

Drainage Work Group Meeting Notes

June 14, 2018

11:00 a.m. - 2:00 p.m., Minnesota Farmers Union Building, St. Paul, MN

Attendance

Craig Austinson, MADI, Blue Earth Co.; Mark Morreim, MNLICA; Bill Thompson, MASWCD; Alan Perish, MFU, MVA; Chris Otterness, HEI; Kale Van Bruggen, Rinke Noonan; Ron Ringquist, MVA; Mark Dittrich, MDA; Steve Colvin, DNR; Julie Ekman, DNR; Lisa Frenette, RRWMB; Gloria Johnson, MNDOT; Emily Javens, MAWD; Greg Knopff, Senate Analyst; Doug Krueger, MRCC; Kurt Deter, Rinke Noonan; Jerome Deal, RRWMB; Dan Wilkens, SHRWD; Tim Gillette, BWSR; Elise Larson, MCEA; Mark Hiles, BWSR; John Jaschke, BWSR; Nathan Zacharias, CS, SRRWD; Nick Redmond, Smith Partners; Michelle Ulrich, CCWD; Thom Petersen, MFU; Dwight Wilcox, MDA; Dave Weirens, BWSR; Elizabeth Henley, Smith Partners; Al Kean, BWSR

Handouts prior to or during the meeting

- 1) Meeting logistics and agenda for 6-14-18
- 2) Meeting notes for 2-22-18
- 3) DNR Public Waters and Drainage Guidance document dated 2-28-18
- 4) Summary of Drainage Related Bills 2018 Legislature 6-6-18
- 5) DWG Prioritized Discussion Topics List - Draft 6-6-18
- 6) Buffer Financing (email from Dwight Wilcox, MDA, regarding AgBMP Loan Program work with Renville County)
- 7) Save the Date notice, Drainage Water Management Demonstration, UMN Southwest Research and Outreach Center, 9:00 a.m. - 12:00 p.m., Thursday, August 16, 2018, Lamberton

Introductions and agenda overview

All in attendance introduced themselves. Al K. provided extra copies and an overview of the agenda, including the addition of a topic about the status of updating the Understanding Minnesota Public Drainage Law document.

Approval of 2-22-18 meeting notes

Extra copies of the notes were distributed. Corrections or additions were invited. None were identified.

Share information about recent and upcoming drainage related events

- Greater Blue Earth River Basin Alliance, Policy/Technical Mtg., Ag Drainage Perspectives, March 9, 2018, Mankato
- Drainage Management Team meeting, Thursday, May 17, 2018, St. Paul (Altered Hydrology white paper, 2-Stage Ditch Fact Sheet)
- Ag Drainage and Water Quality, ISG, 9:00 a.m. - 3:30 p.m., Wed., June 27, 2018, Verizon Center, Mankato
- Minnesota Viewers Association, Training Seminar, 10:00 a.m., Thursday, July 19, 2018, Jackpot Junction, Morton
- Drainage Water Management Demonstration, UMN Southwest Research and Outreach Center, 9:00 a.m. - 12:00 p.m., Thursday, August 16, 2018, Lamberton

DNR Public Waters and Drainage Guidance

The DNR guidance document dated 2-28-18 was distributed to DWG members on 3-23-18 and for this meeting. The guidance document will be on the DNR website soon. Need to put the link in the Minnesota Public Drainage Manual. A question was asked whether the guidance indicates that DNR response will be in a timely manner. DNR intends to respond as timely as practicable. Limited experience

using the guidance to date. DNR provided training to Area Hydrologists and regional staff. It was asked if the DNR would share the training information provided to DNR Area Hydrologists, including any examples, with drainage authorities and their advisors, to better understand what does and doesn't need a permit or permission. DNR agreed to look into how and when to provide this information, potentially at MAWD and AMC annual meetings.

Summary of Drainage Related Bills during the 2018 Legislative Session

Al K. provided an overview of handout 4) above. The only change to Chapter 103E that made it through and was signed by the Governor was in the Revisor's Bill to correct a statute reference in Section 103E.011, Subd. 2. Problems encountered during the session for DWG recommendations for accelerating buffer strip implementation and the Runoff and Sediment Delivery Option included: late completion of the recommendations during a short legislative session and associated limited time to inform legislators; legislator fear created by some negative press out of Bois de Sioux WD about the RSDO recommendations; and some legislator concerns about language to update the AgBMP Loan Program statute to enable drainage authorities to serve as borrowers on behalf of landowners represented. The accelerating buffer strip implementation recommendations will need to be revised to eliminate recommendations that won't make sense for 2019. The RSDO recommendations were complete on 3-20-18 and do not need changes for the 2019 legislative session. Concise, plain language information about the recommendations will be needed for outreach to drainage authorities, legislators and other stakeholders well before the 2019 session. It was agreed to have a small group work on this communication material, including MAWD, AMC, RRWMB, producer group representatives, and other interested DWG members. The MN Viewers Association was invited to provide input. Al K. will organize.

AgBMP Loan Program use for ditch buffer strip financing in Renville County

Dwight Wilcox, MDA, AgBMP Loan Program Mgr., provided an overview of the work-around that Renville County and MDA developed to track drainage system benefited landowners who are individual borrowers for the AgBMP Loan Program. It would still be easier if the drainage authority could be the borrower on behalf of the benefited landowners.

Update of the Understanding Minnesota Public Drainage Law document

In response to the previous request from AMC and MAWD, BWSR is working on this update. A DWG advisory review group was established including: Bill Thompson, or other MASWCD rep.; Emily Javens, or other MAWD rep.; Kale Van Bruggen; Gloria Johnson; and Jennifer Berquam will be asked for an AMC representative. Others can be added when the draft updated document is available for review.

Update DWG Prioritized Discussion Topics List

In response to concerns about the meaning of DWG consensus recommendations during the legislative session, and to assist orientation of new members of the DWG, it was agreed to add a topic to develop and adopt a DWG charter or guidelines. Topics completed and/or agreed to delete from the list included: Clean Water Council request response; DWG Communications Committee; Recording drainage system right-of-way; Private crossings of public drainage ditches; Section 404 permits and policies; and the Sec. 103E.351 topic that is addressed in the DWG recommendations for accelerating buffer strip implementation. A number of priorities for topics were modified. Al will provide a revised draft for the July 12, 2018 meeting for verification and/or further revision.

Next DWG meeting:

Thursday, July 12, 2018, 11:00 a.m. - 2:00 p.m. at the MN Farmers Union, St. Paul, if room is available.