

WATERWAYS

A Quarterly Publication of the Iowa Drainage District Association

Volume 1, 2010

2010 Legislature closes up shop early

The curtain came down on the 2010 legislative session on Tuesday, March 30. This year's session was shortened by legislative leadership to cut costs. Here is the status of the bills that IDDA was following.

HF 2273 – This bill does two things. First of all, it raises from \$15,000 to \$20,000 the cost of drainage improvement before bids would be required. Secondly, it changes the amount of bid security a company must post when it is bidding on a drainage project. Currently, state law caps the amount of security required at \$10,000. This bill would raise that amount to 5% of the total cost of the project. **Status** – the bill was signed by the Governor on March 22nd. It is effective immediately (not July 1st). **IDDA position** – IDDA supported the bill.

HF 2246 – This bill deals with individuals that damage a levee or drainage district improvement. A person would have 45 days to repair the damage after the governing body of the drainage notifies the individual doing the damage of the restoration or repairs that are required. Work would have to be done in conformity with applicable drainage standards. If the work is not done in 45 days, the governing body can make the restorations or repairs. The cost of the work plus attorney fees and engineering fees incurred would be the responsibility of the individual. **Status** – The issue may be taken up by an interim committee. **IDDA Position** – IDDA supported the bill.

HF 2217 – This legislation would exempt drainage districts from Chapter 26 of the Code relating to public improvements. IDDA requested this legislation. Drainage districts were inadvertently included in the law several years ago. The problem is that sections of Chapter 26 have requirements that are in conflict with drainage laws which are found in Chapter 468. We were asking for the exemption so that the conflicts could be cleaned up. **Status** –

The issue may be taken up by an interim committee. **IDDA position** – IDDA supported the bill.

HF 2256 – This bill would appropriate \$96,663.83 to a drainage district in Palo Alto County. Five Island Lake is owned by the state. The district is trying to do drainage improvements and the cost to the state, as owner of the lake – for the benefit that would be received – is the \$96,000 figure. The state escaped from the paying the cost on a legal technicality. The money would be paid from the Environment First fund. **Status** – The issue may be taken up by an interim committee. **IDDA position** – IDDA supported the bill.

HF 2206 – This bill relates to ag drainage wells. Currently, the law states that the deadline for complying with the provision of the law relating to ag drainage well closure was December 31, 2001. This bill extends that date to December 31, 2015. **Status** – The bill did not pass. **IDDA position** – IDDA supported the bill.

SF 2069 – This bill is referred to as the “wetlands protection act.” The reality is that it has little to do with protection. What it would do is establish a bureaucracy in DNR to regulate wetland activity. **Status** – The bill did not pass. **IDDA position** – IDDA opposed the bill.

SF 2316 – This bill relates to flood plain management. The genesis of the bill was the flood task force that met in 2009 and forwarded recommendations to the Governor and General Assembly last December. DNR is to develop best management practices for stormwater by December of 2010. Model ordinances are supposed to be developed for the regulation of a two-tenths flood plain by political subdivisions. Facilities critical

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Waterways is a quarterly publication of the Iowa Drainage District Association. Comments can be directed to the association at:

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Mertz retires from legislature



Dolores Mertz, who served in the legislature for 22 years, announced this spring that she would not seek reelection. Dolores, who prior to going to the legislature served as a county supervisor in Kossuth County, was THE drainage expert in the legislature. She was called the “Queen of Drainage” and she carried

the title proudly. No legislation that affected drainage would pass the legislature unless it had Delores’ blessing.

Dolores always voted her conscience and her district, much to the chagrin of many a legislative leader. If she did not believe that a bill was good one, no amount of pressure was going to have any impact on her. At a retirement reception held for her shortly before the end of the legislative session, legislators from both parties were effusive in their praise of her. Many humorous stories were told about her – including the house legislative leader who locked Dolores in his office so she could not vote against a bill he was championing. Dolores was old school and started in the legislature when the atmosphere was much different. There was still partisan bickering but it did not have the poisonous flavor that it does today. Legislators spent more social time together and legislators from different parties could be enemies by day and friend at night – something that does not happen much anymore.

