

**Drainage Work Group**  
**Prioritized Discussion Topics List and Status**  
9-15-17, Al Kean, BWSR

<b>Topics with Potential for Consensus Recommendations</b>	<b>Priority</b>	<b>Status</b>
<ul style="list-style-type: none"> <li>▪ <b>Legislative directive, drainage system acquisition of buffer strips &amp; alt. practices</b>  - <i>Evaluate and recommendations to accelerate acquisition, and report by 2-1-18</i></li> </ul>	<b>H-1</b>	2017 leg. directive. BWSR law summary doc and proj. plan. BWSR hire proj. mgr.
<ul style="list-style-type: none"> <li>▪ <b>Clean Water Council Policy Committee request for review and recommendations regarding a draft policy about storage and alignment of drainage law and watershed planning objectives in 103B.801.</b>  - <i>Respond to letter request dated 11-18-16</i></li> </ul>	<b>H-2</b>	Began review July 2017. Draft DWG comments and recommendations in discussion.
<ul style="list-style-type: none"> <li>▪ <b>DNR policy for public waters permit law and permission in drainage law</b>  - <i>Work with DNR to help clarify policy guidance for public waters permitting (Sec. 103G.245), DNR permission (Sec. 101E.011), and DNR review of repairs affecting public waters (Sec. 103E.701), including HF-2687/SF-2419</i></li> </ul>	<b>H-3</b>	DWG Subgroup coordination with DNR continuing.
<ul style="list-style-type: none"> <li>▪ <b>Runoff and sediment delivery charge option (RSDCO) in drainage law for drainage system repairs only</b>  - <i>Further consider 103E revisions to enable drainage authorities, viewers and other technical assistance providers to further develop and use this method</i></li> </ul>	<b>H-4</b>	Prototype method developed and draft Chapter 103E revisions. Discussions in progress.
<ul style="list-style-type: none"> <li>▪ <b>DWG Communications Committee</b>  - <i>Define roles/functions and process</i></li> </ul>	<b>H-5</b>	Subgroup explored 2016. Adopted charter 9-14-17.
<ul style="list-style-type: none"> <li>▪ <b>Review Sec. 103E.315 Assessing Drainage Benefits and Damages</b>  - <i>Consider need for clarifications identified during past DWG discussions and during the update of the Minnesota Public Drainage Manual</i></li> </ul>	<b>H-6</b>	This topic separated from RSDCO topic and discussions begun.
<ul style="list-style-type: none"> <li>▪ <b>Review Sec. 103E.351 Redetermination of Benefits and Damages</b>  - <i>Consider need for clarification of landowner petition authority and drainage authority jurisdiction, in light of Bois de Sioux Watershed District administrative problems and DWG review of HF-2365/SF-2380, HF-203/SF-412</i></li> </ul>	<b>H-7</b>	Renewed priority based on prior review, potential effect on many drainage systems and recent bills.
<ul style="list-style-type: none"> <li>▪ <b>Drainage system assessments (or charges) to road authorities</b>  - <i>Investigate current status of methods and consistency used to determine benefits for roads, and potential alternatives</i>  - <i>Consider in runoff and sediment delivery charge option discussions</i></li> </ul>	<b>H</b>	DWG subgroup has discussed. Research of alts. being considered. Addressed in RSDCO.
<ul style="list-style-type: none"> <li>▪ <b>Transfer of drainage authority provision in Sec. 103D.625, Subd. 4 for establishment or improvement of a drainage system</b>  - <i>Consider how a watershed district can delegate drainage authority to a county or joint county drainage authority, if/where appropriate</i>  - <i>Construction of laterals – understanding where to file a petition if a county system is within a watershed district</i></li> </ul>	<b>H</b>	DWG Subgroup has discussed previously. Need to consider alternative(s) to statute revision.
<ul style="list-style-type: none"> <li>▪ <b>Recording or otherwise documenting Chapter 103E drainage system right-of-way easements and informing new property owners</b>  - <i>Evaluate current practice and consider need for guidance or law</i></li> </ul>	<b>M</b>	Limited discussion to date.
<ul style="list-style-type: none"> <li>▪ <b>Private crossings of public drainage ditches</b>  - <i>Responsibilities for installation, repair or improvement of inadequate crossings</i>  - <i>Alternative access considerations</i></li> </ul>	<b>M</b>	No detailed discussion to date.
<ul style="list-style-type: none"> <li>▪ <b>Separable maintenance in relation to tile drainage systems</b>  - <i>Evaluate need to better define reasonably &amp; consistently</i></li> </ul>	<b>L-M</b>	No detailed discussion to date.

