

WATERWAYS

A Quarterly Publication of the Iowa Drainage District Association

Volume 3, 2010

Wetland plan to protect yields improve water quality

At a crossroads in eastern Pocahontas County, not far from Gilmore City, a project is taking shape that promises to help guide the state in technologies that can enhance crop production in some of Iowa's top-producing counties and, at the same time, improve surface water quality.

Before long, most of the farmland in this Pocahontas County drainage district will be better tiled and will drain faster and more thoroughly. That will improve its capacity to produce higher crop yields, even in wet years.

But the bottom of the district will go the other direction and will be covered by a 76-acre wetland and grass buffer area. The new wetland will be a workhorse at removing nitrates and phosphorus from the water before they reach streams, rivers and the Gulf of Mexico.

The nearly \$3 million project is the first of a series of pilot projects planned to demonstrate the efficiency and value of Iowa's bold plan to upgrade again field drainage systems and to simultaneously build wetlands, both which will improve water quality.

Innovative Tool

The Iowa Plan, officially called the Iowa Drainage and Wetland Systems Initiative, has attracted a lot of attention from agricultural and environmental officials around the country. They see it as an innovative tool to both improve yields and reduce nitrate, surface runoff – sediment and phosphorus contributions from Iowa and other Corn Belt states that have been linked to hypoxia, or low oxygen levels in the Gulf of Mexico.

Farmers will like the improved crop conditions, said Nick Roethler, an engineer, with Kuehl and Payer, an Algona based company that's doing the engineering work for the project. "I think in the next few years farmers around here will be very pleased with the outcome," he said.

Herman DeWall, who farms just west of the new wetland, agrees. "It's going to keep us drier here," he said. "There were a lot of years I had to plant three times because



Iowa Secretary of Agriculture Bill Northey speaks at the wetland dedication ceremony.

it was so wet. That gets old real fast."

Farmers who benefit from the upgraded drainage systems will still have to comply with all U.S. Department of Agriculture wetland regulations.

The wetland should also make a dent in the nutrient levels in the water flowing from the drainage district, said Dean Lemke, chief of IDAL's water resources bureau. "It's going to act like a water treatment plant for nitrate and phosphorus," he said of the wetland.

In addition, improved drainage will reduce surface runoff, trimming erosion and phosphorus loss.

With the initial Pocahontas County project completed this fall, farmers, researchers, environmental officials and others will be able to see the Iowa plan in action.

"We can do models and studies on these concepts a long time but eventually you need to put them into practice to see how it works," said Lemke. "That's the way you are going to demonstrate the value of this."

The project will be extensively monitored by researchers

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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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IDDA to file "friend of court" brief in New Farmers DD case

The IDDA board of directors has decided to authorize the filing of a "friend of the court" brief in the New Farmers Drainage District case in Monona County. The friend of the court brief will support the trustee's contention that the state did not have the authority to bring a legal action against the district. The case revolved around weed spraying that took place in a drainage ditch in Monona County. The state Department of Natural Resources contends that the spraying created conditions which led to a fish kill.

The brief will be prepared by Jim Kramer from Ft. Dodge. Mr. Kramer successfully represented Calhoun County against a lawsuit filed by a railroad company on who had the responsibility to repair drainage structures in railroad right of way. That case has been appealed.

The New Farmers case will be heard in district court in Monona County. A trial date has not yet been set but it is believed the trial will take place early in 2011.

Annual Iowa/Minnesota Drainage Forum Announced

The annual Iowa/Minnesota drainage forum will be held on Tuesday, November 23 at Cabelas in Owatonna, Minn. On the agenda this year will be regional climate and hydrology trends, transport of antibiotic resistant bacteria, conservation drainage focus group findings and a mini-symposium on bioreactors. For further information, contact the IDDA office or Gary Sands at the University of Minnesota – grsands@umn.edu



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from Iowa State University and other agencies, Lemke said. “We want to watch closely to see if we are getting both the crop benefits and the water quality benefits we think we will get,” he said.

Nearly half of the \$3 million price tag for the drainage and wetland project is being paid by landowners through their drainage district assessments. IDALS is using some of the I-JOBS money and funding through the CREP program for cost sharing on the project. A small piece of the funding is also coming from national economic stimulus funds through the U.S. Environmental Protection Agency.

First of several

Four similar pilot projects are in the planning stages. In time, IDALS hopes to have 25 of the wetland projects scattered around Iowa to provide farmers and citizens a first-hand look at the benefits.

For most landowners in the Pocahontas Drainage District 65, the project just made sense. “We need better drainage,” said Dewart. “The old drainage system was 100 years old and it just wasn’t keeping up.”

Paul Beneke, a Pocahontas County supervisor (and IDDA board member) agreed. “The old tiling system we had here was just not adequate anymore.”

So, after a couple of meetings about a year ago, the drainage district signed on to be a test site for the Iowa Drainage and Wetland Systems Initiative.