When I started with IDDA in 2001, and started lobbying the legislature in 2002, Dolores took me under her wing. She was a joy to work with and cared deeply about drainage and ag issues. Someone else will fill the legislative seat that Dolores has given up but no one will ever replace her.

for the health and safety of the public and the environment that is located in a two-tenths percent flood plain shall be designed to maintain the operation and function of the facility or the safe cessation of the operation and function of the facility during a flood. IDALS shall conduct a hydrological tiling study to determine the impact that tile drainage has on infiltration, surface run-off and flooding and to evaluate the feasibility of seasonal retention water in tile drained fields. The water resources coordinating council is supposed to make recommendation by late this year on watershed governance including but not limited to assigning responsibility for the assessment of flood risk, assessment and prioritization of options for reducing flood risks, allocation of flood reduction resources, operation of controlled water retention structures and the purchase of land or easements by cities. IDALS is allowed to initiate programs to integrate multi-purpose wetlands into watersheds with drainage districts or larger drainage systems and can prioritize funding for programs that incorporate a holistic approach. Integrated wetlands and drainage systems shall provide for nutrient trapping, more water infiltration and evapotranspiration, greater water runoff retention and habitat to support biodiversity. DNR is supposed to develop watershed demonstration projects. IDALS is also supposed to work with NRCS to reassess criteria for soil and water conservation practices due to changing precipitation patterns and extreme weather events. **Status** – This bill did not pass. **IDDA position** – IDDA opposed the bill.

HF 2459 – This bill surfaced late in the session. It creates a watershed planning advisory council. The council is supposed to report annually to the Governor, the legislature and various state agencies on a variety of water related quality and quantity issues. The council will be composed of state legislators, state agency personnel and representatives of various interest groups. Rep. Mertz was successful in amending the bill to include IDDA as one of the groups that will be represented on the council. **Status** – The bill passed. The Governor signed the bill on April 7. **IDDA position** – IDDA did not take an official position on the bill.

HF 2525 – This is an appropriations bill. Of particular interest to IDDA are two programs – the Conservation Reserve Enhancement Program (CREP) and the Ag Drainage Well Water Quality Assistance

Fund. These programs are part of the Environment First fund which derives its revenue from gambling revenues. The CREP appropriation for the next fiscal year will be \$1.5 million (which is the same as this year's appropriation) and the Ag Drainage Well Water Quality Assistance fund appropriation will be \$1.25 million – which is a reduction from last year's appropriation level of \$1.5 million. **Status** – The Governor signed the bill on April 29. **IDDA position** – IDDA supports these two state programs. We would have preferred that the appropriation level for the ag drainage well fund not be reduced from last year's level but did support the legislation.

SF 2389 – This bill surfaced very late in the session. It makes appropriations to various state agencies and departments and creates the "Iowa Jobs II" program. Of particular interest to IDDA was an additional \$2.5 million appropriation for CREP grants. **Status** – The Governor signed the bill on April 26. **IDDA Position** – IDDA did not take an official position on the bill.

IDDA also worked to prevent the deappropriation" of \$4 million dollars that went to IDALS last year under the IJOBS program. IDALS has set aside this money to fund pilot projects that will increase crop production, reduce flooding and improve the environment. Pilot projects are currently being set up in Palo Alto, Pocahontas and Clay Counties. Attempts were made by the Iowa Natural Heritage Foundation to move this money and use it for other purposes. The attempt to move this money was **not** successful.

Please contact the IDDA office if you have any questions about this legislation.



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Editors Note - On February 17 of the year, a guest editorial appeared in the Des Moines Register which lambasted the Iowa Wetlands Initiative supported by IDDA and many other groups. The guest editorial was titled, "Don't rush redesign of farmland drainage." In response to that editorial, Secretary of Agriculture Bill Northey and Wendy Wintersteen, Dean of ISU's College and Life Science crafted a response which the Register also published. The response editorial was titled, "Proposal is the next step to improve water quality." Both articles are shown below. The fact of the matter is that some in the environmental community just flat out don't like drainage. Even when you can show a plan that improves farm productivity and the environment at the same time, they just can't get past the fact that drainage will be enhanced.

Don't rush redesign of farmland drainage

By Michael Burkhart, hydrologist from Ames, Iowa and Bill Stowe, public works director for the city of Des Moines.

