

Drainage Work Group (DWG) Meeting

September 11, 2023

Following the welcome and introductions, Tom Gile, Board of Water and Soil Resources (BWSR) gave an overview of the agenda. Information was provided about the following drainage-related events.

- AMC Fall Policy Conference on September 14
- Minnesota Water Resources Conference on October 17 and 18
- Minnesota Watersheds Drainage Workshop on November 29

Clean Water Council Draft Drainage Policy Statement

Paul Gardner, CWC Administrator explained that issues policy statements are part of its biennial legislative recommendations. This recommendation is not due until January 15, 2025. However, the draft policy could inform the funding process in 2024.

Comments:

- The ditch and tile inventories are a lofty goal.
- Farm drainage has a positive effect, lengthens the growing season to reduce carbon, and allows the use of no-till.
- There is concern that there is too much negativity in the policy, especially the background information.
- There has been discussion about changing the schedule for multi-purpose drainage management (MDM) grant cycle based on comments received from drainage authorities in the past.
- There is value in parts of the document, but there are many questions and concerns, as well as holes and inaccuracies.
- Entities involved in the DWG have been asked to provide feedback on the document. It would be better to work together and have a group recommendation.
- The CWC would like recommendations in writing by the end of the year.
- There needs to be a dialogue between the DWG and the CWC before the policy is recommended to the legislature. The draft policy shows a lack of understanding of what drainage is about in Minnesota.
- There is a need for education for farmers.
- There is a recommendation for a drainage endorsement for the MAWQCP. At this point, there are no details on what this would be. The CWC is open to suggestions.
- MCEA appreciates bullet #8. The CWC needs to pay attention to altered hydrology and it is good to consider this in conjunction with adequate outlet.
- The draft policy supports MDM, which is good. There will also be a budget component to this policy.
- The draft policy explicitly states that the use of CWFs for drainage is prohibited. This is already the case, so stating it isn't necessary.
- People that state that CWFs can't be used for drainage have it all wrong. If the state wants clean water and wants changes to drainage law, funds should be used for that.

Notification Requirements and Recommendations Update

Tom Gile gave an overview of the prioritization exercise that was done at the last DWG meeting, as well as the table that was developed containing notification requirements.

Comments:

- The environmental groups believe notice could be improved. There is another lens that is missing in looking at this – those who are “potentially affected”. We need to reduce the administrative burden on drainage authorities, but the final hearing is too late for input.

- Drainage authorities think that there is some clean up work that could be done. There hasn't been discussion on where broader public notice could be or should be done. There has been some polling of drainage authorities and email distribution lists are being done.
- Environmental groups want to look at streamlining reporting, removing duplication, and being more effective in notification methods.
- There is a due process aspect to notice requirements. The landowners that are assessed have a right that qualifies them to receive notice.
- Notice by mail is still the best way for the agricultural community to receive notice.
- The laws were written for those who are directly affected by a drainage system.
- There are some sections in statute that refer to those likely affected and to interested parties.
- Environment groups believe that .015 states that there are impacts to public resources and the broader public needs to receive notice.
- Tom will distribute the color-coded notification table. Comments on the table are due by the end of the week. Five potential meeting dates were added: September 28, November 2, November 30, December 21, and January 4.

Outlet Adequacy Technical Committee Update

Rita Weaver gave an update on the work of the committee. They have spent time developing definitions for outlet and impact, as well as a recommended approach. They have also identified items for future consideration by the DWG. They will meet again on September 25.

Comments:

- The definition of outlet describes what engineers are already doing.
- The environmental groups believe this raises questions on how to define impact. There can be regional variation. Instead of just looking at flooding, they want groundwater and base flow to be considered in downstream impacts.
- Impact is a key word and the committee will have more discussion about this.
- It is good to note that the decision about the outlet is made by the drainage authority and engineer. Local control is essential because water quality studies such as TMDLs and WRAPS are considered in project development.
- There is variation on where the impact of a system ceases.

Runoff and Sediment Repair Cost Apportionment Sunset

The RDSO legislation has a sunset date of July 31, 2024. It could be proposed to extend the sunset date.

Comments:

- HEI is willing to do a presentation on the water management district process as it is done in the Rice Creek Watershed District.

Next Meeting

October 12 at Minnesota Farmers Union

The meeting adjourned at 2:00 p.m.

Meeting notes by Jan Voit