

## **Drainage Work Group Meeting Notes**

**July 31, 2014**

12:30 – 3:30 p.m.

Minnesota Farm Bureau Building, Eagan, MN

### **Attendance**

John Thompson, Faribault Co., MACATFO; Ron Ringquist, MVA; Mark Morreim, MNLICA; Ann Lewandowski, UMN WRC; Jill Bathke, MCEA; Larry Kuseske, MAWD; Anna Boroff, MCGA; Doug Busselman, MFB; Wayne Anderson, MPCA; Greg Eggers, DNR; Les Everett, UMN; Rob Sip, MDA; Kurt Deter, Rinke-Noonan; Jerome Deal, MAWD; Ron Harnack, RRWMB; Ray Bohn, MAWD; Tom Loveall, BWSR Brd.; Laura Nehl-Trueman, MnDOT; Dave Schad, DNR; Warren Formo, MAWRC; Tim Gillette, BWSR; Al Kean, BWSR

### **Handouts prior to or during meeting:**

1. DWG – Meeting Logistics and Agenda for 7-31-14
2. DWG – Meeting Notes for 6-12-14
3. DWG - Prioritized Discussion Topics List - Draft 7-24-14
4. EPA Waters of the U.S. Proposed Rule webpage info 7-25-14 (2 documents)

### **Introductions and agenda overview**

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

### **Approval of 6-12-14 Meeting Notes**

Extra copies of the meeting notes were distributed. Corrections or additions were requested. It was pointed out that the notes did not capture the full scope of discussion about Minnesota Laws 2014, Chapter 289, Sec. 54, which repealed a Public Waters Work Permit exemption for removal of debris and dead trees from public waters, or the discussion about the prioritized discussion topics list that included concerns about public waters statute and rule intersection with Chapter 103E, as well as private drainage. This latter correction/clarification is also reflected in prioritized discussion topics below.

### **Share information about recent and upcoming events involving drainage topics**

- Ag Drainage and Future of Water Quality Workshop, Mankato, 6-26-14 – Good turnout and presentations, including panel discussion. Included field tour of Blue Earth CD-57 multipurpose drainage management project.
- UMN Southwest Research and Outreach Center, Soil and Water Management Field Day, 7-23-14 at Brian Hicks farm. Good weather, good turnout, some very good presentations about controlled subsurface drainage, nitrogen mgmt., soil health, and more.
- Side Inlet Demonstration Field Days: Mower SWCD, 7-24-14; Red Lake SWCD/WD, 8-19-14; Hawk Cr. Watershed, 8-20-14; Nicollet Co./SWCD, 8-28-14. Part of BWSR Section 319 research and demonstration project for side inlets to improve water quality. Good turnouts to date.
- FarmFest, August 5-7, Gilfillan Estate, Redwood County
- Farm Water Management and Cover Crop Field Day, Lloyd Schrunk farm near Canby, MN (sponsored by Stu Frazeur Tiling, Yellow Medicine SWCD, et al.)
- Minnesota Viewers Association meeting, Fergus Falls, 8-27-14
- MN Ag Water Resources Center, MN Farm Bureau and several Watershed Districts, water management forums at 3 locations in the Red River Basin, July 2014. Broad discussions with mostly farmers regarding drainage, flood storage, permitting and water quality topics.

### **Update regarding DWG Subgroup for drainage system assessments to road authorities**

A recent meeting was held between MnDOT and Rice Creek WD regarding runoff-based assessments for road right-of-ways within water management districts. Al Kean attended. Rice Creek WD has implemented runoff-based assessments for some of its mixed ag and urban drained watersheds, which is an early adoption of this approach. MnDOT has concern that runoff coefficients for road right-of-ways are too high and road categories too generalized. Al K. proposed to get this subgroup together in the next month or so to discuss this topic, as well as recent MnDOT appeals of drainage system assessments.

### **Status of EPA Proposed Rule defining Waters of the U.S. protected under the Clean Water Act**

Two handouts of screen shots from the EPA website about the proposed rule were reviewed. DWG discussion included concerns regarding the effects of the rule on the scope of EPA and USACE jurisdiction. Also concerns about time and work involved in getting a permit from the USACE. It was suggested that more jurisdictional determinations by rule could speed up the process. A Land Improvement Contractors of America position paper regarding the proposed rule was shared.

### **Update of Minnesota Public Drainage Manual**

Al K. shared that with the appropriation language being modified to allow contracting vs. granting to an LGU, a contractor has been selected, but must remain confidential until a contract is signed. BWSR is pursuing the execution of a contract. Fiscal year closeout and startup have been a workload challenge for BWSR and MMB contracting staff, but hope to have a contract in place in the near future. The project will include an advisory committee, for which DWG members will be candidates.

### **Further Review DWG Prioritized Discussion Topics List**

Goal was to update and define priority topics for DWG to address next. The following topics were identified as being high priority for further DWG discussion:

- Interaction of public waters statute and rule with drainage law and private drainage
- Providing an option for runoff-based drainage system assessments in drainage law
- Drainage system assessments to road authorities, methods and consistency
- Redetermination of benefits, particularly with regard to clarity of authorities and process
- Section 103D.625, several subtopics/issues

It was decided to include several pertinent documents as references for the DWG, including: Smith Partners LCCMR report – Minnesota Drainage Law Analysis and Evaluation; BWSR/UMN LCCMR report – Conservation-Based Approach for Assessing Public Drainage Benefits; UMN report – Water Sustainability Framework.

### **Next Meeting**

It was agreed to not meet on August 21, as previously identified, and to have the next DWG meeting on Thursday, September 11, 2014 at the Minnesota Farm Bureau building.