



# **Drainage District Program**

## **Drainage Board Training**

### **Oshkosh & Jefferson**

### **September 2 & 9, 2015**

- **Survey of board members**
- **Changes to suspended districts**
- **Drainage maintenance**

# DATCP's Core Services



- Review and approve designs and maintenance plans
- Prepare environmental assessments when required
- Maintain information on website
  - Approved engineer list
- Provide technical and other assistance
  - Board member trainings

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Department of Agriculture,  
Trade & Consumer Protection

# County Drainage Board Handbook

Revised February 2007

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## Resources: Handbook

- Download and use:  
[https://datcp.wi.gov/  
Documents/Drainage  
Handbook.pdf](https://datcp.wi.gov/Documents/DrainageHandbook.pdf)
- DATCP does not  
distribute printed  
copies
- It's 2015; time to  
revise!!!

# Training Survey: Common Interests

- Chapter 30 permits (dredging, stormwater)
- Managing drainage in districts with urban areas and non-ag land
- Drainage Handbook overview
  - For example, abandoning drains and reinstatement of districts



# Training Survey: Ditch Maintenance

- Maintenance and assessments
  - Best practices for maintaining ditch banks (e.g. tree removal)
  - Practices for managing spoils
    - Options when drains run through wetlands?
  - Assessing costs to account for maintenance



# Training Survey: Board Management



- Recruitment of new members\*
- Using an attorney to aid with board functions
- Better recordkeeping and use of technology
  - Tracking parcels in districts

# Training Survey: Board management



- Easier way to manage and maintain board operations?
  - Notices
  - Holding money
- Better communication among drainage boards\*
  - Email and listservs

# Training Survey: Quality Work



- Sharing knowledge of good, reliable contractors around the state\*
- Train engineers to increase knowledge of drainage



# Training Survey: Coordination



- Coordinating with other government agencies: DNR, Army Corp, NRCS, counties
- Advancing legislative agenda\*:
  - Expand the Duck Creek exemption for clean outs and other activities on navigable waters - 88.31(7m)

# Training Survey: DATCP Takeaway

- Trainings
  - Prefer face-to-face
  - Other methods as needed: newsletters, emails updates
  - Future trainings
- Limited individual support
  - Help to coordinate with other government agencies
- Limited intervention on issues affecting many boards



# Elimination of suspended districts 2015 ACT 55

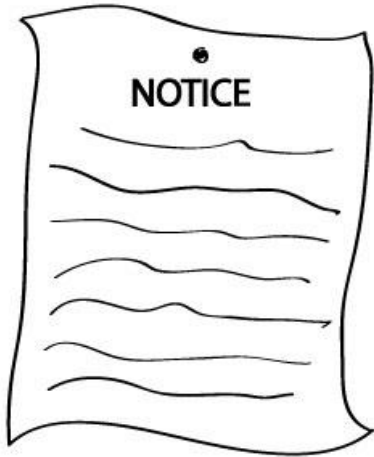
- Ends suspension as legal option as of July 2015
- Requires that suspended districts be dissolved or reinstated
- Establishes procedure for closing out suspended districts



# Suspended Districts

| <b>County</b>    | <b>Drain</b>                  | <b>Status</b>                      |
|------------------|-------------------------------|------------------------------------|
| <b>Adams</b>     | Leola                         | Suspended                          |
| <b>Columbia</b>  | # 21                          | Suspended                          |
| <b>Dane</b>      | # 2, 6, 12, 23                | Suspended                          |
| <b>Dodge</b>     | # 3, 16, 21, 54, 70           | Suspended                          |
| <b>Jefferson</b> | # 1, 11, 14.3, 16, 17, 19, 24 | Suspended                          |
| <b>Kenosha</b>   | Pike Creek                    | Suspended                          |
| <b>Oconto</b>    | Lena-Stiles                   | Suspended – status being litigated |
| <b>Racine</b>    | # 2                           | Suspended                          |
| <b>Rock</b>      | # 5, South Clinton            | Suspended                          |
| <b>Waukesha</b>  | New Berlin #1                 | Suspended                          |

# DATCP Role: Notice to Court



- Initiated by DATCP notice to court seeking administrative dissolution
- Notice will include:
  - Map of district
  - Names of landowners
  - Suspension order



