

Drainage Work Group Meeting Notes

September 20, 2012

12:30 – 3:30 p.m.

Minnesota Farm Bureau Building, Eagan, MN

Attendance

John Thompson, Faribault Co., MACO; Tom Loveall, BWSR Brd.; Craig Austinson, Blue Earth Co.; Larry Kuseske, MAWD; Greg Knopff, Senate Analyst; Rob Sip, MDA; Wayne Anderson, MPCA; Greg Eggers, DNR; Ron Harnack, RRWMB; Les Everett, UMN; Michelle Ulrich, Coon Cr. WD; Mark Dittrich, MDA; Annalee Garletz, AMC; Greg Genz, UMWA; Rylee Main, LPLA; Dave Leuthe, DNR; Tim Gillette, BWSR; Al Kean, BWSR

Handouts prior to or during meeting:

1. DWG – Meeting Logistics and Agenda for 9-20-12
2. DWG – Meeting Notes for 8-2-12
3. DWG – Draft Statute Revisions for SP Rec 4a 9-14-12.doc
4. DWG – Draft Statute Revisions for SP Rec 4d 9-16-12.doc
5. DWG – MN Drainage Law Analysis – Summary of Discussion Points DRAFT 7-23-12.doc
6. DWG – Draft Statute Revisions for SP Rec 4a 9-19-12.doc (provided at the meeting)

Introductions and agenda overview

All in attendance introduced themselves. Al Kean introduced Tim Gillette, new BWSR Conservation Drainage Engineer. Al provided extra copies and an overview of the agenda.

Approval of 8-2-12 Meeting Notes

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

Overview of Conservation Drainage Workshop and Field Day, Hankinson, ND, August 28-29

Mark Dittrich, MDA, provided handouts and a brief PowerPoint about this workshop and field day, which was attended by approximately 135. Conservation drainage demonstrations focused on controlled subsurface drainage (a gravity flow tile system with 2 stoplog structures controlling about 300 acres of cropland near Wheaton, MN, and a pumped tile drainage system with subirrigation controlling and irrigating about 100 acres near Fairmount, ND). Also featured during the field day was the Bois de Sioux Watershed District's North Ottawa flood storage impoundment project, which includes substantial waterfowl and shorebird habitat, with portions of the high flood pool areas owned by the watershed district remaining in crop production, which helps escrow funding for project maintenance.

Update regarding status of the Corps of Engineers proposed Regional General Permit RGP-002-MN

Al Kean indicated that although he hadn't been able to connect with Tim Smith, Corps of Engineers, he was aware that the Corps received substantial comments from agricultural producer groups, the USFWS, and MCEA-NWF-MCF-FWLA before the comment period closed on August 18, 2012. The Corps of Engineers will need some time to determine how best to respond to those comments. Therefore, this Regional General Permit remains in the development process. The objective is to help address the Corps of Engineers workload in relation to ag drainage projects along with associated streamlining and predictability of permitting for certain ag drainage activities.

Discussion of revised draft statute revisions regarding Smith Partners Report recommendation 4.a.

Based on DWG discussion in August, Greg Knopff, Senate Analyst, and Al Kean had redrafted proposed additions to Chapter 103E.101 Drainage Proceeding and Construction Records to provide drainage authorities clearer authority and process to reestablish drainage system records that are lost, destroyed or otherwise found to be incomplete. The Smith Partners report had recommended revision of Section 103E.801 Consolidation or Division of Drainage Systems. There was much discussion, including agreement that Al would review drainage law regarding definition of drainage system characteristics that might be referenced and how best to define the hearing notice provisions and provide proposed revisions at the scheduled October 11, 2012 meeting.

Discussion of draft statute revisions regarding Smith Partners Report recommendation 4.d.

The Smith Partners proposed changes to Section 103E.011, Drainage Authority Powers, Subd. 5 Use of External Sources of Funding, and alternative changes provided by Al Kean were discussed and debated. It was recognized that revisions regarding reference to watershed-based plans are dependent on adoption of other Smith Partners report recommendations, as well as implementation of new authority provided to BWSR by 2012 legislation regarding statewide watershed-based water planning. The consensus conclusion was that no changes to this subdivision are needed or recommended at this time. The existing language is better without the proposed changes at this time. However, it was recommended that drainage authority use of external sources of funding via 103E.011, Subd. 5 for multipurpose drainage management planning and implementation should be promoted via information / education at drainage authority venues.

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

Due to inadequate time, this agenda item was tabled and alternative methods to seek DWG input for these priorities were discussed, including the potential to use email, if feasible.

Next Meeting

The DWG plans to meet on October 11, 2012, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building.