<b>Information Topics</b>	<b>Priority</b>	<b>Status</b>
<ul style="list-style-type: none"> <li>▪ <b>Drainage records modernization (DRM)</b> <ul style="list-style-type: none"> <li>- Monitor use of drainage records GIS database template and DRM guidelines available through BWSR, and associated hydrographic database on MnGeo GeoCommons (products of LCCMR/ENRTF project)</li> <li>- Monitor LCCMR/ENRTF FY 2018 drainage records modernization cost-share to BWSR</li> </ul> </li> </ul>	<b>H</b>	DWG remains a DRM proponent. Receive periodic updates from BWSR, consultants and drainage authorities.
<ul style="list-style-type: none"> <li>▪ <b>Stay informed about MN Nutrient Reduction Strategy, CWF Water Quality Roadmap, MN Nitrogen Fertilizer Rule, and ongoing development of state nitrogen standards for surface waters</b></li> </ul>	<b>H</b>	Receive, share and discuss information periodically.
<ul style="list-style-type: none"> <li>▪ <b>Section 404 permits and associated policies involving drainage</b> <ul style="list-style-type: none"> <li>- Monitor EPA drainage repair exemption, and proposed WOTUS rule</li> <li>- Monitor St. Paul District USACE Nationwide &amp; Regional General Permits</li> </ul> </li> </ul>	<b>H</b>	Receive, share and discuss periodic updates, including from USACE, St. Paul.
<ul style="list-style-type: none"> <li>▪ <b>Impaired waters TMDL/WRAPS processes and 1 Watershed-1 Plan, in relation to drainage</b> <ul style="list-style-type: none"> <li>- Stay informed about associated development and implementation</li> </ul> </li> </ul>	<b>M-H</b>	Share info periodically. Haven't discussed in detail for some time.
<ul style="list-style-type: none"> <li>▪ <b>Tiered Aquatic Life Use (TALU) classification system</b> <ul style="list-style-type: none"> <li>- Stay informed about development and implementation</li> </ul> </li> </ul>	<b>M-H</b>	Have received periodic updates from MPCA.
<ul style="list-style-type: none"> <li>▪ <b>Drainage management practices for agriculture, flood damage reduction, water quality, and wildlife habitat</b> <ul style="list-style-type: none"> <li>- Emphasis on hydrology management and water quality practices</li> <li>- Stay informed about drainage management practice research, development and implementation, as well as cost-share programs</li> </ul> </li> </ul>	<b>M-H</b>	Continue to share current information periodically.
<ul style="list-style-type: none"> <li>▪ <b>LCCMR and LSOHC priorities and projects related to drainage</b> <ul style="list-style-type: none"> <li>- Stay informed about these and other potential sources of funding for multipurpose drainage management</li> </ul> </li> </ul>	<b>M</b>	Shared recent info about DRM LCCMR projects above
<ul style="list-style-type: none"> <li>▪ <b>Interactions of Drainage Law, Swampbuster, WCA and Section 404</b> <ul style="list-style-type: none"> <li>- Stay informed</li> </ul> </li> </ul>	<b>M</b>	Haven't discussed for some time.
<b>Key Reference Documents</b>		
Smith Partners LCCMR report – “Minnesota Drainage Law Analysis and Evaluation”, August 15, 2011		
“Minnesota Water Sustainability Framework”, January 2011		
BWSR/UMN LCCMR report – “Conservation-Based Approach for Assessing Public Drainage Benefits”, June 2014		
BTSAC Briefing Paper #2 – “Water Management Options for Subsurface Drainage”, April 9, 2012		
BTSAC Briefing Paper #3 – “Water Management Options for Surface Drainage”, September 15, 2014		
“Minnesota Public Drainage Manual”, October 2016		
“Runoff and Sediment-Based Charge Method”, December 2016, International Water Institute		