Last November, the Iowa Water Resources Coordinating Council (WRCC) submitted flood plain management policy recommendations to Gov. Chet Culver and state legislators. The recommendations are intended to help the state rebuild safer, stronger and smarter in the wake of the historic 2008 floods.

In light of those recommendations, a proposal for funding from the Iowa Department of Agriculture and Land Stewardship (IDALS) is counterintuitive and scientifically questionable. IDALS proposed to further enhance artificial drainage of Iowa's farmland. The plan appears to be moving rapidly from concept to expensive experiment, despite serious questions raised by scientists and knowledgeable water resource professionals.

What has been called the "Iowa Plan" redesigns and enlarges existing drainage systems and directs water flow to constructed wetlands. These wetlands are hypothesized to reduce nutrient loads delivered to Iowa lakes and streams. Restoring wetlands sounds appealing because this could benefit the hydrology and water quality that has been disturbed by – ironically – artificial drainage. In fact, the arguments supporting accelerated drainage are the same that resulted in the elimination of Iowa's wetland ecosystem in the first place: increased agricultural production. Producers and commodity consumers tout the benefits of expanded production efficiency, but what about those of us who want to use the streams and lakes destined to receive

more water, nutrients and pollution from accelerated drainage? If increased production efficiency resulted in the cultivation of less land, that is a noble objective. History shows, however, that this has not been the case in Iowa.

The downstream consequences of accelerated drainage need to be carefully examined beyond the proposed token wetland band-aid.

There are several things we know for certain. "Improved" artificial drainage in Iowa has increased stream flow in quantity and duration over the last 100-plus years. Artificial drainage flushes nitrogen and phosphorus from soil into lakes and streams, impairing those waters for drinking, recreation and aquatic life. And, wetlands have the potential to reduce stream flow and nutrient loads.

What we don't know: How much will stream flow and nutrient levels increase if drainage is further enhanced? What will be the effect of constructed wetlands on downstream flows and nutrient loads? Are producers willing to designate enough acreage to a constructed wetland such that it can function effectively? Furthermore, there is the risk that these constructed wetlands, which will be receiving enormous nutrient loads, will have deleterious effects on downstream water quality.

Under Iowa law, producers can construct drainage systems for their land using their own funds. If the negative environmental effects of accelerated drainage are only balanced out by the wetland system, how will the taxpayers of Iowa and country benefit by subsidizing this activity? Will the water leaving these drainage systems be required to meet some quality and quantity objectives?

Discussion of further modifying Iowa's hydrology at taxpayer expense is crucial. A specific, scientifically sound project plan should be developed and reviewed. Assemble some of the best Iowa scientists familiar with these issues. A transparent planning and funding process should lead to evaluating competitive ideas rather than the process of directing taxpayer funds to a limited number of IDALS' friends. Such a review is generally required for competitive research funding, and Iowa should expect no less before embarking on a potentially expensive adventure in further (mis) managing its water resources.

If we learned nothing more from the floods of '08, let's remember that accelerated drainage creates significant risks for downstream property owners and communities. We hope IDALS will propose changes in land practices that result in less flow and less nutrient pollution to the waters of the state of Iowa, rather than more.

Proposal is Next Step to Improve Water Quality

By Bill Northey, Iowa Secretary of Agriculture and Wendy Wintersteen, Dean, Iowa State University, College of Agriculture and Life Sciences

The Iowa Department of Agriculture and Land Stewardship and Iowa State University have been looking at ways to reduce nutrient loading in our state's waterways for the past 22 years. After these years of study, it's time to move forward on a pilot project now.

To provide a little background, north central Iowa has a significant amount of tile drainage, which is a system of pipes running underneath farm fields that drain standing water from the field and allow agricultural production.



Research to understand the environmental impact of this drainage has shown both positives and negatives. It has shown that tile drained fields have less surface runoff, and as a result allow less phosphorus to leave the field. However, the water that leaves the field through the tile lines has a higher nitrate concentration.

This nitrate loading is a concern to us in Iowa as it impacts our water, but is also a concern down stream in the Gulf of Mexico, where there is a large hypoxic area, or “Dead Zone,” that is attributed to the nitrogen and phosphorus from the Mississippi watershed flowing into the Gulf.

