

## Drainage Work Group Meeting Notes

July 14, 2016

12:30 - 3:30 p.m., Minnesota Farmers Union Building, St. Paul, MN

### Attendance

Dan Wilkens, RRWMB; Jerome Deal, MAWD; Stu Frazeur, MNLICA; Janelle Taylor, House Research; Gregg Knopff, Senate Analyst; Kurt Deter, Rinke-Noonan; Wayne Anderson, MPCA; Les Everett, UMN; Thom Peterson, MFU; Alan Perish, MFU, MVA; Mark Dittrich, MDA; Erik Dahl, EQB; Courtney Ahlers Nelson, EQB; Laura Nehl-Trueman, MnDOT; Mark Ten Eyck, MCEA; Louise Segroves, MCEA; Rob Sip, MDA; Jill Bathke, USACE; Tom Loveall, BWSR Brd.; Steve Colvin, DNR; Jennifer Berquam, AMC; Craig Austinson, Blue Earth Co.; Travis Germundson, BWSR; Michelle Ulrich, CCWD; Anna Boroff, MCGA; John Thompson, Faribault Co., MACATFO; Ron Harnack, RRWMB; Barb Huberty, LWC; Tim Gillette, BWSR; Al Kean, BWSR

### Handouts and links prior to or during the meeting

- 1) DWG Meeting logistics and agenda for 7-14-16
- 2) DWG Meeting Notes for 6-9-16
- 3) Corps of Engineers, St. Paul District, Fact Sheet about update of Nationwide Permits by 2017
- 4) Email (7-7-16) from Courtney Ahlers Nelson, EQB, about rulemaking for Mandatory Environmental Review Categories, including public waters and wetlands
- 5) HF-2011 / SF-2029 Draft DWG Discussion Paper, 7-8-16
- 6) HF-2365 / SF-2380 Draft DWG Discussion Paper, 7-8-16
- 7) Save the Date announcement, Faribault County Multipurpose Drainage + Soil Health Field Day, August 10, 2016, Faribault County Fairgrounds 4H Building, Blue Earth, MN
- 8) EQB – Preliminary Rule Amendments to MR 4410.4300, Subp. 27 Wetlands and public waters., A., B., and MR 4410.4400, Subp. 20 Wetlands and public waters.
- 9) Draft – Communications Options for the MN Drainage Work Group, June 14, 2016, Rob Sip, MDA
- 10) Agricultural Drainage Questionnaire, ISG, conducted 3-8-16 at Ag Drainage Workshop, Willmar, MN
- 11) Fact Sheet – Drainage Permitting and Management in the MN Red River Basin, RRWMB, 3-25-15
- 12) Fact Sheet – Reducing Ditch System Maintenance Costs in the Red River Basin, RRWMB, 3-25-15
- 13) Draft Drainage Work Group – Communications Products:, Draft July 14, 2016, Rob Sip, MDA

### Introductions and agenda overview

All in attendance introduced themselves. Al Kean provided extra copies and an overview of the agenda, noting that it was quite full. A question was asked about an agenda item for DWG discussion of the update of the Minnesota Public Drainage Manual. Al noted that a Project Advisory Committee meeting was upcoming on 7-19-16 and the August DWG meeting would be appropriate for this topic.

### Approval of 6-9-16 meeting notes

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

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

- MAPSS 2016 Summer Tour: *Agricultural Drainage and Water Quality*, July 8, 2016, southern MN
- ISG et al., *Ag Drainage & Future of Water Quality Workshop*, July 14, 2016, Clear Lake, IA
- ASABE - UMN, *10<sup>th</sup> International Drainage Symposium*, Sep. 7-9, 2016, Mpls., MN
- *Buffer Science and Design Symposium*, Sep. 16, 2016, UMN, St. Paul Campus; *Buffer Field Trip*, Sep. 17th
- *Faribault County Multipurpose Drainage + Soil Health Field Day*, August 10, 2016, Faribault County Fairgrounds 4H Building, Blue Earth, MN

### USACE – 2017 Nationwide Permit Reissue and St. Paul District Discussion

Jill Bathke, USACE, presented a PowerPoint overview of the process for review and reissue of Corps of Engineers Nationwide Permits (NWP) in 2017 (5-yr. cycle). NWPs are general permits for categories of activities that result in no more than minimal individual and cumulative adverse environmental effects.

