

Drainage Work Group Meeting Notes July 21, 2010

Attendance

Dave Leuthe, DNR; Ron Ringquist, MVA; Mark Dittrich, MDA; Tom Loveall, BWSR Board; John Thompson, Faribault Co., MACO; Chris Radatz, MFB; Greg Eggers, DNR; Warren Formo, MAWRC; Joel Peterson, BWSR; Terence Steinberg, Mother of Waters Project; LeAnn Buck, MASWCD; Louis Smith, Smith Partners; Ray Bohn, MAWD; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Wayne Anderson, MPCA; Greg Knopff, MN Senate Analyst; Rep. Rick Hansen, District 39A; Alan Perish, MFU, MVA; Annalee Garletz, AMC; Harlan Madsen, AMC; Loren Engelby, Kandiyohi County; Bruce Kleven, Ag Groups; Shawn Schottler, MN Science Museum; Al Kean, BWSR

Handouts or Links Prior to or During Meeting:

1. DWG – Meeting Agenda for 7-21-10
2. DWG – Meeting Notes for 1-21-10
3. 2010 Drainage Bill, HF162/SF364, 2010 Session Laws, Chapter 298
<https://www.revisor.mn.gov/laws/?id=298&doctype=Chapter&year=2010&type=0>
4. Study of Riparian Buffer Areas, February 2010
http://www.bwsr.state.mn.us/drainage/Study_of_Riparian_Buffer_Areas-2010.pdf
5. Minnesota Drainage Law Analysis and Evaluation, 2009 LCCMR Project (Louis Smith)
<http://www.lccmr.leg.mn/RequestforProposals/2009/WP-June-2009/2009-5f-proposal.pdf>
6. Intensified Tile Drainage Evaluation, 2009 LCCMR Project (Shawn Schottler)
<http://www.lccmr.leg.mn/RequestforProposals/2009/WP-June-2009/2009-5d-proposal.pdf>
7. Update 20-year-old Minnesota Public Drainage Manual, 2011-2012 LCCMR Proposal (Al Kean)
http://www.lccmr.leg.mn/RequestforProposals/2011-2012/proposals_may/088-C3-4.pdf
8. Drainage Records Modernization and Shared GIS Database, 2011-2012 LCCMR Proposal (Al Kean)
http://www.lccmr.leg.mn/RequestforProposals/2011-2012/proposals_may/017-A2.pdf
9. Conservation-Based Approach for Assessing Public Drainage Benefits, 2011-2012 LCCMR Proposal (Joel Peterson)
http://www.lccmr.leg.mn/RequestforProposals/2011-2012/proposals_may/032-B.pdf

Introductions and Agenda Overview

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

Approval of 1-21-10 Meeting Notes

Extra copies of the subject meeting notes were distributed. Comments or corrections were requested. None were offered - - approved as written.

Legislature and Governor approval of HF162 / SF364, 2010 Session Laws, Chapter 298

Al Kean provided an overview of the issues during the legislative process, which included:

- Sen. Frederickson 2009 amendment to add notice via a website to Sections 103E.805 and 103E.806, for which he agreed to change the “and” to “or” at the request of AMC. The Minnesota Newspaper Association opposed because this could avoid newspaper ads, but did not continue the fight, presumably because it was pointed out that several forms of notice are used in Chapter 103E, not always requiring notice via newspaper.
- Rep. Dettmer amendment to add a requirement in Section 103E.227 to require a petition to a joint county drainage authority to be copied to the auditor of all counties in the joint authority, and a requirement for the county auditor or watershed district secretary to make a copy of the petition available to the public. This amendment was ultimately adopted during the passage of these bills.

As a result of the passage of SF364, the 2008-2009 DWG consensus recommendations, with the above legislative tweaks, will become law on August 1, 2010.

Study of Riparian Buffer Areas, February 2010

In response to a legislative directive in 2009, BWSR prepared this report in collaboration with an advisory committee involving DWG members and a few other relevant topic experts and provided it to the tax committee chairs and ranking minority members. The report was based on limited available GIS data layers and related studies, and literature searches. The legislature did not schedule hearings on the study during the 2010 session. The genesis of the study was legislative discussions about varying property tax situations and potential incentives for riparian buffers.

FY 2010-2011 cuts of BWSR budget involving drainage

Al Kean briefly reviewed BWSR budget cuts for the current biennium that reduced the appropriations for BWSR drainage related work and grants. BWSR general funding for drainage work remains adequate to support the conservation drainage engineer position held by Joel Peterson and for Al's work with the Drainage Work Group. Drainage records modernization cost-share for FY 2010 was cut completely (\$100,000), but \$100,000 for FY 2011 was not cut. This cost-share was provided by BWSR to drainage authorities that were partially funded in 2009 and to Wright County, which had the next highest ranked application in 2009.

Update regarding Smith Partners LCCMR Project: "MN Drainage Law Analysis and Evaluation"

Louis Smith provided an update about the draft evaluation to date, which includes a legal history overview of drainage law and related water law, a critical issues overview and the beginnings of demonstration scenarios. The advisory committee for the project, which involves a number of DWG members, met in the morning before the DWG meeting to discuss the draft to date and to provide advice regarding scenarios.

Update regarding Science Museum of MN LCCMR Project: "Intensified Tile Drainage Evaluation"

Shawn Schotler provided an update regarding the data collection and analyses to date for 22 subwatersheds with little or substantial tile drainage. Key data includes rainfall, runoff ratio, soils, cropping trends and connectivity of runoff. Evaluations to date are preliminary. Shawn provided some preliminary results and plans to present more results at the UMN Water Resource Conference in October.

BWSR 2011-2012 LCCMR proposals involving drainage

Joel Peterson and Al Kean provided an overview of applications submitted. One to update the MN Public Drainage Manual, one to develop a shared GIS database and provide additional cost-share for drainage records modernization, and one to evaluate developing technical aspects of a conservation(runoff)-based approach for assessing public drainage system benefits. The first two were not recommended for funding by LCCMR, but the third proposal was recommended. BWSR will continue to pursue that proposal. There was some discussion about the need for economic benefits determination to consider the costs vs. benefits of projects.

Review DWG discussion topics and priorities for future meetings

This agenda item was tabled to the next meeting due to limited meeting time remaining.

Next Meeting

It was agreed to meet next on Thursday, September 9, 2010. Because the room at MN Farm Bureau is not available that day, Annalee Garletz agreed to check on the availability of the board room at AMC. Agenda topics to include updating DWG prioritized list of discussion topics and further discussion of Section 103E.015, Considerations before drainage work is done.