Once the drainage districts agreed, the project got off to a fast start. Thanks to a heavy blanket of snow that insulated the ground, construction crews were able to dig trenches and lay new tile through much of the winter. The new tile is replacing and upgrading the original drainage system that was built by hand a century ago.

Then this spring, workers began constructing a 76-acre wetland and buffer area at the base of the 2,400-acre drainage district. Water from the district’s rebuilt drainage system will spend time in the wetland before making its way to Lizard Creek, the Des Moines River, and eventually, all of the way to the Gulf of Mexico.

Reducing nitrates

The wetland stopover, coupled with the changes to the drainage systems, promises to dramatically reduce the amount of nitrates, phosphorus, sediment and surface runoff water coming from the fields. Research shows that the Pocahontas wetland alone will remove 1,200 tons of nitrate over its expected 150-year lifetime, Lemke said.

“It will work to protect the drinking water for the city of Des Moines and the water in the Gulf of Mexico, and all along the way,” he said. It’s a small part but every little bit is going to help.”

The area farmer’s willingness to participate in the project



Chuck Gipp, Director of the Division of Soil Conservation at IDALS and State Senator Jack Kibbie (below) also spoke at the ceremony.

impressed Pocahontas County auditor Margene Bunda.

“I think this is an awesome project, and it shows how much farmers are concerned about the environment,” she said. “It shows they are willing to invest for the environment and for future generations.”

Farmers in the drainage district are excited about having drier fields in the spring and higher yields at harvest time. And they like the fact that they are doing their part to reduce nitrate and phosphorus levels. “It really shows that we are willing to do something about the hypoxia situation,” Beneke said.

Interestingly, the construction of a wetland will make the landscape a bit more like it was before the original drainage system was constructed a century ago, noted farmer Jon Aden, “This area used to have a lot of little ponds in it and now we are rebuilding one. So, it’s all coming full circle.”

The wetland site was dedicated at a ceremony held on October 26th at the Palmer Community Building. *Courtesy Iowa Farm Bureau Spokesman*





Annual Conference

December 3, 2010

Starlite Village Hotel • Fort Dodge, Iowa

7:45 a.m. Registration Opens

8:30 a.m. IDDA Annual Business Meeting

9:15 a.m. Mr. Dean Lemke, Natural Resources Engineer Supervisor, Iowa Dept. of Agriculture and Land Stewardship: "What the future may hold for production agriculture?"

10:05 a.m. Dr. Matt Helmers, Iowa State University: "Trends in Iowa run-off"

10:50 a.m. Mr. Rick Robinson, Environmental Policy Advisor, Iowa Farm Bureau Federation: "Iowa Conservation Progress and Future Challenges."

11:40 a.m. Sponsor Presentations

12:15 p.m. Buffet lunch

1:00 p.m. Mr. Jim Gulliford Executive Director, Soil and Water Conservation Society: "Drainage Productivity and the Environment"

1:45 p.m. Adjourn

Registration Form



Annual Conference

December 3, 2010

Starlite Village Hotel • Fort Dodge, Iowa

Name _____

County/Company _____

Address _____

Phone _____

E-mail _____

Please use one registration form for each person attending. **Registration cost is \$40 for IDDA members and \$50 for non-members.** Registration fee includes morning coffee & rolls, noon meal, all conference handouts and conference gift item. Speakers and some sponsors are exempt from the registration fee. On-site registration will also be available. Registration refund requests must be in writing.

Send check, warrant or money order to:
IDDA
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P.O. Box 509
Humboldt, IA 50548

Questions – Contact IDDA Executive Director John Torbert at 515/221-1961 or jtorbertidda@mchsi.com.

Please return registration form no later than December 1 (if possible) for purposes of meal count. Refunds are possible for weather related issues.

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Farm Bureau sues to challenge EPC ruling

The Iowa Farm Bureau Federation has filed suit in district court in Polk County to contest the legality of a regulation put in place by the state Environmental Protection Commission (EPC). The regulation is known by the catch all phrase – anti-degradation – and was put in place by EPC in an effort to better protect the state’s water resources.

The main basis for the Farm Bureau suit is that two of the EPC’s nine commissioners had issues which should have disqualified them from voting on the final rules. The lawsuit alleges that Connie LaSuer, one of the commissioners that voted for rules, was not a resident of the state of Iowa at the time of her vote. She had moved to Montana, registered to vote there and actually voted there. Her vote was a “clear violation of the residency laws that govern rule making boards in Iowa,” according to the IFB. Ms. LaSuer later resigned from the EPC.

