

## **Drainage Work Group Meeting Notes January 28, 2008**

### **Attendance**

Ron Ringquist, MVA; Kurt Deter, Rinke-Noonan; Craig Austinson, Blue Earth Co.; Gerald Amiot, MACO; Ron Harnack, RRWMB; Ray Bohn, MAWD; Rick Moore, MSU-M, WRC; Mark Dittrich, MDA; Greg Knopff, Senate Counsel, Research and Fiscal Analysis; Henry VanOffelen, MCEA; Bill Thompson, MPCA; Bob Patton, MDA; Scott Moen, FWLA; Thom Peterson, MFU; Alan Perish, MVA, MFU; Bruce Kleven, Commodity Groups; Chris Radatz, MFB; Jeremy Geske, MFB; Warren Seykora, MAWD; Harlan Madsen, AMC, Kandiyohi Co.; Loren Engelby, Kandiyohi Co.; Allan Kuseske, MADI, NFCRWD; Dan Wilkens, SHRWD, RRWMB, MADI; Al Kean, BWSR

### **Handouts Prior to or During Meeting:**

1. Drainage Work Group Meeting Logistics and Agenda for 1-28-08
2. Drainage Work Group Meeting Notes for 11-8-07
3. Discussion Paper and current DWG recommendations, Section 103E.227, 1-18-08
4. Discussion Paper and current DWG recommendations, Section 103E.805, 1-18-08
5. Agricultural Watershed Restoration Projects Work Plan, 1-11-08

### **Introductions and Agenda Overview**

All in attendance introduced themselves. Al Kean provided an overview of the meeting agenda and objectives and welcomed visitors.

### **Approval of 11-8-07 Meeting Notes**

Al handed out extra copies of the subject meeting notes and asked if there were any comments or corrections. Jerry Amiot noted that in the notes regarding Polk County experiences with redetermination of benefits the indication that Polk County involves 3 watershed districts should be 4 watershed districts. No other comments or corrections were offered.

### **Clarifications of Section 103E.227**

The most recent changes to the draft DWG recommendations in the discussion paper dated 1-18-08 were reviewed and no further changes were proposed. Therefore, this version reflects DWG consensus recommendations!

### **Clarifications of Section 103E.805**

A number of recent and proposed revisions were discussed including:

- Do not add “assessed” in the title of this section or replace “benefited” with “assessed” in the first line of subdivision 1, so as to maintain the existing language and meaning of the law, to the extent possible and appropriate.
- Revise Subd. 3 in both 103E.805 and proposed 103E.806 to include mailing of a notice to the owners of all property benefited by the drainage system regarding a petition filed under one of these sections.
- Keep “and” between the two criteria to be used by drainage authorities regarding approval of an order for partial abandonment, as in the current 103E.805. However, it was suggested that the proposed 103E.806 should enable a drainage authority to abandon a section of tile (or ditch?) that is no longer necessary as part of the public drainage system if a rerouted section of public tile or ditch is installed (e.g. a tile is improved via a new ditch along property lines

instead of splitting a field). In this case, the abandoned section of tile may still provide benefits to a property owner but should be turned over to the property owner as a private tile. AI will consider how to address these objectives in the next draft.

### **Status Regarding Development of Drainage Records Modernization Guidelines**

Rick Moore, MSU-Mankato, Water Resources Center, provided an overview of the findings to date from interviews of drainage authorities that have modernized their drainage records. He is in the process of categorizing and summarizing the experience of those involved in these drainage records modernization efforts. This is expected to include definition of local priorities for modernizing drainage records, as well as processes used and lessons learned. The goal for completed guidelines is the end of June 2008.

### **Agricultural Watershed Restoration Projects**

AI Kean provided a brief overview of the directive and funding from the Legislature to the BWSR and a work plan for these projects. The work plan includes the following 3 phases.

Phase 1 – Selection of approximately 3-5 representative subwatersheds and local sponsors

Phase 2 – Studies and reporting regarding feasible and practical practices and benefits for restoration of hydrologic function and water quality

Phase 3 – Implementation of priority practices using remaining project funding and/or other sources of implementation funding

A question was asked whether the project could focus on monitoring. AI indicated that the plan was to evaluate and implement practical and feasible practices to restore or protect water quality, but that subwatershed selection criteria will include consideration of the potential to monitor outcomes. Concern was expressed about targeting of subwatersheds per major river basin to help ensure representative coverage of different agricultural landscapes and avoid many unsuccessful applications. AI indicated that the application will be kept reasonably short and that substantial consideration will be given to selecting ag subwatersheds from different parts of the state.

### **Mass Appraisal Process for Conservation Easement Lands and Other Special Land Use**

Ron Ringquist utilized PowerPoint to present an overview of the mass appraisal process used by viewers to define drainage system benefits, including the process for agricultural land use and various other land uses. A key to the mass appraisal process is definition of different classifications of lands and benefits, including criteria to establish each benefit classification. Section 103E.315 Assessment of Drainage Benefits and Damages includes guidance and requirements upon which benefits may be based. This includes use of the drainage system as an outlet. Section 103E.025 Procedure for Drainage Project that affects State Land or Water Area used for Conservation includes guidance regarding benefits determination that consideration must be given to the value of the area for the purpose it is held or used by the state. Similar consideration is given to other permanent state and federal conservation program lands. Viewers are responsible to determine the appropriate class of land and benefits for each parcel.

### **Incremental Adjustment of Drainage Assessments for Long-Term Land Use Change**

Time was running short for discussion of this topic, which will need to be rescheduled. It was noted that a key / critical difficulty in regard to this topic is that drainage system assessments are based on percentages of benefits for each benefited parcel. Changing one changes all.

### **Next Meeting**

Because a substantial number of DWG members are involved in the Legislative Session, it was decided to not have the next DWG meeting until after the 2008 Session.