

Drainage Work Group Meeting Notes

November 15, 2012

12:30 – 3:30 p.m.

Minnesota Farm Bureau Building, Eagan, MN

Attendance

Ron Ringquist, MVA; Tom Loveall, BWSR Brd.; Craig Austinson, Blue Earth Co.; John Thompson, Faribault Co., MACO; Janelle Taylor, House Staff; Greg Knopff, Senate Analyst; Larry Kuseske, MAWD; Mark Dittrich, MDA; Larry Gunderson, MPCA; Bruce Kleven, Ag Groups; Rob Sip, MDA; Ron Harnack, RRWMB; Dan Wilkens, RRWMB; Chris Radatz, MFB; Al Kean, BWSR

Handouts prior to or during meeting:

1. DWG – Meeting Logistics and Agenda for 11-15-12
2. DWG – Meeting Notes for 10-11-12
3. DWG – Draft Statute Revisions for SP Rec 4a 11-12-12.doc
4. DWG – Draft Statute Revisions for SP Rec 4b 11-12-12.doc
5. IA-MN-SD Drainage Research Forum, Nov. 20, 2012, brochure
6. 30th Annual Red River Basin Land & Water International Summit Conference, Jan. 22-24, 2013, draft brochure

Introductions and agenda overview

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

Approval of 10-11-12 Meeting Notes

Extra copies of the meeting notes were distributed. Corrections or additions were requested. None were indicated.

Share information about upcoming drainage presentations and workshops.

The UMN Water Resources Conference, Oct. 16-17, includes a track on Wednesday, Oct. 17 titled “Water Resource Management in the Red River Valley and Beyond”. Al Kean will give a presentation that will include information about the Red River Basin Technical and Scientific Advisory Committee (BTSAC) briefing papers regarding the effects of subsurface drainage on flood peaks and potential management options, as well as the current federal and state program initiatives for drainage water management. At the BWSR Academy, Oct. 29-31 at Cragun’s, Al will also present regarding “Conservation Drainage – Emerging Issues and Recent Developments”. The MAWD Annual Drainage Workshop, Nov. 29 at Arrowwood near Alexandria, MN will involve presentations about a variety of drainage topics, including a panel discussion regarding the shortage of lead viewers for Chapter 103E drainage system redetermination of benefits and damages. The MAWD Drainage Workshop brochure was handed out at the 10-11-12 DWG meeting and is available on the MAWD website. The annual IA-MN-SD Drainage Research Forum, Nov. 20, 2012 will be held at FarmAmerica Center near Waseca. The agenda includes a variety of topics, including cover crops, climate variability, Iowa and Minnesota nutrient reduction strategies and the status of the developing MN Ag Water Quality Certification Program. The 30th Annual Red River Basin Land and Water Conference will be held on Jan. 22-24, 2013 at the Alerus Center in Grand Forks, ND. The draft agenda includes a drainage workshop with several presentations that are being organized.

Further discussion of draft statute revisions for Smith Partners Report Recommendation 4.a. and DWG recommendation regarding transfer of drainage system records

It was recommended and agreed to add “and secretary” after “auditor” in Section 103E.101, Subd. 3 and Subd. 4, to update and clarify these subdivisions to recognize watershed districts as drainage authorities. For DWG recommended new “Subd. 4.a. Authority to reestablish drainage system records”, it was discussed whether drainage authorities should be required to reestablish drainage system records when the drainage authority finds that records are lost, destroyed or otherwise incomplete (i.e. “shall” vs. “may”). Drainage authority representatives and other DWG members agreed that if there is a need for reestablished records due to a repair petition or other drainage system proceeding, with Subd. 4.a. in place drainage authorities would be anticipated to use it. It was agreed that “may” is an appropriate action term

In existing “Subd. 5. Filing and storage facilities”, it was agreed to add reference to watershed districts as drainage authorities. The draft text provided by AI was accepted.

For DWG recommended new “Subd. 5.a. Transfer of drainage system records”, after substantial discussion of the draft text provided by AI, it was agreed to separate the one long sentence into two sentences as (a) and (b), add “as provided in paragraph (b)” to the end of paragraph (a), eliminate “, subd. 1 or subd. 4” in paragraph (a), and revise “certified” to “authenticated” and “adequate” to “necessary” in paragraph (b).

Discussion of draft statute revisions for Smith Partners Report Recommendation 4.b.

Consensus to adopt Smith Partners recommended text addition to 103E.227, Subd. 1. Petition. (a) regarding incorporating wetland or water quality enhancing elements as authorized in Section 103E.011, Subd. 5. Verified that DWG had agreed not to adopt Smith Partners recommended text addition to 103E.227, Subd. 3, due to subjective terminology that was not believed to be necessary and likely would not be interpreted consistently.

Regarding DWG recommended revisions to 103E.701 Repairs, Subd. 1. Definition, consensus was verified to replace “condition” with “hydraulic capacity” and “waste” with “spoil”. The first of these changes would enable a multi-stage ditch cross-section and the second would make this section consistent with language in Section 103E.021 Ditches must be planted with perennial vegetation.

There was consensus support for DWG recommendations regarding Section 103E.715 Procedure for repair by petition, Subd. 6. to enable a multi-stage ditch cross section and replacing “waste” with “spoil”. However, it was noted that the criteria in Subd. 6. (a)(3) does not seem to fit with regard to a drainage authority being required to appoint viewers to assess and report on damages and benefits. After much discussion about possible legislative intent, it was determined that Subd. 6. (a)(3) should probably be deleted, and it was requested that Greg Knopff, Senate Analyst, research the legislative history of 103E.715, Subd. 6 to help determine the evolution of this subdivision and legislative intent.

Define DWG priorities for addressing statute revisions for remaining Smith Partners recommendations.

Due to inadequate time and the DWG request for draft statute language to address records transfer for transferred drainage systems, this task was again tabled to a future meeting.

Next Meeting

Thursday, December 13, 2012, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building.