

Drainage Work Group Meeting Notes

February 13, 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; Winston Beiser, Freeborn Co.; Jill Bathke, MCEA; Gary Botzek, MCF; Bruce Kleven, Ag Groups; Larry Kuseske, MAWD; Larry Gunderson, MPCA; Laura Nehl-Trueman, MnDOT; Chris Radatz, MFB; Dave Schad, DNR; Wayne Anderson, MPCA; Greg Knopff, Senate Analyst; Janelle Taylor, House Analyst; Doug Busseman, MFB; Adam Birr, MCGA; Rob Sip, MDA; John Jaschke, BWSR; Ron Harnack, RRWMB; John Kolb, Rinke-Noonan; Ray Bohn, MAWD; Ray Norrgard, TWS; Mark Dittrich, MDA; Lance Ness, FWLA; Rep. Rick Hansen; Al Kean, BWSR

Handouts prior to or during meeting:

1. DWG – Meeting Logistics and Agenda for 2-13-14
2. DWG – Meeting Notes for 1-9-14
3. DWG Section 103E.015 Update Discussion Paper, 2-7-14
4. HF-1700 (As Introduced 4-4-13)
5. DWG Meeting Notes for 6-13-13
6. Farm Bill Title II – Conservation – Conference Report, 01/31/2014 summary

Introductions and agenda overview

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

Approval of 1-9-14 Meeting Notes

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

Section 103E.015 Considerations Before Drainage Work is Done

- Al Kean provided extra copies of the updated DWG 103E.015 discussion paper dated 2-7-14 and reviewed the changes made since the 1-3-14 version. Those changes were based on DWG concerns, suggestions and discussion at the meeting on 1-9-14, discussions of the 103E.015 Subgroup at its meeting held on 2-3-14, and subsequent communications between Al and subgroup members to seek consensus of the subgroup for the 2-7-14 version.
- There was substantial discussion of the changes in the 2-7-14 version of the proposed Section 103E.015 revisions and the associated rationale for the draft language.
- A concern remained regarding the definition of “multipurpose water management”. Although proposed language for 103E.015, Subd. 1 includes indirect definitions of this phrase, it does not include a direct definition and such a definition does not exist elsewhere in statute. DWG members were reminded that in Minnesota statutes, per Minnesota statutes, headnotes are catchwords to indicate the contents of the section or subdivision, and are not part of the statute requirements. However, there were two uses of the phrase “multipurpose water management” within draft Subd. 1a. In order to avoid the potential need for a statutory definition of that phrase, it was agreed that Al Kean would work with Greg Knopff and Janelle Taylor to revise Subd. 1a language to remove that phrase without losing intent and email the revised version back to DWG

members for review and verification of consensus. It was also agreed that AI would put the recommended revisions of Section 103E.015 into a 2013 DWG consensus recommendations document with explanations of the recommended revisions, like he has done for previous sets of DWG consensus recommendations.

- There was consensus to remove the requirement in draft Subd. 1a for BWSR to respond within 30 days to a drainage authority request for additional information about potential external sources of funding or technical assistance for the purposes indicated in Section 103E.011, Subd. 5 or the alternative measures in draft Section 103E.015, Subd. 1, Clause 2.
- DWG members agreed to let AI know via email or phone if they did not agree with the final version of the consensus recommendations that reflect the above consensus changes.

HF-1700 Review and Discussion

- AI reminded DWG members that Rep. Hansen had introduced this bill during the 2013 legislative session. Extra copies were shared. The bill did not have House co-authors or a Senate companion bill at that time. The bill includes provisions regarding licensure for commercial and private ag drainage system installers, requires viewer and drainage inspector training, and prohibits county commissioners from serving as drainage inspectors.
- Rep. Hansen provided an overview of the purposes and structure of the bill, which uses as models the training and certification requirements in MN statutes for pesticide applicators and for commercial animal waste technicians and manure applicators. Rep. Hansen expressed public concerns about cumulative downstream impacts from ag tiling and assuring minimum competencies for tile installers, viewers and drainage inspectors.
- Much discussion, with many concerns and levels of concern expressed from different perspectives on the associated issues, including hydrology and water quality effects of tile drainage, effectiveness and costs of measures in the bill, and how best to address bad actors.

Next Meeting

- Agreed not to have a DWG meeting until after the 2014 legislative session.