

Drainage Work Group Meeting Notes July 12, 2018

11:00 a.m. - 2:00 p.m., Minnesota Farmers Union Building, St. Paul, MN

Attendance

Tim Gillette, BWSR; Tom Loveall, BWSR Brd.; Chris Otterness, HEI; Joel Larson, UMN WRC; Alan Perish, MFU, MVA; Elise Larson, MCEA; Hannah Mathews, IWLA; Bill Thompson, MASWCD; Mark Dittrich, MDA; Ruth Simpson, MAT; Harvey Kruger, HLWD; Allen Wold, BDSWD; Rob Sip, RRWMB; Emily Javens, MAWD; Greg Knopff, Senate Analyst; Tim Dritz, MAWD; Kurt Deter, Rinke Noonan; Doug Krueger, McLeod Co., MRCC; Randy Kramer, Renville Co., AMC; Jennifer Berquam, AMC; Lisa Frenette, RRWMB; Jerome Deal, RRWMB; Dan Wilkens, SHRWD; Dwight Wilcox, MDA; Brian Martinson, SMBSC; Janelle Taylor, MN House; Jim Stark, LWC; Ben Stanley, Senate Staff; Elizabeth Henley, Smith Partners; Dave Weirens, BWSR, Mark Hiles, BWSR; Al Kean, BWSR

Handouts prior to or during the meeting

- 1) Meeting logistics and agenda for 7-12-18
- 2) Meeting notes for 6-14-18
- 3) DWG Prioritized Discussion Topics List - Draft 7-6-18
- 4) DWG Charter - Draft 7-6-18
- 5) DWG - ADSABS 2018-2019 Legislation Recs S2, S3, S6, P4 7-3-18
- 6) DWG - RSDO Chapter 103E Revisions - Final 3-20-18

Introductions and agenda overview

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

Approval of 6-14-18 meeting notes

Extra copies of the notes were distributed. Corrections or additions were invited. None were identified.

Share information about recent and upcoming drainage related events

- Ag Drainage and Water Quality, ISG, Wed., June 27, 2018, Verizon Center, Mankato
- Minnesota Viewers Assn., Trng Seminar, 10:00 a.m., Thursday, July 19, 2018, Jackpot Junction, Morton and Thursday, August 16, Alexandria
- Drainage Water Management Demonstration, UMN Southwest Research and Outreach Center, 9:00 a.m. - 12:00 p.m., Thursday, August 16, 2018, Lamberton

DWG Prioritized Discussion Topics List

It was agreed to move the Reestablishment of Drainage System Records topic from page 1 to page 2 with M-H priority, as an informational topic to investigate, with input from the DNR before determining whether or not it is a topic with a need or potential for consensus recommendations. Also agreed to change the priority for "Impaired waters TMDL/WRAPS process and 1W1P in relation to drainage", and "Drainage management practices ..." to M-H priorities. Al K. noted the addition of the BWSR-DWG "Recommendations for Accelerating Public Drainage System Acquisition and Establishment of Buffer Strips and Alternative Practices", 2-1-18, and the "Understanding Minnesota Public Drainage Law" documents to the Key Reference Documents list.

DWG Charter / Member Guidance

The draft new document dated 7-6-18 was reviewed, discussed and generally supported as beneficial for DWG purpose and process definition, orientation of new members, and periodic reference for all members. A goal was suggested for policy recommendations to be ready by November 15 each year to enable time for communication with stakeholder groups and legislators before the legislative session. Concerns were expressed about a requirement for full consensus and what to do if one or a few

members can't live with high majority DWG recommendations and can't agree to not oppose. Some discussion about requiring members to represent a drainage stakeholder organization. Discussed that full DWG consensus is best for recommendations to the Legislature and Governor, but there may be a potential need for a minority report. Some discussion about the wording of the first bullet under the definition of member responsibilities. AI will coordinate and revise the draft Charter for the August DWG meeting. Subsequent discussions below indicated a need for further consideration of options.

Revised document for Accelerating Drainage System Acquisition of Buffer Strips recommendations

Handout 5) was discussed. The DWG recommendations that are no longer relevant at this point in time were removed and an "Explanation of Purpose" added for the remaining recommendations (S2, S3, S6 and P4). The AgBMP Loan Program language recommendations (P4) are the final version included in the 2018 Ag Policy Bill that was vetoed. Dwight Wilcox, AgBMP Loan Program Manager, MDA, indicated that MDA might propose broader / additional revisions. However, it was agreed that MDA will include the DWG intent to enable drainage authorities to serve as a borrower to streamline use of the AgBMP Loan Program for Chapter 103E buffers strips. These Section 17.117 language revisions can be eliminated in this document and refer to the MDA proposal to address recommendation P4. Allen Wold, BDSWD, indicated that he can't live with the DWG recommendation to revise Section 103E.351 Redetermination of Benefits and Damages to reduce required petitioner threshold from "more than 50%" to "more than 26%", or to delete the "correction of an error that was made at the time of the proceedings that established the drainage system" provision. It was explained that Chapter 103E Improvements and Petitioned Repairs use 26% as the petitioner threshold, the drainage authority is not required to order a petitioned redetermination, and a redetermination automatically corrects errors in the original or previously redetermined benefits and damages. However, no full DWG consensus.

Verification of DWG consensus for Runoff and Sediment Delivery Option recommendations

Allen Wold, BDSWD, indicated that he can't live with the DWG recommendations dated 3-20-18, because sediment source fingerprinting in the MN River basin indicated that most of the sediment in the MN River is not from farm fields and the GIS prototype RSDO method can't define the source of the sediment in ditches. Also concerned that this option could become required in the future. And concerned about constitutionality of a repair cost apportionment assessment without quantified benefits. It was noted that the RSDO prototype method uses the longstanding USDA Revised Universal Soil Loss Equation. Storm water utilities and watershed district water management district cost assessments are not required to quantify monetary benefits. However, no full DWG consensus and a need to further discuss next steps for this and the foregoing agenda topic at the August DWG meeting.

Communications for DWG ADSABS and RSDO Consensus Recommendations

A DWG Communications Committee meeting was set for 7-23-18 for this task. However, in light of the lack of full DWG consensus, delaying the meeting will be considered.

DNR Public Waters and Drainage Guidance

No DNR representative was able to attend this DWG meeting. AI K. had talked to DNR staff, who had agreed to look into how and when to provide guidance training and example scenario information to drainage authorities, potentially at the MAWD and AMC annual meetings. The guidance document is now available on the DNR website [Public Waters Work Permit Program](#) page.

Discuss need and next steps to investigate reestablishment of drainage records topic

An explanation of the concerns identified by the DNR is needed to determine next steps. AI K. will coordinate with DNR to seek participation and explanation of their concerns at the next DWG meeting.

Next DWG meeting:

Thursday, August 9, 2018, 11:00 a.m. - 2:00 p.m. at the MN Farmers Union, St. Paul.