Research by ISU shows that the level of nitrates in tile drainage water can be dramatically reduced if that water is allowed to enter a wetland before being released to our state's rivers, lakes and streams. Research also suggests that updated drainage designs could substantially reduce surface runoff and field-to-stream phosphorus loading.

The proposed pilot projects would build up to

25 of these wetlands as part of the state's existing drainage infrastructure. Scientists at Iowa State and other agencies and institutions will then monitor these wetlands and the impact of drainage to evaluate the environmental and ecological benefits and the impact on surface runoff and sub-surface flow from rainfall events.

Existing research shows that these types of wetlands reduce nitrate loading by more than 50 percent and when combined with drainage systems both surface water runoff and phosphorus loss to Iowa streams are projected to be cut in half. Significant reductions in nitrous oxide gas emissions are also expected.

This proposal has been recognized by the EPA and also the Farm Foundation as the leading national model to address hypoxia in the Gulf of Mexico.

If the benefits from these pilot projects are confirmed, there is the potential for them to be incorporated into many of the more than 3,000 tile drainage systems throughout the state. And, once the pilot project is over, they would be installed with money from the landowners, not the government.

Iowa is a national leader in agricultural production, and now we are leading the nation in the development of new technologies to address environmental issues. We need to continue to move forward with proven technologies that allow our farmers to work and continue to better protect our natural resources.

If you have questions about the science being used as the basis for this proposal we hope you will visit www.IowaAgriculture.gov and click on the “Water Quality Wetlands” link under “Hot Topics” for more information.

A recent guest editorial on these pages had a headline that urged, “Don't rush to redesign farm drainage.” We hope this information helps answer any concerns about this proposal. It is based on sound science and has the potential to address problems, not make them worse. This is not a rush, but a significant step forward in our effort to better protect the water quality in Iowa and downstream.

Water quality wetlands have demonstrated great potential, so let's not stop because of unanswered questions, rather let's answer them and help farmers continue their work to better protect our state's air, soil and water.

500 year flood plain proposal raises concerns

Editor's note – There were several pieces of legislation introduced this year which would have either mandated or encouraged the adoption of a 500 years floodplain standard. IDDA opposed that legislation because of the potential costs and the lack of maps available which define what the 500 year flood plain actually is. In the end, the legislative proposals were not adopted but are almost certain to be debated again in future legislatures.

Mitigating flood risk is as important to Iowa farmers as it is to lawmakers and natural resources representatives, but recent proposed legislation that would increase the traditional regulatory floodplain from a 100-year to a 500-year model raises its own concerns.

Farmers learned more about the proposed legislation during the 2010 Farm Bureau Policy Information Conference in March in West Des Moines. Participants heard from the Iowa Department of Natural Resources (DNR), a city administrator and a trustee of a southeast Iowa levee and drainage district.

Following the floods of 2008, the Iowa legislature passed HF 756 to require the state's Water Resources Coordinating Council (WRCC) to submit policy and funding recommendations to promote a watershed management approach to reduce the impact of future flooding.

Chuck Corell, with the Iowa DNR's water quality bureau, offered some background regarding the proposal. "We've had serious flooding in eight of the last 15 years, resulting in eight Presidential disaster declarations," explained Corell. He said things needed to be addressed differently.

The switch to a 500-year flood plain quickly drew questions as the DNR has not mapped the entire state for either floodplain and the costs associated for farmers, property owners and cities are unknown.

Jim Ferneau, Sergeant Bluff city administrator, said he had many questions. "Until we know what a 500-year floodplain is, we can't measure the economic impact of this bill," he said. We don't know how to offer adequate protection for flood protection (for flood prevention) and it leads to a lot of consternation for us.

Ferneau said he'd like to see many different flood mitigation strategies, including drainage basins and watershed management guidelines studied before legislation is passed.

Kirk Siegle, a trustee of the Two Rivers Levee and Drainage District and farmer near Oakville, was also concerned about the economic impact and how schools and businesses would be affected if they found themselves included in such an area.

"That's the problem with these floodplain maps at this time," said Siegle. "In our levee district, we've spent more than \$1 million to accredit those levees to meet the 100-year floodplain."

