainage communication issues or needs identified by the DWG or directed to the DWG. It was noted that the functions and process document should note that the work of this committee should support, and not detract from the work of the DWG. Al K. will revise the proposal and disseminate to the DWG as completion / resolution of this discussion topic.

Clean Water Council Policy Committee request to the DWG regarding storage and drainage

The updated draft discussion paper dated 8-2-17 was discussed including the addition of links to several pertinent studies about altered hydrology and storage to reduce peak flows, erosion and sediment transport, and protect aquatic life, as well as pertinent information collected by the interagency Drainage Management Team about current and emerging watershed storage goals in Minnesota. Al K. noted that he had added more applicable provisions of Chapter 103E and Section 103B.801, as well as draft DWG comments about the CWC Draft 2016 Policy Statement. Discussion about the draft DWG comments included clarifying that temporary and longer-term storage needs to be distributed in watersheds and that storage should be a high priority for many watersheds for multiple purposes. Some discussion about potential DWG recommendations regarding alignment of drainage law and watershed planning objectives, including questioning the need for further alignment after the DWG consensus recommendations adopted in 2014 to update Section 103E.015 Considerations before Drainage Work is Done and the ongoing implementation of 1W1P.

Drainage system acquisition of ditch buffer strips and alternative practices

Al K. noted that the BWSR document about applicable Buffer Law and drainage law provisions is now available on the BWSR Buffer Law and Drainage webpages. Al had drafted a DWG discussion paper for this topic including the legislative directive, a link to the aforementioned BWSR document, a draft Project Plan and a Draft Schedule. BWSR intends to hire additional staff capacity to assist with this project. It was noted that financial assistance for redetermination of benefits and/or buffer strip establishment could be helpful to accelerate Chapter 103E buffer strip acquisition and establishment.

Runoff and Sediment Delivery Charge Option in drainage law

The most current version of the draft revisions of Chapter 103E dated 7-27-17 was discussed. A focus was on refreshing DWG member recollections about the purposes of this option (5 listed in the draft revisions document), restrictions on the option (only for drainage system repair costs - - does not eliminate the benefits based method of drainage system cost apportionment), and remaining concerns about the draft revisions required to make this option work in drainage law. Remaining concerns include: when and where the option applies for what kind of repair; drainage system repair charges to permanent conservation lands; benefited area vs. charge area; the need for ground trothing; and any potential unintended consequences. Al K. asked the DWG members, including those who are attorneys (particularly drainage attorneys) to review and refresh their understanding and perspectives about the draft revisions. It was noted that it seemed the DWG was getting close to consensus about this topic in January 2017.

Next DWG meeting: Thursday, September 14, 2017, 12:30 - 3:30 p.m. at the Minnesota Farmers Union building in St. Paul.