- USACE has 50 NWPs. Two new NWPs are proposed: Removal of Low-Head Dams, Living Shorelines.
- The St. Paul District uses a Sec. 10 Rivers NWP, but has otherwise used Regional General Permits, which can be tailored to a region, if at least as restrictive as NWPs.

- Regional General Permit No. 2, which was issued in 2013, hasn't been used much to date.
- The St. Paul District is considering use of more NWPs, which might create processing time savings.
- Proposed Rule was published in the Federal Register June 1, open for public comment until August 1.
- St. Paul District public notice about use of NWPs anticipated in September.
- Also discussion about drainage system repair exemption and NWP thresholds.

### **EQB Update of Minnesota Rules Chapter 4410 Environmental Review**

Courtney Ahlers Nelson, EQB, provided information about the EQB, which includes the heads of 9 state agencies, and presented a PowerPoint overview of rulemaking process and ideas to update Part 4410.4300 Mandatory EAW Categories and Part 4410.4400 Mandatory EIS Categories.

- This rulemaking update is in response to a Mandatory Environmental Review Categories Report to the Legislature in 2013 and an appropriation to EQB in 2015.
- EQB published a Request for Comment in the State Register in November 2015.
- In June 2016, EQB released preliminary amended rules for public comment, until August 5, 2016.
- In Part 4410.4300, Subpart 27 Wetlands and public waters, A., and Part 4410.4400, Subpart 20 Wetlands and public waters, it is proposed to add DNR as a potential Responsible Government Unit (RGU), because LGUs often ask DNR to serve this role.
- EQB is also considering update of Part 4410.4300, Subpart 27, B. to correlate better with Public Waters statute and rules, Wetland Conservation Act rules and other defined areas, such as shoreland, floodplain, wild and scenic river districts, Minnesota River Project Riverbend area and Mississippi River headwaters area. Discussion and concerns were expressed about the scope of potential changes.

### **DWG Communications Committee Proposal and Discussion**

Rob Sip, MDA, presented a PowerPoint and provided handouts regarding a proposal for the DWG to have a Communications Committee. Rob chairs a communications committee / team for the Red River Basin Flood Damage Reduction Work Group, which coordinates with the Red River Watershed Management Board and Red River Basin Commission.

- Rob also provided handouts 9 - 13 above at the meeting, including communication options for the DWG, two example fact sheets by/for the RRWMB about drainage permitting and ditch system maintenance, and potential DWG communication products.
- Discussion about need, benefits, time and costs. Agreed to distribute handouts and discuss more at the August meeting.

### **Runoff-Based Drainage Assessments Option**

Al briefly mentioned that the IWI team is working on ways to address questions at the DWG 6-9-16 meeting about wetland runoff curve numbers (RCNs) and storage, and a MnDOT question about road right-of-way RCNs.

### **Discussion about HF-2011 / SF-2029**

- Legislator motivation for these bills not clear.
- Concerns expressed about trying to make drainage law into water planning law, which was discussed and avoided in the DWG consensus recommendations to update Sec. 103E.015.
- Some belief that Sec. 103E.011, Subd. 5 currently enables use of external funds for drainage system watershed planning.
- Al will update the associated discussion paper.

### **Initial Discussion about HF-2365 / SF-2380**

- Discussion about the motivation for these bills from the Bois de Sioux Watershed District, where drainage system repairs / retrofits are needed, redetermination of benefits challenging, and drainage system benefits on the books limiting for petitioned repairs.
- Discussion about the history of Sec. 103E.715, Subd. 4 and its differing requirements for petitioned repairs.
- If drainage system benefits could be indexed forward based on land values, concern that there would need to be sideboards on the use of this method / option.
- Some concern about this as a potential end-around for redetermination of benefits.

**Next DWG meeting** will be August 11, 2016 at the MFU building in St. Paul.