

## **Drainage Work Group Meeting Notes September 9, 2010**

### **Attendance**

Allan Kuseske, MADI; Craig Austinson, Blue Earth Co.; Larry Kuseske, MAWD; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Alan Perish, MFU, MVA; Chris Radatz, MFB; Ray Bohn, MAWD; Kurt Deter, Rinke-Noonan; Greg Knopff, Senate Staff; Jerry Amiot, MACO; Loren Engelby, Kandiyohi Co.; Harlan Madsen, Kandiyohi Co., AMC; John Thompson, Faribault Co., MACO; Gary Botzek, MCF; Larry Gunderson, MPCA; Henry VanOffelen, MCEA; Wayne Anderson, MPCA; Mark Dittrich, MDA; John Jaschke, BWSR; Ron Ringquist, MVA; Dave Leuthe, DNR; Greg Eggers, DNR; Shannon Fisher, MSU-M, MN R. Brd.; Rep. Rick Hansen, District 39A; LeAnn Buck, MASWCD; Bill Becker, LSOHC; Al Kean, BWSR

### **Handouts or Links Prior to or During Meeting:**

1. DWG – Meeting Agenda for 9-9-10.doc
2. DWG – Meeting Notes for 7-21-10.doc
3. DWG – Section 103E015 Background Summary 11-5-09.doc
4. MPDM Cover & Pages 3.1-3.6 & Appendix 3A.pdf
5. DWG – Meeting Notes 12-10-09.doc
6. DWG – Discussion Topics List 12-23-08.doc

### **Introductions and Agenda Overview**

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

### **Approval of 7-21-10 Meeting Notes**

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

### **Update regarding Smith Partners LCCMR Project: “MN Drainage Law Analysis and Evaluation”**

The project advisory committee, which includes a number of DWG members met on 9-9-10 before the DWG meeting. Al Kean provided a brief summary of the discussions which focused on 3 scenarios that Louis Smith and Chuck Holtman are developing for the project as a basis for evaluating Minnesota drainage law. The three scenarios will include a drainage ditch improvement in the Red River Basin, a drainage ditch and/or tile improvement in southern Minnesota, and a ditch repair or improvement in an urban area that also involves wetlands and associated laws. Louis and Chuck intend to continue to meet with the advisory committee the morning before the next two DWG meetings, as the project progresses.

### **Redetermination of benefits survey in the Minnesota River Basin**

Shannon Fisher, Executive Director, Minnesota River Board (MRB), provided a summary presentation of this recent survey, including purpose, methods and findings. He indicated that some MRB members are interested in promoting systematic redetermination of benefits (ROBs) by drainage authorities. The survey found that 19 counties have done ROBs in the last 5 years and 15 counties have not. Counties where drainage substantially increases land values have done the most. Five counties are proceeding to redetermine all drainage systems in their jurisdiction and at least one of these is nearing completion (Freeborn). Drainage authorities indicated that 75% of ROBs were completed with primarily positive support from landowners and 25% involved significant negative reactions. Impediments identified by the survey included cost, time, perspectives on need, concerns about constituent perspectives, and buffer requirements that take additional land out of production. Insights included: better knowledge of process is needed for consistency; ROBs often better received if drainage authority orders rather by petition; value of increased/improved communication between drainage authority, landowners and viewers; benefit of promoting conservation program riparian buffers (e.g. CCRP) before 103E ditch buffers are required (re: eligibility and incentive). Following are additional DWG discussion points.

- Another limiting factor is availability of viewers.
- Can there be incremental redetermination of benefits for land put into a conservation program? Might this be possible via a runoff based, stormwater utility method for determination and assessment of benefits? BWSR has an LCCMR project in the funding process to investigate the technical feasibility of a runoff based drainage system assessment method.
- Can new terminology and methodology be developed for a midpoint between establishment, improvement or repair (drainage only) and multipurpose design with conservation benefits?

It was requested that Al Kean obtain a copy of Shannon's presentation and post it on the BWSR website under the Drainage Work Group heading.

### **Section 103E.015 Considerations before drainage work is done**

Al Kean briefly overviewed the 11-5-09 Background Information Document for this section of drainage law, the summary of associated topics and issues identified by the DWG and documented in the 12-10-09 DWG meeting notes, and the Minnesota Public Drainage Manual (MPDM) Chapter 3 excerpts that discuss Section 103E.015 environmental review. Following are points identified in the DWG discussion and related review of the MPDM.

- Section 103E.015 currently doesn't apply to repairs. Some major repairs can have substantial environmental concerns.
- A goal discussed was multipurpose drainage management (aka conservation drainage).
- There is reason for drainage proponents to be proactive to maintain a voluntary approach for nonpoint pollution control.
- How can conservation and water quality programs better help to develop and fund multipurpose projects? Developing multipurpose projects with multiple partners and funding sources is much more complex, with less predictability of timelines and outcomes than drainage only projects.
- Note that the MPDM (1991) indicated that a flaw in the drainage project process is the timing of environmental input and review.
- Should there be more expectations of environmental analysis in preliminary engineer's reports? Concern was expressed about requiring greater detail and scope that increases expertise needed and the associated time and cost. The primary technical advisors for drainage authorities are engineers. How can information, education and incentives be better utilized to enable multipurpose drainage management?

A request was made for examples of environmental review in engineer's reports. Al will identify examples and provide to the DWG.

### **Review DWG discussion topics and priorities for future meetings**

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

### **Next Meeting**

It was agreed to meet next on Thursday, October 14, 2010, 12:30 – 3:30 p.m. The advisory committee for the Smith Partners LCCMR project will plan to meet again in the morning before the DWG meeting.