

Drainage Work Group Meeting Notes September 13, 2007

Attendance

Craig Austinson, Blue Earth Co.; Ron Ringquist, MVA; Larry Gunderson, MPCA; Paul Burns, MDA; Ray Bohn, MAWD; Allan Kuseske, MADI, NFCRWD; Alan Perish, MVA, MFU; Dan Wilkens, MADI, RRWMB, SHRWD; Gerald Amiot, MACO; Warren Seykora, MAWD, WRWD; Henry VanOffelen, MCEA; Al Kean, BWSR

Handouts Prior to or During Meeting:

1. Drainage Work Group Meeting Logistics and Agenda for 9-13-07
2. Drainage Work Group Meeting Notes for 8-16-07
3. DWG Prioritized Discussion Topics for 2007 / 2008, 9-7-07
4. DWG – 103E.227 Discussion Paper 9-11-07
5. DWG – 103E.805 Discussion Paper 9-11-07

Introductions and Agenda Overview

All in attendance introduced themselves. Henry VanOffelen participated via speaker phone. Al Kean provided an overview of the meeting agenda and objectives, which included review of the prioritized list of DWG discussion topics and discussion of proposed clarifications of Section 103E.227 Impounding or diverting a drainage system, and Section 103E.805 Removal of property from or partial abandonment of a drainage system.

Approval of 8-16-07 Meeting Notes

Al handed out extra copies of the subject meeting notes and asked if there were any comments or corrections. None were indicated.

DWG Prioritized Discussion Topics for 2007 – 2008

Al indicated that 15 DWG members had provided prioritization input, which is reflected in the discussion topic list emailed to all DWG members and contacts on 9-10-07. This list will be used as a guide for the order and scope of DWG discussions. However, the list is always subject to revision by the DWG, as discussions develop. It was noted that while a number of the discussion topics involve policy issues, other topics are focused on sharing information and learning more about the topic, which may or may not lead to consensus recommendations. There was discussion of potential grouping of some related discussion topics, and/or coordination of timing of discussion. For example, topic 7) might best follow discussion of topic 3) and discussion topics 10) and 11) might be related enough to coordinate the discussion of these topics.

BWSR Discussions with FSA Regarding CRP Along Drainage Ditches

Al met with Greg Anderson, FSA, on 9-10-07 and began discussions to help clarify FSA policies regarding CRP along drainage ditches and enable more consistent policy application statewide, as recommended by the DWG in 2006. The general strategy agreed to by Greg and Al was to develop guidance that could be disseminated by the Minnesota State FSA office via a “Conservation Message”, which is a written communication protocol used by the state office to inform FSA county offices and staff statewide. Al will keep the DWG informed about this effort.

Discussion of Proposed Clarifications of Section 103E.227

The DWG discussion paper for this topic, dated 9-11-07, was used as the basis for discussion. Al explained that rerouting of a ditch or tile is sometimes needed for wetland restoration projects where there is not enough elevation to outlet a drainage system into a restored wetland, while maintaining drainage capacity for upstream properties on the system. Section 103E.227 currently does not address rerouting, while Section 103E.701 Repairs, Subd. 6 includes realignment of a drainage system to prevent drainage of a wetland, as well as restoration or enhancement of a wetland. DWG members were OK with the proposed clarifications of 103E.227 in Subdivisions 1 through 4.

Wetland restoration and runoff detention on drainage systems can provide significant flood control benefits downstream, as well as water quality improvements, and/or address a maintenance problem such as a tile blow out. Therefore, cost-sharing of drainage system rerouting can be an eligible use of repair funds. In this regard, it was suggested that clarification of Section 103E.227 should consider language similar to Section 103E.215 Improvement of a drainage system, Subd. 6 regarding separable repair. There was substantial discussion about addressing separable repair, with the conclusion that Al Kean will work with Ron Ringquist, Kurt Deter and others, as appropriate, to consider revising the proposed clarifications of Section 103E.227, Subd. 5 in this regard.

Discussion of Proposed Clarifications of Section 103E.805

The DWG discussion paper for this topic, dated 9-11-07, was used as the basis for discussion. The primary objectives of these clarifications relate to clarifying the two purposes and associated procedures contained in this section. Based on further discussions with Kurt Deter, Al Kean is recommending separating the two purposes into two sections of Chapter 103E - - Section 103E.805 for removal of property from a drainage system, and a new Section 103E.806 for partial abandonment of a drainage system.

In both sections, DWG members recommended also addressing joint county drainage systems in regard to filing of a petition.

In regard to removal of property from a drainage system, Section 103E.805 is set up as all or none in relation to diverting waters from the petitioners' property or lawfully constructing a dam. There was substantial discussion about the scope and accuracy of the current language in regard to a lawfully constructed dam. It was suggested that "isolated basin" might be better language, because this could include natural and constructed basins. It was also suggested that the criteria for removal of property from a drainage system might allow for very infrequent use of the system (i.e. during very infrequent, very wet hydrologic conditions).

It was also suggested that the first "and" in proposed Section 103E.806, Subd. 3 (b) be changed to "or". It was agreed that Al Kean will discuss further with Ron Ringquist and consult Kurt Deter about this suggestion.

Next Meeting

It was noted that the next meeting will be on the second Thursday of October, which is 10-11-07 (not 10-12-07, as indicated in the 9-13-07 meeting agenda). The meeting time will be 12:30 p.m. to 3:30 p.m. and the location will be the MN Farm Bureau building in Eagan.