The need for farmers to live next to areas for their livestock could also be an issue. "Our county is also concerned about the taxable valuation if this goes through," added Siegle. "What would this do to the tax base for a school district if your property valuation goes down?"

While not included in the proposed legislation's limits, Siegle also wondered about impacts to crop insurance, property insurance and economic development. *Source – Iowa Farm Bureau Spokesman*



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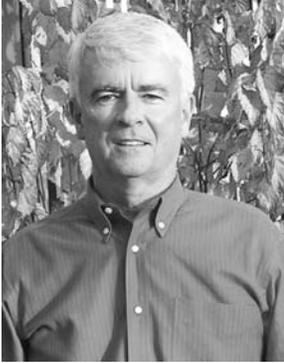


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Gulliford to be featured speaker at IDDA annual meeting



Jim Gulliford, executive director of the Soil and Water Conservation Society, has agreed to be the featured speaker at the IDDA annual conference in December. The Soil and Water Conservation society is an international professional society dedicated to promoting the science and art of natural

resource conservation. Before joining the Soil and Water Conservation Society, He served 2.5 years in Washington, DC as EPA Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances. There he was responsible for the protection of public health and the environment from potential risks of pesticides and chemicals. Prior to moving to EPA headquarters, he was EPA Regional Administrator for Region 7 in Kansas City from 2001-2006. He was responsible for implementing the authorities of the Environmental Protection Agency in the states of Iowa, Nebraska, Missouri and Kansas, and the nine (9) tribal nations within those four state boundaries.

He began his natural resources management career with a 1973 BS in forestry management and a 1975 MS in forestry economics and marketing; both from Iowa State University. From 1975 – 1981 he worked at Iowa State University and Southern Illinois University in coal mining reclamation and environmental protection programs. In 1982, he became Director of Iowa’s Department of Soil Conservation. In that position he was responsible for the development and management of soil conservation, water quality and mining regulation programs for the State of Iowa. He was named Director of the Division of Soil Conservation when the Department of Soil Conservation was merged into the Iowa Department of Agriculture and Land Stewardship in 1986 and continued directing soil and water conservation programs in Iowa until joining the EPA in 2001.

Torbert elected President of ISAE

IDDA Executive Director John Torbert has been elected President of the Iowa Society of Association Executives (ISAE). ISAE, which is headquartered in Des Moines, is an association that represents association executives and their staffs and people who service the association industry such as hotels and convention a visitors bureaus. The association has more than 200 members.

Torbert said that he is excited about the position. Although it does involve time, he does not believe it will detract from his IDDA work as ISAE has a professional staff that takes cares of the day-to-day administrative tasks. Torbert said that he considered his election a great honor. “To me, it is the ultimate compliment in terms of peer recognition,” he said. The election occurred during the ISAE annual meeting on April 26th. Torbert’s term starts on July 1 and he will serve as President for one year.

Unattributed Wisdom

The grass isn’t always greener on the other side of the fence, although it may be more fun.



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EPC to seek stricter lake nutrient standards

The Iowa Environmental Protection Commission (EPC) in March rescinded a proposed rule-making to set water quality standards for nutrient levels in lakes after several environmental groups complained the proposal was not strict enough.

Rick Leopold, director of the Department of Natural Resources (DNR) advised the EPC to terminate the Lake Nutrient Rule, which was aimed at protecting recreational uses such as swimming, saying consultations with environmental stakeholder groups indicated major changes to the rule were needed.

The DNR plans to conduct additional research and initiate new rule-making.

Stakeholder groups including the Iowa Environmental Council, Sierra Club and Des Moines Water Works objected to the original rule because it

didn't cover enough lakes.

The rule would have applied to all public and private lakes, reservoirs and ponds with an average depth of 9.8 feet or more. The groups asked for the standards to apply to shallower lakes.

EPC Commissioner Susan Heathcote, who also works as the water program director for the Iowa Environmental Council, submitted information on the lakes to the department. She also said an advisory group should hear the new DNR proposal and provide input before the new round of rulemaking and public hearings takes place.

A new proposal is expected to be available for comment this summer. *Source – Iowa Farm Bureau Spokesman*

Mark your calendars

The IDDA annual conference will be on Friday, December 3 in Ft. Dodge, Iowa.

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