

Drainage Work Group Meeting Notes November 24, 2008

Attendance

Kurt Deter, Rinke-Noonan; Leonard Binstock, ADMC; Ron Harnack, RRWMB; Gerald Amiot, MACO; Craig Austinson, Blue Earth Co.; Ron Ringquist, MVA; Henry Van Offelen, MCEA; Wayne Anderson, MPCA; Greg Knopff, MN Senate Staff; Chris Radatz, MFB; Allan Kuseske, MADI, NFCRWD; Alan Perish, MFU, MVA; Warren Seykora, MAWD; Dan Wilkens, MADI, RRWMB; Joel Peterson, BWSR, Al Kean, BWSR

Handouts Prior to or During Meeting

1. DWG – Meeting Agenda for 11-24-08
2. DWG – Meeting Notes for 10-9-08
3. DWG – Drainage System Repair Fund Limit Discussion Paper Draft 11-17-08
4. DWG – Current List of Discussion Topics 11-17-08
5. DWG – Drainage Work Group 2008 Consensus Recommendations Draft 11-20-08

Introductions and Agenda Overview

All in attendance introduced themselves. Al Kean provided a brief overview of the agenda and suggested addition of a topic regarding tax assessment on ditch buffer strips and conservation lands, and the status of the Green Acres issue, as well as discussion of recommendations for representative users of the Minnesota Public Drainage Manual to attend a focus group meeting to discuss the scope of the update of the manual.

Approval of 10-9-08 Meeting Notes

Extra copies of the subject meeting notes were distributed any comments or corrections requested. No comments or corrections were offered.

Drainage Records Modernization Challenge Grants

BWSR received 44 applications requesting \$1.35 million of grant funding (\$500,000 available). These included 31 applications from counties and 13 applications from watershed districts, and several proposed partnerships of county and/or watershed district drainage authorities. The BWSR Grants Team met on 11-24-08 to make recommendations for funding, based the ranking considerations identified in the request for applications. The Grants Team recommendation will be reviewed by the BWSR Grant Programs and Policy Committee and then provided to the BWSR Board for grant funding allocation. Grant agreements will then be sent to successful applicants requesting submittal of a project budget and work plan along with the signed grant agreement.

After the DWG meeting, BWSR staff tabulated the local match committed by the 44 drainage authority applicants, which totaled \$1.85 million.

DWG Current List of Discussion Topics

Additional copies of the 11-17-08 version of the prioritized list of discussion topics were distributed. Al Kean noted that he had separated the discussion topics into the categories of Action (anticipated potential for consensus recommendations) and Information, as recommended by the DWG at the 10-9-08 meeting. Priorities (H, M, L, or combinations thereof) were based on input submitted by DWG members and discussions at the 10-9-08 meeting. Based on discussion at the 11-24-08 meeting, the priority for the discussion topics: Responsibilities for private crossings, and Separable maintenance for tile systems, were revised from L to L-M.

There was substantial support to add “Hydrology management for ag productivity, water quality and flood damage reduction” as an information topic. It was suggested that this topic be correlated to the

Minnesota Statewide Conservation and Preservation Plan. Subsequent related discussion included information about methods for evaluating drainage management and water quality, including water quality benefits of improved drainage ditches with flatter side slopes, grade controls, side inlet controls and perennial vegetation buffer strips. It was suggested that this might be correlated with the discussion of Section 103E.015 Considerations before drainage work is done, and/or with discussion of types and effectiveness of drainage management practices.

It was suggested that Al Kean talk to Mike Carroll, DNR, regarding a pilot effort in Beltrami County to redefine ditch benefits on Con-Con lands based on the recent DNR rule.

Tax Assessment on Ditch Buffers and Green Acres

Much discussion about how counties assess (or not) ditch buffer strips. (Jerry Amiot indicated zero in Polk County.) Changes made to the Green Acres law during the 2008 legislative session were also discussed. Substantial concern was expressed about CRP and RIM lands no longer qualifying and the associated reduced incentive for enrollment in these conservation programs. Concerns were also expressed regarding other changes to the Green Acres law and the limited discussion of the changes during the 2008 session. It was suggested that key legislators regarding this topic be invited to a DWG meeting and discussion. It was also suggested that the state might create a blue waters program for water quality that might replace Green Acres.

2008 DWG Consensus Recommendations

Policy Recommendations –

103E.227, Subd. 1. Petition. (e): Concern was expressed that the current requirement to present a public waters work permit or water use permit with the petition is unreasonable, particularly because the proposed language for the petition requirements involves a concept plan, not detailed plans, which are required in Subd. 3. Procedure to establish a project. After substantial discussion, there was consensus to leave Subd. 1.(e) as is and/or give Al Kean an opportunity to coordinate potential revised language regarding when and how a public waters work permit or water use permit is required in this section. An engineer's report is required in Subd. 3 and flowage easements in Subd. 4.

103E.227, Subd. 2.: It was suggested and agreed by those present that the explanation be revised to clarify that the proposed language would exempt SWCDs and WDs from the requirement to file a bond.

103E.805, Subd. 3. Hearing.: It was recommended and agreed that the terminology "isolated basin" be removed, because this has specific meaning related to Section 404 permitting, which is not the same broader meaning as proposed in Subd. 3. There was consensus that the proposed language "cannot significantly or regularly use the drainage system" could fulfill the intent.

103.806, Subd. 4. Effect of partial abandonment.: It was suggested that "or improvement" be removed. The reference to not accepting a repair petition was agreed to be sufficient. (This is also consistent with 103E.811, Subd. 6. Effect of abandonment.)

Funding Recommendations –

Drainage Records Modernization: It was suggested and agreed that the background information should also include definition of the total match committed by the 44 drainage authority applicants. Al and Joel will tabulate and add this number to the background information. After discussions, it was agreed that the DWG recommendation for additional state challenge grant funding for drainage records modernization should be \$500,000 per year for the next biennium.

Next Meeting

Thursday, January 8, 2009, 12:30 – 3:30 p.m at Minnesota Farm Bureau.