# Board's Role: Notice and Hearing If Requested

**LEGAL NOTICES**

**IN THE COURT OF COMMON PLEAS NO. 4 FOR THE COUNTY OF PHILADELPHIA.**  
September Term, 1913, No. 1376. In Divorce.  
**EDITH C. STEWART, V. GEORGE F. STEWART.**

To George F. Stewart, sometime known as Albert W. King, late of Cincinnati, Ohio, Respondent:

You are hereby notified that I have been appointed master by the court in the above case in which your wife Edith C. Stewart has brought action for absolute divorce against you on the ground of desertion, and that I will hold a meeting to take testimony in said case at my office, 300 Penn Square Building, 1416 N. Penn Square, Phila., Pa., on Tuesday, June 24, 1914, at 3.30 o'clock P. M., when and where you may attend with your witnesses if you so desire.

**JAMES A. LYND, Master.**

**IN THE COURT OF COMMON PLEAS No 5 FOR THE COUNTY OF PHILADELPHIA.**  
Order of Publication in Divorce.  
**TO HARRY MORTIMER** late of Laconia, New Hampshire:

Whereas, Janey Linda Mortimer, your wife, has filed a libel in the Court of Common Pleas No. 5 of Philadelphia County, of December Term, 1913, No. 2747, praying a divorce against you. Now you are hereby notified and required to appear in said Court on or before Monday, the 1st day of June next, to answer the complaint of the said Janey Linda Mortimer, and in default of such appearance you will be liable to have a divorce granted in your absence.

**A. LINCOLN ACKER,**  
Sheriff of Philadelphia.

- Receive notice from court regarding proposed dissolution
  - Court fills vacant board positions
- Provide notice of proposed dissolution to landowners and interested parties
- Schedule hearing if requested by an owner of land in the district

# Board's Role If Hearing Scheduled

- After hearing, determines if the public welfare will be promoted by reinstatement.
  - If no, board seeks court approval of the dissolution only if there are no unpaid debts or there is a mechanism to pay for debts as described in s. 88.82(2)
  - If yes, then board approves reinstatement
- Must approve reinstatement if debts are not paid or the court does not approve dissolution.

# No Action If Hearing Not Requested



- If no hearing is scheduled, the district is dissolved 36 months after DATCP files notice
- Question about whether administrative dissolution can occur with unpaid debts



# Doing Work in Drainage Districts

Helpful to think about work that is

- A. Required**
- B. Optional**

Then think about the type of work

- A. Maintenance or restoration**
- B. Construction project**

Then it is helpful to think about

- A. What permits or approvals are needed**
- B. Who must be notified, and when**

Then (or maybe at the same time) to think about

- A. How to pay for it**
- B. How and when to go about assessing costs**

# Inspection of District Drains



- Annual inspection
  - Notify landowners to enable participation
  - Identify needed repairs or maintenance
  - Document results in annual report and present at board hearing
- Within three weeks of a major storm event
- Landowner complaints

# Maintenance and Repair



- Goal: Ensure drainage at designed capacity
  - Ensure drain access with 20-foot corridors
- Techniques: dredge, level spoil banks, remove obstructions, control vegetation, manage sediment in runoff
  - No DATCP approval
- May require DNR or other permits

# Construction Projects



- Includes
  - Structures installed in drains
  - Private drain connections
  - Changes in drain location width, or depth
- Requires design by approved engineer
- Needs DATCP approval
- May require DNR or other permits

# Recovering Costs



- Maintenance, restoration, and operating costs
  - May exceed benefits
- Construction costs
  - Attributable to all landowners
    - Culverts
  - Attributable to individual landowners
    - Damage to drain from making a private connection
    - The landowner's extension of a private drain from the assessed land to land outside the district

# Assessment Procedures



- Allocate costs based on benefits
  - 2/3 landowners may adopt another equitable method
- Hold hearing on assessment report and issue order
  - May combine with benefit determination
- May credit landowner for “in kind” maintenance
- Collect payments through treasurer
- Place unpaid assessments on tax rolls



# Contact Information

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Drainage Program Website:  
[https://datcp.wi.gov/Pages/Programs\\_Services/DrainageDistricts.aspx](https://datcp.wi.gov/Pages/Programs_Services/DrainageDistricts.aspx)

Drainage Districts Web Map  
<https://datcpgis.wi.gov/DrainageDistricts/>