

Drainage Work Group Meeting Notes November 12, 2015

12:30 – 3:30 p.m.

Minnesota Farm Bureau Building, Eagan, MN

Attendance

Tom Loveall, BWSR Brd.; Randy Kramer, AMC; Craig Austinson, Blue Earth Co.; Kurt Deter, Rinke-Noonan; Mark Morreim, MNLICA; Dan Larson, MRCC; Ron Harnack, RRWMB; Doug Busselman, MFB; Greg Knopff, Senate Analyst; Scott Strand, MCEA; Michelle Ulrich, CCWD; Steve Colvin, DNR; Mark Dittrich, MDA; Wayne Anderson, MPCA; Thom Peterson, MFU; Laura Nehl-Trueman, MnDOT; Joe Birkholz, SRRWD; Larry Kuseske, MAWD; John Thompson, Faribault Co.; Mark Ten Eyck, MCEA; Les Everett, UMN; Ray Bohn, MAWD; Harlan Madsen, AMC; Ron Ringquist, MVA; John Kolb, Rinke Noonan; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Ray Norrgard, TWS; Alan Perish, MFU, MVA; Dave Leuthe, DNR; Rep. Rick Hansen, Dist. 52A; Tim Gillette, BWSR; Al Kean, BWSR

Handouts prior to or during the meeting

- 1) Meeting logistics and agenda for 11-12-15
- 2) Meeting notes for 10-8-15
- 3) Information about some drainage related events Nov. - Dec. 2015
- 4) DNR Buffer Protection Mapping Project – BWSR Staff Update 11-6-15
- 5) Buffer Law – BWSR Non-Implementation Policy Draft 10-30-15
- 6) Runoff-Based Drainage Assessments Application – Scope of Work Draft 10-29-15
- 7) DWG – Runoff-Based Drainage Assessments Discussion Paper – Draft 11-9-15
- 8) DNR Buffer Protection Mapping Project Timeline and process diagram

Introductions and agenda overview

All in attendance introduced themselves. Al Kean provided extra copies and an overview of the agenda. No additions to the agenda were offered.

Approval of 10-8-15 meeting notes

Extra copies of the meeting notes were distributed and corrections or additions invited. No corrections or additions were identified.

Share information about recent and upcoming drainage related events

Handout 3) was briefly reviewed and discussed, including information and/or agendas for:

- *International Annual Meeting of the American Society of Agronomy, Crop Science Society of America, Soil Science Society of America and Entomological Society of America*, Nov. 15-18, 2015, Minneapolis Convention Center
- *2015 MN-IA Drainage Research Forum*, Monday, Nov. 23, Cabela's, Owatonna, MN
- *MAWD Drainage Workshop*, Thursday, Dec. 3, 2015 in conjunction with the MAWD Annual Meeting, Arrowwood Conference Center, Alexandria, MN

Buffer Law: BWSR draft policy regarding Failure to Implement

Dave Weirens, BWSR Assistant Director, provided an overview of handout 5), which is BWSR draft policy to help clarify LGU authorities and implementation of the provision in Section 103F.48, Subd. 8. Funding subject to withholding. Discussion included:

- Concerns about time and costs for implementation. SWCDs to receive some funding that can be used for implementation, but counties and WDs did not receive associated funding.
- Discontent about the how the buffer law was developed and passed with limited input.

- Concerns/questions if a county or WD disagrees with SWCD recommendations for the local water plan - - appeal process. It was noted that the local water planning process applies. Question about BWSR enforcement of failure to implement policy. Recognition of LGU “may” in laws.
- Question about who and how to use APO authorities by county, WD or BWSR.
- Some concern about last statement regarding BWSR may revisit policy prior to 11-1-17.

Buffer Law: DNR Process for developing Buffer Protection Maps

Dave Leuthe, DNR Project Manager, provided an overview of the 4-phase process that DNR has developed to fulfill this Buffer Law requirement, including coordination with drainage authorities and other LGUs. Phase I will start with maps that will be available on the DNR website showing existing public waters inventory and DNR-assigned shoreland classifications. Phase II will seek and digitize alignments for public drainage ditches and ditches within benefited areas. Phase III will integrate into preliminary buffer protection maps and seek review to revise as necessary. Phase IV is final buffer protection maps. Questions and discussion included:

- Concerns about maintaining current PWI maps. Recognition that those may have discrepancies.
- Will LiDAR and aerial photos be used? LiDAR/DEMs likely to be used. Aerials likely for review.
- Concerns about time and costs for collecting Chapter 103E drainage system alignment and benefited area data. Recognition of highly variable data held by drainage authorities.
- Concerns about LGU and landowner opportunities for review of draft buffer protection maps.
- Discussion about shoreland ordinances, past local and DNR positions, and AGO opinion about applicability to prior nonconforming land uses.
- Question about shoreland classification of 103E ditches as determinant and interpretation of “most restrictive” language in Buffer Law.

Runoff-Based Option for Drainage System Assessments

Time for discussion was limited, due to longer than planned discussions of prior agenda items. Al K. overviewed a DWG discussion paper he drafted to consolidate information and DWG discussions to date about this topic. He also overviewed a draft project description and scope of work he prepared for use in developing a BWSR grant with the Red River Watershed Management Board to help investigate and develop a runoff-based drainage assessments GIS application prototype. Discussion points included:

- Concern about background information pointing to increased agricultural drainage, but not increased urban drainage in some places.
- Recognition that a number of drainage authorities are pursuing systematic redetermination of benefits.
- It was pointed out that we shouldn’t assume use of a runoff-based method will save time and costs. Need to look at cost comparisons of existing viewing and runoff-based method.
- The grant project with the RRWMB will include a project advisory committee. Preliminary DWG members or entity volunteers included:

○ Rob Sip or Mark Dittrich, MDA	○ Kurt Deter or John Kolb, Rinke-Noonan
○ Dan Wilkens, MAWD	○ Harlan Madsen, or ?, AMC
○ Mark Ten Eyck or technical staff, MCEA	○ Ron Rinquist, MVA
○ Laura Nehl-Trueman or tech. staff, MnDOT	○ To be determined, DNR
○ Tom Loveall, BWSR Brd.	○ To be determined, MPCA
	○ Al Kean, BWSR

Next Meeting

Thursday, December 10, 2015, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building in Eagan, MN.