The other commissioner whose vote is being questioned is Susan Heathcote. In addition to being an EPC commissioner, Heathcote is also a paid staff member of the Iowa Environmental Council (IEC). The IEC was one of the three environmental groups that petitioned the state to change Iowa’s anti-degradation policy. That petition is what led to the anti-degradation rulemaking. So, in essence, the IEC is one of the three groups leading the charge for new water quality regulations. You have a paid staff member of the IEC then sitting in a position of authority over the entire rule making process and voting in favor of the final rule. According to the IFB, “Ms. Heathcote works for an organization that advocates for and against the rules and regulations voted on by the

EPC. Her interest in the rules and regulations cannot be contrary to that of her employer. She has a direct financial interest in remaining an employee of the activist group and thus is biased toward the IEC.”

In addition, the IFBF lawsuit contends that there were procedural irregularities in the EPC’s vote to impose the anti-degradation rules. The commission, the lawsuit says, failed to document sections of the anti-degradation rules that are more restrictive than the Clean Water Act. Iowa law requires the EPC to provide a statement why it is imposing rules that are more restrictive than federal rules and to provide a financial impact statement for those more restrictive rules.

The IFBF was joined in the lawsuit by the Iowa Renewable Fuels Association and the Iowa Water Environment Association. According to Monte Shaw, Executive Director of the Iowa Renewable Fuels Association, “the anti-degradation rule threatens the future of Iowa’s renewable fuels industry. By imposing excessive costs and limitations that go far beyond the requirement of the Clean Water Act, this rule will severely hamper the ability of current biofuels producers to expand or develop new technologies and will discourage new producers from locating in Iowa.”

The Iowa Water Environment Association represents approximately 600 members who provide technical expertise and city wastewater services. According to Ted Payseur, government relations chair for the association, “the new rule will likely increase sewer and storm water rates for most Iowans.

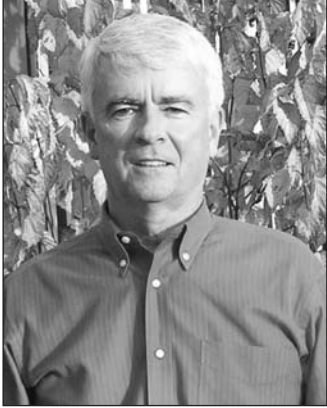
New chemical spraying regulations being considered

The state DNR is considering new regulations that will control the spraying of chemicals over or near water. The regulations are the result of a 2009 court ruling which overturned an EPA rule that exempted pesticide applications over or near water from the Clean Water Act’s National Pollutant Discharge Elimination System (NPDES) permits. The ruling will require the EPA to establish another permitting process under the Clean Water Act. Since the Iowa DNR is the state enforcement agency for the EPA, DNR is the agency that will institute the rules.

The rules will require large applicators to submit a

“notice of intent” and meet higher standards for chemical applications. The definition of “large” is currently in a state of flux and has not yet been determined. Also unresolved at this point is who does the notice of intent filing. For example, if a county hires a contractor to apply chemicals and the application amount would put that applicator over the threshold which required the “notice of intent”, would it be the county or the applicator that would actually have to do the filing? IDDA went on record in the public comment period stating the application process should be the responsibility of the spraying company – not the entity that contracts with that company.

Gulliford to be featured speaker at IDDA annual meeting



Jim Gulliford, executive director of the Soil and Water Conservation Society, will be the featured speaker at the IDDA annual conference in December. Mr. Gulliford will be speaking on "Drainage Productivity and the Environment." 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.

Agenda IDDA Business Meeting December 3, 2010 8:30 am

- Call to order
- Introduction of IDDA board and staff
- Remarks by President Harlan Hansen, Humboldt County Supervisor
- Remarks by Executive Director John Torbert
- Approval of 2010 Legislative Objectives
- Nominating committee report - Myron Amdahl, Wright County Supervisor and IDDA Vice-President
- Election of Officers for 2010
- Adjourn to IDDA annual meeting



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Executive Director Notes

I am extremely pleased that the IDDA board has authorized a friend of the court brief in the New Farmers Drainage District case. We were encouraged earlier this year to provide whatever assistance we could but we wanted to go beyond just sending checks to help defray expenses. So, while I believe that we will provide further financial help to the New Farmers district, we are now also providing direct legal assistance. All of this is made possible by those of you who contribute to the mutual protection fund.

Elsewhere in this newsletter are copies of the agenda for our annual meeting on December 3. A registration form is also included. Please note that our registration fee remains at the same level it was last year.

Finally, it is extremely exciting to start to see the "Iowa Plan" come to fruition as described elsewhere in this newsletter. Most of the time when you talk about doing things to improve the environment, the discussion centers around cost. This is one of the few times

where you can look at a public policy choice and there are benefits all the way around. The improved drainage systems will increase the productivity of the land but the redesigned systems, with a wetland incorporated will be much more environmentally friendly. Hats off to the landowners in Pocahontas DD #65 who were willing to be pioneers for this new concept.

John Torbert

Unattributed Wisdom

"If at first you don't succeed, you'll get a lot of advice."

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