

Drainage Work Group Meeting Notes

December 13, 2012

12:30 – 3:30 p.m.

Minnesota Farm Bureau Building, Eagan, MN

Attendance

Tom Loveall, BWSR Brd.; Ron Ringquist, MVA; Greg Knopff, Senate Analyst; Kurt Deter, Rinke-Noonan; Jerome Deal, MAWD; Laura Nehl-Trueman, MnDOT; Michelle Ulrich, Coon Creek WD; Larry Gunderson, MPCA; Larry Kuseske, MAWD; John Thompson, Faribault Co., MACO; Annalee Garletz, AMC; Mark Dittrich, MDA; Ben Cox, USACE; Tim Smith, USACE; Les Everett, UMN WRC; Greg Eggers, DNR; Ron Harnack, RRWMB; Janelle Taylor, House Staff; Ray Bohn, MAWD; Wayne Anderson, MPCA; Tim Gillette, BWSR; Al Kean, BWSR

Handouts prior to or during meeting:

1. DWG – Meeting Logistics and Agenda for 12-13-12
2. DWG – Meeting Notes for 11-15-12
3. Legislative History of Section 103E.715, Subdivision 6 11-21-12
4. DWG – Draft Statute Revisions for SP Rec 4a 12-9-12.doc
5. DWG – Draft Statute Revisions for SP Rec 4b 12-12-12.doc
6. DWG – 2012 Consensus Recommendations Draft 12-12-12.doc
7. Update on the Proposed RGP-002-MN for Agricultural Activities in Minnesota 12-13-12

Introductions and agenda overview

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

Approval of 11-15-12 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.

Al attended an AMC Natural Resources Policy Committee meeting, Nov. 16, Waite Park, MN. He provided an update regarding DWG consensus recommendations, information about Smith Partners LCCMR Report recommendations 1 and 2 that include recommendations for new ad valorem levy and utility charge authorities to plan and implement multipurpose water management practices, and discussed the shortage of lead viewers for which the MN River Board is pursuing solutions. Several DWG members attended the MN-IA-SD Annual Drainage Research Forum, Nov. 20 at FarmAmerica near Waseca, MN. The agenda and attendance were good. A number of DWG members also attended the MAWD Annual Drainage Workshop, Nov. 29, Arrowwood near Alexandria. The agenda and attendance were also good there. On Jan. 22-24, 2013 the Annual Red River Basin Land & Water Int'l Summit Conference will be held in Grand Forks, ND. The agenda will include various drainage and drainage water management presentations the first morning. A MN Environmental Congress is scheduled for March 2013.

Final discussion of revised draft statute revisions for Smith Partners Report Recommendation 4.a. and regarding transfer of drainage system records when drainage authority is transferred

It was agreed to clarify the definition of "board" to include joint county boards and watershed district boards. It was also agreed to update the definition of "commissioner" to reflect the name change of the DNR Division of Waters to the Division of Ecological and Water Resources, and to revise other references

to the Division of Waters in Chapter 103E to correspond. It was agreed to add a note to the revisor of statutes of the intention to update all of Chapter 103E to correspond to the recommended revisions of definitions. Also agreed to recommend eliminating the reference to bound sheets in Section 103E.101, Subd. 2 and Subd. 3.

Final discussion of draft statute revisions for Smith Partners Report Recommendation 4.b. and regarding authority for a multi-stage ditch cross-section for a repair

In Section 103E.715, Subd. 6, it was agreed to replace the word “adopting” with “incorporating” in two places and to add “incorporating” after “resloping,” in paragraph (a)(1). The Legislative History of Section 103E.715, Subd. 6 prepared by Greg Knopff (dated 11-21-12) was reviewed and discussed. It was noted that paragraph (a)(3) was added when “installing erosion control measures” was added to this subdivision in 1987. It was agreed that paragraph (a)(3) should be recommended to be eliminated (strikethrough), because it is not a test regarding the need to appoint viewers as are (a)(1) and (a)(2) and is not needed. The word “and” between (a)(2) and (a)(3) is also problematic and should be recommended to be eliminated. It was noted that “or tree removal” should be underlined as added language in paragraph (a)(2). This language was added due to potential direct benefits of tree removal that increases tillable land, such as on spoil that is leveled.

Update regarding Corps of Engineer proposed Regional General Permit No. 2

Tim Smith, Corps of Engineers, supported by Ben Cox, Corps of Engineers provided an update regarding the types of comments the Corps received during the extended comment period in the summer of 2012 on the draft permit (12 comment letters). Some common themes of comments included: clarification of Clean Water Act jurisdiction; the definition of farmed wetlands; reduction of overlap with NRCS (Swampbuster) and state/BWSR (WCA); and clarification of compensatory mitigation. The Corps is working on a number of changes to RGP-002-MN to address these comments. A revised version of the permit is anticipated in the coming weeks / months. The permit will then be re-noticed. It was agreed to invite Tim Smith back to the DWG when the permit revisions are complete.

Updates regarding Executive Order 12-04 Supporting and Strengthening Implementation of the State’s Wetland Policy and Executive Order 11-32 Directing the Work of the Environmental Quality Board

Time was running short for this agenda topic. Al K. provided a brief overview. The final draft report for EO 12-04 was published by BWSR on 12-12-12. The report includes brief discussion of agricultural drainage under the title “Other Issues – Agricultural Drainage”, some of which are being addressed via NRCS and BWSR drainage water management cost-share and one that is addressed in the Smith Partners LCCMR Report and associated DWG discussions.

Next Meeting

It was agreed for the DWG to meet once during the legislative session on a Friday, when legislative committees typically don’t meet. Al will explore for a date via a Doodle Poll.