

Drainage Work Group Meeting Notes June 23, 2008

Attendance

Leonard Binstock, ADMC; Kurt Deter, Rinke-Noonan; Greg Eggers, DNR; Gerald Amiot, MACO; Ron Harnack, RRWMB; Ron Ringquist, MVA; Craig Austinson, Blue Earth Co.; Ray Bohn, MAWD; Annalee Garletz, AMC; Dennis Distad, Freeborn Co.; Gary Botzek, MCF; Rick Moore, MSU-M, WRC; Thom Peterson, MFU; Jeremy Geske, MFB; Bill Thompson, MPCA; David Holmbeck, DNR; Jonathan Bohn, MAWD; Alan Perish, MVA, MFU; Allan Kuseske, MADI, NFCRWD; Dan Wilkens, SHRWD, RRWMB, MADI; Joel Peterson, BWSR; Al Kean, BWSR

Handouts Prior to or During Meeting:

1. Drainage Work Group Meeting Logistics and Agenda for 6-23-08
2. Drainage Work Group Meeting Notes for 1-28-08
3. Discussion Paper and current DWG recommendations, Section 103E.805, 6-13-08
4. Summary and Outcomes of 2008 Legislative Bills Involving Chapter 103E, 6-13-08
5. Addendum to handout 4., 6-20-08

Introductions and Agenda Overview

All in attendance introduced themselves. Leonard Binstock, ADMC, was welcomed as a new member and he provided a bit of background about the Agricultural Drainage Management Coalition, which is a multi-state, multi-organization coalition. Al Kean provided an overview of the meeting agenda and objectives and introduced Joel Peterson, new BWSR Drainage Management Engineer. Joel will lead the new interagency Drainage Management Team, which is getting started in response to the recommendation of the DWG and associated legislative funding through BWSR.

Approval of 1-28-08 Meeting Notes

Al distributed extra copies of the subject meeting notes and asked if there were any comments or corrections. No comments or corrections were offered.

Review and Discussion of 2008 Legislative Bills Involving Chapter 103E

HF3312 / SF3274 – These bills proposed raising a repair fund limit in Section 103E.735 from \$40,000 to \$100,000. The bill did not pass into law. The \$40,000 limit is circa 1980. The equivalent inflation adjusted number is about \$105,000 in 2008. Because the current repair fund limit is the larger of \$40,000 or 20% of the assessed benefits of the drainage system, there is some associated incentive to do redeterminations of benefits, which trips the requirement for grass buffer strips. The DWG decided that it would add this as a topic for further discussion and consensus recommendation. It was suggested that an inflation provision be considered.

SF3622 / HF3646 – These bills proposed and were passed to raise dollar limits on drainage system repair work that can be done without advertising for bids. This and other limits of the Uniform Municipal Contracting Law were raised in M.S. Section 471.345, and Section 103E.705 revised to refer to these limits. The provisions passed are included in Sections 1-8 of Chapter 207, 2008 Regular Session.

HF4223 / SF3857 – These bills proposed and were passed to create an alternative, more streamlined procedure (than Section 103E.812 Transfer of all or part of a drainage system) for Hennepin County to transfer its 17 remaining county administered Chapter 103E drainage systems to other local units of government. The provisions passed are included in Section 3 of Chapter 331, 2008 Regular Session.

HF3541 / SF3298 – These bills proposed to revise the Section 103E.525 requirements for road authorities to replace and maintain culverts and bridges on Chapter 103E drainage systems. The Minnesota Association of Townships was a proponent of these bills, although it was noted that there was not

unanimous member support for seeking this legislation. These bills were withdrawn, pending further research of the situation that instigated the bills and proposed DWG discussion about the current procedures and potential need for clarification or revision. It was noted that the Minnesota Viewers Association was involved in clarifying this issue and developing guidelines for viewers (in the early 1990s?), including coordination with MnDOT and MAT. The DWG agreed to add this to its list of discussion topics to clarify the current procedures / guidelines and determine the need for a consensus recommendation to address.

Status of Drainage Related Topics of the Red River Basin Water Quality Team

Based on information in recent RRB WQ Team meeting agendas and associated documents, some concern has been expressed about potential efforts to pursue changes in regulation of drainage. Al Kean had spoken with Molly McGregor, MPCA Red River Basin Coordinator, about the Red Lake Watershed District's Farm to Stream Tile Drainage Study and proposed civic science initiatives by the RRB WQ Team. It was suggested that the Drainage Mgmt. Team stay in touch with efforts in the Red River Basin and inform the DWG, as appropriate.

Traverse County Tiling Moratorium

Al Kean and others provided some background information about the issues regarding tile outletting into road ditches and onto neighbor's land that reportedly led to the moratorium, which is scheduled to last until August 1, 2008. The requirements for permitting by the watershed district and/or county are being discussed, including a potential need for an engineer's report and documented coordination with adjacent landowners. Al and others will plan to follow up on this topic and report to the DWG.

Drainage Records Modernization Guidelines and State Cost-Share

Rick Moore, MSU-Mankato, provided an update regarding development of the subject guidelines. The current draft is attempting to define levels of drainage records modernization. Discussion included questions and suggestions regarding consistency of drainage records modernization, which the guidelines will help to enable, but not require. A question was asked about the potential need to update the drainage records requirements of Section 103E.101. The need for electronic data to include metadata was also discussed. The potential need for outreach to promote the guidelines was also mentioned. Also discussed were ways to potentially hire or share experts for drainage records modernization (public or private). Al Kean indicated that BWSR is developing application criteria and procedures for drainage records modernization cost-share through Local Water Management Challenge Grants. The 2007 Legislature appropriated \$500,000 for this purpose for FY 2009, in response to the associated DWG consensus recommendation. This funding is available until expended. A fall 2009 application period is planned.

Agricultural Watershed Restoration Projects

Al Kean and Joel Peterson indicated that six representative subwatersheds and local sponsors have been selected, which was Phase 1. Phase 2 will identify contractors to conduct modeling, analysis and associated reporting about different potential practices to restore hydrologic function and improve water quality. A Phase 2 RFP is being developed that will be coordinated with the project Technical Advisory Committee and local sponsors.

Clarifications of Section 103E.805

This topic was tabled to the next DWG meeting.

Next Meeting

It was decided that the next DWG meeting will be held on Thursday, August 14, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau and that second Thursdays of the month in the afternoon would be the regular meeting date and time through the fall of 2008.