

Drainage Work Group Meeting Notes June 25, 2007

Attendance

Tom Hovey, DNR; Craig Austinson, Blue Earth Co.; Ron Ringquist, MVA; Gerald Amiot, MACO Drainage Cmte.; Gary Botzek, MCF; Kurt Deter, Rinke-Noonan; Henry VanOffelen, MCEA; Shannon Fisher, MSU-M, MRB; Jon, Bohn, MAWD; Bruce Kleven, Ag Groups; Joe Martin, MDA; Wayne Edgerton, DNR; Warren Seykora, MAWD; Chris Radatz, MFB; Jeremy Geske, MFB; Greg Roiger, MASWCD; Alan Perish, MVA, MFU; Dan Wilkens, MADI, RRWMB, SHRWD; Allan Kuseske, MADI, NFCRWD; Ray Bohn, MAWD; Wayne Anderson, MPCA; Paul Burns, MDA; Bill Thompson, MPCA; Thom Peterson; MFU; Annalee Garletz, AMC; Ron Osowski, RRWMB; Doug Thomas, BWSR; Al Kean, BWSR

Handouts Prior to or During Meeting:

1. Drainage Work Group Meeting Logistics and Agenda for 6-25-07
2. "Drainage and the Value of Consensus", Article for AMC Newsletter summarizing DWG 1-07 Recommendations and 2007 legislative outcomes
3. Clean Water Legacy Brochure by Wilkin SWCD and County
4. DWG – Discussion Topics for CY 2007, Draft, 6-25-07

Introductions and Agenda Overview

People in attendance introduced themselves. Doug Thomas provided an overview of the meeting agenda and objectives. He indicated that Larry Kramka, DNR Assistant Commissioner, could not attend the meeting to address the topic of DNR rulemaking regarding drainage benefits on Con-Con lands. Therefore, the 1:30 agenda item will be rescheduled to a future DWG meeting. Doug noted that he had met recently with Larry Kramka and Ray Bohn, MAWD lobbyist, to discuss DNR rulemaking regarding drainage benefits on Con-Con lands. There was some brief discussion. Doug also suggested that the 3:00 agenda item be rescheduled to a future meeting to allow DWG members and the organizations they represent time to discuss the draft DWG discussion topics prior to prioritization by the DWG.

Review of 2007 Legislative Drainage Policy and Budget Actions

Al Kean provided handout no. 2, which includes a summary of DWG recommendations to date and outcomes of the 2007 legislative session. The value of DWG consensus was noted as a key to passage by the Legislature. Al pointed out that legislators added two policies to the DWG recommendations. One indicates that drainage authorities should give preference to planting native vegetation of a local ecotype on drainage ditch buffer strips. The other requires drainage authorities to annually report information about ditch buffer strip implementation and enforcement to the BWSR on a calendar year basis. Doug indicated that the drainage policy changes take affect on August 1. BWSR plans to develop a process by December 2007 for the required buffer strip reporting. The DWG will be looked to for review and advice on implementation. BWSR will also work with FSA to develop clarification of CRP and ditch buffer strip policies and guidelines. This was another DWG recommendation, for which the DWG will be looked to for review and advice.

The Legislature and Governor appropriated \$150,000 to BWSR to develop guidelines for drainage records preservation and modernization. BWSR intends to contract with the Minnesota

State University, Mankato, Water Resources Center (WRC), to assist with this project. The WRC has pertinent data and experience in this regard, based on its previous work, including assistance with the Public Drainage Ditch Buffer Study. BWSR will receive \$500,000 in FY 09 as accelerated cost-share for drainage records preservation and modernization.

BWSR was appropriated \$300,000 per year to facilitate the work of the DWG, update the Minnesota Public Drainage Manual and staff a Drainage Assistance Team to provide assistance to local drainage management officials. BWSR is consulting those who worked on the original version of the Public Drainage Manual to help define an efficient work plan for updating the manual. The update is to include a drainage system Best Management Practices section. BWSR intends to have a lead engineer for the Drainage Assistance Team and is coordinating with DNR, MPCA and MDA regarding interagency participation. A question was asked about whether or not drainage authorities will be required to use or work with the Drainage Assistance Team. Doug Thomas indicated no, working with the Drainage Assistance Team will be voluntary.

It was requested and agreed that BWSR will send an electronic version of handout number 2 to all DWG members, who can distribute. BWSR will also pursue developing a fact sheet about specific changes of drainage law.

Summary of Other Pertinent Legislative Directives and Appropriations to BWSR

Doug Thomas indicated that the Legislature directed \$1.2M/yr. of State Cost-Share appropriations to establish and maintain vegetation buffers of restored native prairie and restored prairie, using seeds of a local ecotype region. BWSR must first identify and/or develop standards and policies for this new program, which is expected to occur in FY 08, including coordination with the DWG. The new program will be rolled out in FY 09.

BWSR received \$300,000/yr. to begin county cooperative weed management programs on private natural lands and lands with native vegetation enrolled in state or federal conservation programs. Again, the plan is to identify and/or develop standards and policies for this new program during FY 08 and roll it out in FY 09. BWSR and MDA have begun discussions in this regard. Doug Thomas provided handout no. 3, a Clean Water Legacy Brochure by Wilkin SWCD/County, as an example of current local efforts to promote various conservation practices, including buffers, side inlet controls and other erosion control practices. Technical and financial assistance for these types of practices is available through various programs, including Clean Water Legacy, which is targeted to impaired waters with a TMDL implementation plan.

DWG Discussion Topics for 2007

Al Kean provided handout no. 4, including a summary of discussion topics remaining from calendar year 2006. DWG members briefly discussed these topics and identified a number of potential additional discussion topics. Following is a consolidated summary of potential DWG discussion topics for 2007, including brief descriptions of the issues and information needs.

Topics Remaining from 2006

- Clarify Section 103E.227 Impounding or diverting a drainage system.
 - Address “rerouting” of an open ditch or tile drainage system, such as around a wetland restoration.
 - Clarify construction, operation, maintenance and repair responsibilities.

- Clarify Section 103E.805 Removal of property from and partial abandonment of a drainage system.
 - More clearly define the two separate or combined purposes and process.
- Urban ditches
 - Review experience to date regarding use of Section 103E.812 Transfer of all or part of drainage system.
 - Consider other issues regarding transfer or abandonment.
- Native vegetation
 - Review definitions in 2007 legislation.
 - Stay informed about BWSR implementation of legislative directive for native vegetation cost-share program and cooperative weed management programs for native vegetation on private lands.
- Adjusting drainage system assessments for land use change.
 - The key issue is incremental land use change that can substantially change runoff and use of a drainage system.

Potential New Topics for 2007

The following potential new discussion topics were identified by DWG members.

- Repair project procedures for systems with no repair history.
- Agricultural stormwater management for water quality.
- Effectiveness of drainage system design approaches.
 - readiness for widespread implementation
 - compatibility with drainage law
- Improvements
 - definition and coordination of drainage authority(ies)
- Funding for redetermination of benefits
- Private crossings
 - clarification of responsibilities for installation and repair
- Trees over tile
- Alerting land buyers to public drainage system right-of-way
- Tile outlets into public drainage systems
 - review process requirements
- Forest Legacy Program and drainage systems
- Water quality use classifications and public ditches

These discussion topics will be further clarified and prioritized at the next DWG meeting.

Next Meeting

It was discussed and agreed that the DWG would meet bimonthly at this time. The afternoon of the second Monday of August was the tentative date identified for the next meeting. It was also suggested that a DWG meeting might be held outside the Metro area and possibly include a tour of a drainage research site.