

Drainage Work Group Meeting Notes August 14, 2008

Attendance

Gerald Amiot, MACO; Craig Austinson, Blue Earth Co.; Kent Sulem, MAT; Ron Ringquist, MVA; Henry Van Offelen, MCEA; Harlan Madsen, AMC, Kandiyohi Co.; Bill Thompson, MPCA; Greg Eggers, DNR; Dennis Distad, Freeborn Co.; Wayne Anderson, MPCA; Warren Formo, MAWRC; Marvin Hora, MPCA; Mark Tomasek, MPCA; Scott Niemela, MPCA; Shannon Lotthammer, MPCA; Ron Harnack, RRWMB; Julie Klocker, BWSR; Rick Moore, MSU-M, WRC; Greg Knopff, Senate Counsel, Research and Fiscal; Ray Bohn, MAWD; Warren Seykora, MAWD; Allan Kuseske, MADI, NFCRWD; Alan Perish, MVA, MFU; Dan Wilkens, SHRWD, RRWMB, MADI; Jon Bohn, MAWD; David Holmbeck, DNR; Mark Dittrich, MDA; Joel Peterson, BWSR; Al Kean, BWSR

Handouts Prior to or During Meeting:

1. DWG Meeting Agenda for 8-14-08
2. DWG Meeting Notes for 6-23-08
3. DWG – Section 103E.805 Discussion Paper dated 6-20-08
4. Draft Drainage Records Modernization Guidelines dated 8-11-08

Agenda Overview

Al Kean provided a brief overview of the agenda.

Approval of 6-23-08 Meeting Notes

Al distributed extra copies of the subject meeting notes and asked if there were any comments or corrections. No comments or corrections were offered.

DWG Recommendations for Clarification of Section 103E.805

Al provided an overview of the final draft of recommended clarifications of Section 103E.805, dated 6-20-08. The current section includes two different purposes (removal of property from and partial abandonment of a drainage system). The associated process and criteria are intermixed and unclear. Therefore, a primary aspect of the draft recommendations for clarification is separation of these two purposes into separate sections (103E.805 and 103E.806). Al asked if there were any further recommendations for clarifications. None were offered. Therefore, he indicated that the 6-20-08 version of the DWG recommendations for clarification of Section 103E.805 are the consensus recommendations of the DWG. A question was asked about the timeline for implementing these recommendations. Al indicated that DWG consensus recommendations for clarification of drainage law (currently includes 103E.227 and 103E.805) would be put forth by BWSR in policy initiatives for the upcoming legislative session.

Drainage Ditches and Water Quality Use Classifications – Tiered Aquatic Life Uses

Shannon Lotthammer and Scott Niemela (MPCA staff) presented the tiered aquatic life uses (TALU) approach to classifying channelized streams and ditches. Many of the questions directed towards Shannon and Scott were regarding whether drainage ditches would now be classified for aquatic use. Shannon and Scott indicated that channelized streams and ditches already have a Class 2B Warmwater classification for aquatic life and recreation, by default. Class 7 Limited Resource Value Waters must be defined by monitoring and assessment. The TALU approach would provide more categories, which is expected to enable a more specific classification for

ditches in the future. Ohio is currently implementing this approach. The Ohio model appears to also have applicability for Minnesota. The TALU implementation process includes rulemaking, with an anticipated completion in 2012.

Discussion of HF 3541 / SF 3298

Kent Sulem, Counsel for the Minnesota Association of Townships, discussed the background behind the introduction of HF 3541 and SF 3298, which were tabled during the legislative session. He explained that these bills were instigated by concerns about township road authority costs for installation and maintenance of hydraulic structures (e.g. culverts) required by a drainage system.

Ron Ringquist presented guidance developed by the Minnesota Viewers Association regarding definition of benefits and damages to road authorities for installation and maintenance of hydraulic structures through road embankments required by Chapter 103E drainage systems. This guidance addresses the requirements of Section 103E.525, Section 103E.315 Subd. 3, which states that both benefits and damages are to be determined, and also Section 103E.721, which addresses replacement of bridges or culverts due to inadequate hydraulic capacity. It was suggested and agreed that this guidance be addressed in the updated Minnesota Public Drainage Manual.

Drainage Records Modernization Guidelines

Rick Moore presented an overview of the final draft of the guidelines. He and Al Kean invited any comments on the draft. It was suggested the drainage authority representatives who have been involved in drainage records modernization and were interviewed for development of the guidelines be invited to review and comment on the final draft.

Legislative and Citizen Commission on Minnesota Resources RFP

Julie Klocker, BWSR Assistant Director, provided an update regarding the Phase 2 funding priorities identified by the LCCMR for grant proposals. The third priority under the topic of Water Quality is Minnesota Drainage Law Analysis and Evaluation. Discussion was about DWG member awareness of this priority, potential interest in participation in an associated proposal and DWG future discussion.

Next Meeting

Although Al Kean indicated a potential schedule conflict for a DWG meeting on Thursday, September 11, he later confirmed via email the date would be kept for the next DWG meeting, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau. It was agreed that second Thursdays of the month in the afternoon would be the regular meeting date and time through the fall of 2008. A suggested agenda topic for the next meeting was updating the prioritized list of DWG discussion topics that was developed in September 2007.