

Drainage Work Group Meeting Notes

December 12, 2011

12:30 - 3:30 p.m.

Minnesota Farm Bureau Building, Eagan, MN

Attendance

John Thompson, Faribault Co., MACO; Tom Loveall, BWSR Brd.; Rob Sip, MDA; Henry VanOffelen, MCEA; Greg Eggers, DNR; Rick Moore, MSU-Mankato, WRC; Larry Kuseske, MAWD; Mark Zabel, MASWCD; Mark Dittrich, MDA; Chris Radatz, MFU; Bruce Kleven, Ag Groups; Jerry Schoenfeld, MN Soybean Growers; Thom Peterson, MFU; Greg Knopff, Senate Analyst; Janelle Taylor, House Analyst; John Waller, MFU; Alan Perish, MVA, MFU; Allan Kuseske, MADI; Harlan Madsen, Kandiyohi Co., AMC; Ron Harnack, RRWMB; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Ron Ringquist, MVA; Chuck Holtman, Smith Partners; Louis Smith, Smith Partners; Loren Engelby, Kandiyohi Co.; Annalee Garletz, AMC; Wayne Anderson, MPCA; Les Everett, UMN WRC; Julie Blackburn, BWSR; Al Kean, BWSR

Handouts Prior to or During Meeting:

1. DWG – Meeting Logistics and Agenda for 12-12-11.doc
2. DWG – Meeting Notes for 11-14-11.doc
3. DWG – MN Drainage Law Analysis and Evaluation – Summary of Recommended Actions and DWG Discussions, DRAFT, 12-6-11.
4. WCA and Swampbuster Coordination – Summary about 9-21-11 Contribution Agreement between NRCS and BWSR dated 9-22-11.

Introductions and Agenda Overview

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

Approval of 11-14-11 Meeting Notes

Extra copies of the meeting notes were distributed. Corrections were requested. None were indicated.

Information about Recent and Upcoming Conferences and Forums Involving Drainage Topics

The following drainage related forums were briefly discussed or mentioned.

- MN-IA-SD Drainage Research Forum, 12th annual, November 22, Okoboji, IA – South Dakota State University has been involved at this forum the past few years and is now an official partner. It was indicated that attendance was good, as was the discussion, including a presentation about saturated buffers to reduce nitrate discharge from tile.
- MAWD Drainage Workshop, December 1, Arrowwood, Alexandria, MN – A few DWG members and others presented regarding drainage law, the DWG, drainage research and demonstration, and related topics. Attendance was very good.
- Near-Channel Sediment Source Management Forum, January 4, 2012, Best Western, North Mankato, MN – This forum is sponsored by the MSU – Mankato, Water Resources Center and MN River Board. Some extra fliers were handed out. Interest is expected to be high.
- Drainage and Wetland Conference, Rinke-Noonan, February 23, 2012, Civic Center, St. Cloud, MN – This has been an annual conference for a number of years.

BWSR Clean Water Fund Conservation Drainage Grants

Julie Blackburn, BWSR Assistant Director, indicated that staff recommendations for FY 2012 Conservation Drainage Grants are going to the BWSR Board on 12-14-11. BWSR received 13 applications, of which 9 are recommended for funding, totaling about \$725,000 of the \$945,000 available. The remaining applications were not eligible. BWSR had hoped for better response to the RFP in regard to numbers, eligibility and quality of applications. However, the state shutdown in July delayed and limited outreach to potential CWF grant applicants. There was a question about technical assistance being a limiting factor. Julie and Al Kean indicated that CWF applications can include funding request for technical assistance and there is not a set limit.

Swampbuster Assistance and WCA Coordination

Julie Blackburn provided an update regarding the status of agreements between NRCS and BWSR, and between NRCS and 35 SWCDs, to help NRCS catch up on the current backlog of Swampbuster wetland determinations. A handout was provided. The backlog is resulting from high numbers of landowner requests associated with agricultural drainage and an end (in August 2011) to a waiver that Minnesota NRCS previously had in recent years regarding wetland determinations. Due to Farm Bill data privacy requirements, landowners will need to sign a waiver to enable SWCD and BWSR staff to use applicable data to assist NRCS. A question was asked about the need for a WCA determination if a Swampbuster determination is done. It was noted that the original tie of WCA to a specific Farm Bill was not kept up and more recent WCA rule revisions are not tied to Swampbuster. However, AI noted that NRCS and BWSR coordinated in recent years to develop a fact sheet regarding Swampbuster and WCA (Wetlands on Ag Land in Minnesota).

Continued Discussion of Smith Partners LCCMR Report, MN Drainage Law Analysis and Evaluation

Louis Smith and Chuck Holtman of Smith Partners PLLP attended the meeting at DWG request to help clarify report recommendations and background. AI Kean noted that based on a DWG recommendation at the 11-14-11 meeting, he revised the DWG discussion document for this topic (current version titled "Summary of Recommended Actions and DWG Discussions" dated 12-6-11) to present the Smith Partners report recommendations, associated findings and recommended actions verbatim from the report (in italics) and DWG Discussion Points separately (not in italics). The revised document includes discussion from the 12-12-11 DWG meeting. Extra copies of the document were handed out.

Recommended Action 1.a.: A question was asked if watershed-based planning meant benefitted area or contributing area. Louis indicated both. It was noted that the report recommendation for watershed-based planning that includes drainage systems was rooted in the LGU Roundtable recommendation for coordination of watershed based planning (1 watershed – 1 plan). Questions were asked if small watershed or drainage system plans are to make up a larger watershed plan, or vice versa, and who would be responsible to see that a drainage system plan fits within a larger watershed plan. It was noted that MPCA watershed monitoring is at the 8-digit Hydrologic Unit Code (HUC) scale (81 major watersheds statewide). Many watershed district overall plans in the Red River Basin involve planning at subwatershed scales. It was also noted that Comprehensive Local Water Plans typically have not addressed drainage systems directly (i.e. at drainage system scale). There was much discussion about these different aspects of, and questions about, this recommended action.

Recommended Action 1.b.: A question was asked if this should be directed to counties rather than drainage authorities, because watershed districts have existing taxing authority that is used for watershed based planning, which can include subwatersheds and drainage systems. It was noted that a new property tax could be problematic to counties, which have many current budget challenges involving property taxes. "Ad valorem" and other words in the report can be lightning rods. Other concerns identified from a county perspective for this and other report recommendations include requiring more "studies", for which counties are generally sensitive about numbers, time and costs; the scope of watershed planning (watershed size and level of detail); control and responsibility for watershed-based planning; clarity, in regard to concerns about lumping together requirements for drainage system repairs vs. improvements. It was suggested that some report recommendations might be premature, because outcomes of the LGU Roundtable seem key to future coordination of watershed-based planning and implementation. Chuck Holtman indicated that the report sought to remain neutral regarding current governing structures, but to better enable watershed-based planning. A question was asked regarding whether or not watershed-based planning might supersede Chapter 103E?

Next Meeting

It was agreed that the next DWG meeting would be held on Monday, January 9, 12:30 -3:30 p.m. at the Minnesota Farm Bureau building.