

Drainage Work Group Meeting Notes

October 11, 2012

12:30 – 3:30 p.m.

Minnesota Farm Bureau Building, Eagan, MN

Attendance

Tom Loveall, BWSR Brd.; Craig Austinson, Blue Earth Co.; Janelle Taylor, House Staff; Greg Knopff, Senate Analyst; John Thompson, Faribault Co., MACO; Dennis Distad, Freeborn Co., MACO; Michelle Ulrich, Coon Cr. WD; Larry Gunderson, MPCA; Wayne Anderson, MPCA; Rick Moore, MSU-Mankato, WRC; Chris Radatz, MFB; Larry Kuseske, MAWD; Les Everett, UMN; Mark Dittrich, MDA; Ray Bohn, MAWD; Kurt Deter, Rinke-Noonan; Jerome Deal, MAWD; Ron Harnack, RRWMB; Dan Wilkens, RRWMB; Tim Gillette, BWSR; Al Kean, BWSR

Handouts prior to or during meeting:

1. DWG – Meeting Logistics and Agenda for 10-11-12
2. DWG – Meeting Notes for 9-20-12
3. DWG – Draft Statute Revisions for SP Rec 4a 10-5-12.doc
4. DWG – Draft Statute Revisions for SP Rec 4b 10-5-12.doc
5. DWG – MN Drainage Law Analysis – Summary of Discussion Points DRAFT 7-23-12.doc

Introductions and agenda overview

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

Approval of 9-20-12 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.

UMN Water Resources Conference, Oct. 16-17, includes a track on Wednesday, Oct. 17 titled “Water Resource Management in the Red River Valley and Beyond”. Al Kean will give a presentation titled “Drainage Water Management – Recent Developments”, which will include information about the Red River BTSAC briefing papers regarding the effects of subsurface drainage on flood peaks, as well as the federal and state program initiatives for drainage water management. At the BWSR Academy, Oct. 29-31 at Cragun’s, Al will also present regarding “Conservation Drainage – Emerging Issues and Recent Developments”. Ray Bohn handed out flyers for the MAWD Annual Drainage Workshop, Nov. 29 at Arrowwood, which will include presentations about a variety of drainage topics, and include a panel discussion regarding the shortage of lead viewers for Chapter 103E drainage system redeterminations of benefits and damages.

Minnesota River Board resolution - RFP for lead viewers for redetermination of benefits and damages

As more drainage authorities pursue systematic redeterminations of benefits and damages for all drainage systems under their jurisdiction, including counties in the Minnesota River Basin, lead viewers are in short supply. The DWG discussed the potential for the supply of lead viewers to increase as more demand is demonstrated, and/or the potential to help increase the supply of lead viewers through training. AMC, MAWD and the MN Viewers Association have particular interest in increasing lead viewer supply. The use of current technology for viewing was discussed as potentially helpful to streamline

viewing. Viewer members of the DWG could not attend the meeting on 10-11-12, so could not help address the current use of technology for viewing.

Further discussion of draft statute revisions for Smith Partners Report Recommendation 4.a.

Consensus was reached regarding recommended statute additions to enable drainage authorities to reestablish lost, destroyed, or incomplete drainage system records and it was recommended to add “or damaged” after “benefited” in proposed Subd. 4.a., paragraph (c). The DWG requested Al Kean to draft statute revisions to address transfer of drainage system records when drainage system authority is transferred from a county or joint county board to a watershed district, as a next priority for the DWG, because this is also a drainage system records issue.

Discussion of draft statute revisions for Smith Partners Report Recommendation 4.b.

Draft language recommended by Smith Partners, with some edits proposed by Al Kean, were thoroughly discussed. There was consensus to support some of the draft statute revisions and to reject some of the proposed language that used subjective terminology, such as “substantially” and “insubstantial”. In regard to draft revisions proposed by Al Kean to enable ditch repair to include a 2-stage cross-section with the same hydraulic capacity as originally constructed and subsequently improved, the concept and “hydraulic capacity” text replacing “condition” was supported, but the proposal to add an associated provision about a multi-stage ditch cross-section to the definition of repair in 103E.701, Subd. 1 was rejected as unnecessary, if the “hydraulic capacity” text is added. Adding multi-stage ditch cross-section language to 103E.715, Subd. 6. was supported, with final edits, review and discussion at the next meeting.

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

Due to inadequate time and the DWG request for draft statute language to address records transfer for transferred drainage systems, this task was again tabled to a future meeting.

Next Meeting

The DWG plans to meet on November 15, 2012, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building.