Drainage Work Group Meeting

**When:** Thursday, December 10, 2020 1 p.m. - 4:00 p.m.

**Where:** [Join Skype Meeting](https://meet.lync.com/mn365/tom.gile/VQBLGPPJ)

Trouble Joining? [Try Skype Web App](https://meet.lync.com/mn365/tom.gile/VQBLGPPJ?sl=1)

  **Attendance:** Due to virtual meetings Keeping Track of attendance with instances of multiple attendees on a single account and man “guest” name takes we will not track attendance until we reconvene in person again.

**Welcome and Introductions**

**Overview and any updates of agenda for the meeting** – **Tom G.**

**Share information about recent and upcoming drainage related events**

* MAWD Annual Conference virtual format & Drainage Workshop December 1, 2020. – **Tom G.**

Moving presentations to an on-line library, presentation are available on the MAWD conference link – Emily J.

Create a more in-depth agenda of future DWG meetings to assist with more discussions**- Emily J**

**Mn Public Drainage Manual is Back on-line/status update – Tom G.**

* The MPDM is back on-line. This outage has identified a couple of impediments to its current layout/design. In particular the WiKi format is much more difficult to maintain/edit than originally anticipated and the lack of a “Word/PDF” backup form in the current status needs to be resolved.
* Will need to come up with a new host format. Possibly add to BWSR website in PDF links by summer 2021.
* Get back to a manual look for searching and seeing different sections. **Tim G.**
* **Elise L., Chris O. and Mark D. Emily J. can send a request to the WD administrators.**

**Altered Hydrology White Paper - Rita Weaver (BWSR), Mark T.**

* The Drainage Management Team has put a fairly significant effort into development of a white paper on Altered Hydrology. Technical paper about Hydrologic cycle, ground water, Climate and human factors, watershed responses and how to plan and strategies. Focus on what altered hydrology is.
* Will there be policy changes as climate changes? **Allen W. - Randall D. responded**
* Will this paper be used to make policy changes and who will use it? **Elise L**. - Inform on what is altered Hydrology and possibly used to set goals - **Rita R. responded**
* **Ron H**. requests a Peer review prior to final Publication.
* DWG will review and discuss document in the future. – **Tom G.**
* Request to see the Table of Contents and a quick summary page. - **Emily J.**
* Request that Izaak Walton League professionals be invited to review and give input. **– Mark T.**

**State Water Plan Hydrology Conversation Cont. - Tom Gile (BWSR) / Others as appropriate.**

What are some focuses on multiple purpose draining projects?

* Provide benefits to parcels lower downstream with on-land storage - **Chris O.**
* Emphasis on peak flows and improved hydrology. - **Craig A.**
* Wetland restoration and use of natural basins **– Tim G.**
* Regional impoundments and Culvert sizing for flow reduction **- Chad E.**
* Soil Health improvement (cover crop strips) for water retention **- Allen W.**
* Oversizing ditch to create 2 stage ditches,structures to prevent erosion; difficult to convince ditch constituents to install projects off ditch. – **Tom L**.
* Cost for on-land storage alienate landowners. Need to find other funding sources to implement off-ditch projects. - **Doug K.**
* Feasibility of using Bonding and flood hazard mitigation funding**. - Tom L., Mark T.**
* Flood Hazard Mitigation Bonding wasn’t funded at the requested level this last bonding year**. – Lisa F., Randall D.**
* Small systems need attention, all focus and funds are going towards large systems. **– Doug K.**
* Make money available before procedural timeline or adjust timelines to assist in improving funding opportunities. **– Tom G.**

**Section 404 and 401 Update - Jim Brist (MPCA)**

When the Drainage authorities do some repairs or improvements or other projects it isn’t uncommon for them to run into permitting items under 404 also from time to time likely related to standards that come from 401. As a local entity responsible for maintenance and clean out and improvement of this “Drainage infrastructure” how could any of these changes affect me in terms of permitting/standards/practices I would need to consider as a part of my administration of that system.

1. **WOTUS –** Significantly reduced the amount WOTUS covered by 404. Definition has changed to navigable waters – 33 CFR Part 329.4 - Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. - This definition is left open to interpretation therefore, the USACE makes case by case determinations.
2. **401 Process has changed –** The MPCA has 60 days from the date the application is considered complete and received to make a 401 determination. We are working with the USACE to extend this to 75 days due to Tribal notification and Public Notice periods set by policy and state law. Otherwise we are really pressed to Certify with 60 days.

**A couple of NWPs related to ditches**

**NWP 19 Minor dredging** – increasing from 25 CY to 50 CY below the OHWM – Does not authorize dredging in wetlands.

* **NWP 41 – Reshaping of existing Drainage and Irrigation Ditches.** (Irrigation ditches are being added) Cannot increase capacity of ditch or drain additional waters of the US. Does not authorize the relocation of drainage ditches constructed in Waters of the US.

If a 404 is needed, a 401 will also be required, but likely to be a general 404/401. However. If an individual 404 is required, here’s the 401 Certification process.

**Pre-application meeting:** The applicant must contact MPCA and request a pre-application meeting. At that meeting a general description of the 401 requirements and information needed will be discusses. This must happen at least 30 days prior to the request for Certification.

* **Request Certification of project:** The applicant must formally request a project review for Certification and include 9 items:
1. Project applicant and point of contact
2. Describe the project
3. Identify the applicable license or permit, e.g. 401 Certification
4. Location and nature of the discharge – receiving water, amount of discharge, etc.
5. Describe methods and means to avoid, minimize, and mitigate the discharge
6. List all authorizations needed, including approvals and denials already received
7. Documentation that the Pre-application meeting was submitted at least 30 days prior to the request for Certification
8. Statement – information is true and accurate
9. Statement – Requesting Certification
* 404 permit – USACE; 401 permit is a state certification
* Would like a red line docmument which highlights the changes that are being made to the 401 certification process. - **Lisa F.**

**DWG.. Whats next**

Group think/discussion for topics to consider in 2021.

* DNR work on internal process for review of Drainage Authority applications.
* Drainage financing for WD. (Bonding)
* Storage funding and quantifying other benefits
* WD general levy limit
* Create a Ranking list of future topics.
* LSOHC and CWC funding
* 2-stage ditch benefits.
* Legislative session check-ins
* Drainage Maintenance
* FEMA Funding – Mitigation dollars for drainage projects

3:55 **Next DWG meeting, Time TBD, Thursday, Jan 14, 2020 SKYPE??**

4:00 **Adjourn**