

Drainage Work Group Meeting Notes
March 3, 2016
12:30 - 3:30 p.m.
Minnesota Farm Bureau Building, Eagan, MN

Attendance

Tom Loveall, BWSR Brd.; Craig Austinson, Blue Earth Co.; Stu Frazeur, MNLICA; John Kolb, Rinke Noonan; Mark Dittrich, MDA; Larry Kuseske, MAWD; Alan Perish, MVA, MFU; Doug Busselman, MFB; Gregg Knopff, Senate Analyst; Wayne Anderson, MPCA; Les Everett, UMN; Mark Ten Eyck, MCEA; Jeppe Kjaersgaard, MDA; Ben Baglio, AMC; Todd Miller, MRCC; Jerome Deal, MAWD; Dan Wilkens, RRWMB; Laura Nehl-Trueman, MnDOT; John Jaschke, BWSR; Ron Ringquist, MVA; Andrea Hendrickson, MnDOT; LeAnn Buck, MASWCD; Ray Bohn, MAWD; Tim Gillette, BWSR; Al Kean, BWSR

Handouts and links prior to or during the meeting

- 1) Meeting logistics and agenda for 3-3-16
- 2) Meeting notes for 1-14-16
- 3) Runoff-Based Drainage Assessments - Project Update 2-29-16 Final
- 4) DWG - Runoff-Based Drainage Assessments Option - Guiding Principles - Draft 2-29-16
- 5) DWG – Drainage Law, Buffer Law and Ditch Buffer Strips – Draft 2-29-16
- 6) Link to MDA website, re: AgBMP Loan Program page
- 7) Link to MPCA website, re: Clean Water Partnership Loan Program page

Introductions and agenda overview

All in attendance introduced themselves. Al Kean provided extra copies and an overview of the agenda, noting that the 2:15 Drainage Law, Buffer Law and Ditch Buffer Strips agenda item would be moved ahead of the 1:10 agenda item, because some members needed to leave early and wanted to be sure to participate in the discussion of the listed 2:15 topic. No additions to the agenda were offered.

Approval of 1-14-16 meeting notes

Extra copies of the meeting notes were distributed. Any corrections or additions were invited. None were identified.

Share information about recent and upcoming drainage related events

- ADMC, *Drainage Water Mgmt. Training & TSP Certification*, Feb. 3-4, 2016, Des Moines, IA
- Rinke-Noonan, *Drainage and Wetlands Conference*, Feb. 11, 2016, St. Cloud, MN
- Heron Lake WD - RCRC, *Findings and Recommendations for Corn Belt Farmers*, Feb. 11, 2016
- UMN-NDSU Ext., *Drainage Design and Water Management Workshop*, Feb. 17-18, Marshall, MN
- Governor Dayton's *Water Quality Summit*, Feb. 27, 2016, St. Paul, MN
- ISG and Prinsco, *Ag Drainage Workshop*, March 9, Best Western, Willmar, MN
- MN Assn. of Drainage Inspectors semiannual meeting, Mar. 21, 2016, Willmar, MN
- RRWMB – FDR Work Group, Annual Conf., Drainage Workshop, Mar. 23-24, 2016, Moorhead, MN
- ASABE, UMN, *International Drainage Symposium*, Sep. 7-9, 2016, The Commons Hotel, Mpls., MN
Jeppe Kjaersgaard, MDA, led a discussion about coordination of presentation abstracts by several government units and others for a drainage policy and administration session at the symposium.

Drainage Law, Buffer Law and Ditch Buffer Strips

- Al Kean overviewed a draft discussion paper he had provided about the differences and similarities of the buffer strip requirements of the two separate, but related laws.
- The buffer law is a landowner requirement with a defined date for public drainage ditches (Nov. 1, 2018) and drainage law buffer strips a separate drainage system requirement when viewers are appointed. Same buffer width requirement for public ditches that are not public waters, or public waters but not shoreland.
- Much discussion about the buffer law provision in Section 103EF.48, Subd. 10(b) to enable the use of drainage law to acquire or compensate buffer strips along public drainage ditches, or alternative riparian water quality practices, in advance or retroactively. A concern was identified regarding timing of determining damages under drainage law for buffer strips required by the buffer law. It was concluded that the DWG should recommend clarification in law for drainage systems to determine damages based on the land use prior to establishment of a buffer strip required by the buffer law in order to compensate for the buffer strip. Because legislators would need DWG input very soon, an ad hoc subgroup was identified (John Kolb, Greg Knopff, Ron Ringquist, John Jaschke) to work with Al Kean to draft recommended revisions to more clearly enable acquisition and landowner compensation for Chapter 103E ditch buffer strips essentially the same before and after the buffer law. Al will send out draft(s) for DWG review and comment via email asap and work to a final consensus version via email.

Runoff-Based Drainage Assessments Option Project

- Progress memo from Chuck Fritz, IWI, about prototype GIS application, reviewed and discussed.
- Discussion about sediment contribution as a factor, in addition to relative runoff, in prorating assessments, compared to monetary benefits. The project team will use 3 pilot watersheds to compare the prototype assessments and costs with recent traditional viewing.
- Briefly reviewed and discussed key considerations and guiding principles to date compiled by Al K. to help guide evaluation of potential drainage law revisions.

DWG Public Waters and Drainage Subgroup

- DNR had informed Al K. that they are drafting a policy memo to replace their 1980 memo about the interaction of public waters law and public drainage law.
- The intent is for a subgroup meeting to be scheduled before the next DWG meeting to review, discuss and comment on draft information that the DNR provides.

Drainage Management Team Update

- Tim Gillette and Al K. reported that the DMT met on January 21, 2016. Topics of discussion included: recent and upcoming drainage events; NRCS Technical Service Providers, MPDM Update, recent DWG discussions, Education and Outreach Subteam report, Agenda Planning Subteam startup, and a presentation and discussion with Chuck Fritz, IWI, about BTSAC Briefing Paper #3, Water Management Options for Surface Drainage.

Next meeting in June after the legislative session, unless a meeting during session becomes necessary.