



# **POWER** Communication

*Policy Outreach with Effective Results*

---

## **POLICY AND ISSUE DISCUSSION SHEET**

### **Drainage Management in Ohio**

#### ***Defining the Issue***

Agricultural drainage is a valuable tool, helping manage soil moisture, lessening compaction and promoting aeration. It provides better field access and resource management to efficiently plant, cultivate and harvest crops. Surface water is managed by ditches and subsurface water by tile drainage.

Ohio's petition ditch law allows landowners to petition the county government to construct ditches that provide drainage improvements. Several areas of Ohio have petition ditches providing over a century and a half of service. Along with placement, county engineers are responsible to maintain and reconstruct petition ditches, as well as drain or change the course of any floodway or watercourse.

The phrase, "tile drainage" derives from systems developed in the 1840's using terracotta pipes. Farmers plowed a furrow in low or wet areas of a field, then dug the furrow out by hand to place tiles "below plow depth" to form a drainage line. Traditional materials have changed over the years from terracotta, ceramics and cast concrete to polyethylene pipe. Plows and shovels have been replaced by specialized machinery and laser surveying systems. Many areas of Ohio have interlocking subsurface systems that encompass several landowners across a watershed.

Given the amount of public and private investment, Ohio sits in one of the largest concentrations of drainage infrastructure in North America.

Community stakeholders are exploring needs for drainage. While some support less maintenance on petition ditches to allow the ground to return to a more natural state, others advocate that all public and private surface and subsurface structures be strictly maintained or improved to provide benefits across all fields, woodlots and developed properties. Public vs. private, affordability vs. cost – Where do you find the "balance" on care, maintenance and upkeep of Ohio's public and private drainage infrastructure to benefit everyone?

#### ***OFBF Policy: Drainage - 416***

We Support:

- County governments keeping agricultural interests at the forefront when considering any drainage projects and to consider the economic loss to farmers when drainage ditches are not cleaned and maintained;
- The fundamental right of all farmers to improve their lands for crop production;

- Review of drainage law to address the following jurisdictional concerns:
  - Require county government to clean or establish a drainageway system to ensure roadway waters are directed away from agricultural lands.
  - Require governmental authorities granting building permits and private entities developing land should analyze the impact on neighboring property owners and work cooperatively with neighboring property owners to address drainage concerns.
  - Prohibit all development (residential, commercial, industrial, etc.) and any developers from adding more flow to agricultural land drainage systems without paying for needed improvements and long-term maintenance fees.
  - Establish a program to mark/record tile placement.
  - Enable county subdivision regulations to require drainage access for new lot splits.
- Review of drainage law to address the following concerns involving adjoining land:
  - Require governmental authorities granting building permits and private entities developing land should analyze the impact on neighboring property owners and work cooperatively with neighboring property owners to address drainage concerns.
  - Require a neighboring property owner to provide access to subsurface drainage outlets in accordance with Natural Resources Conservation Service (NRCS) recommendations.
  - All units of government be required to maintain ditches and tile on their property, which drains the land of adjacent property owners;
  - State, county and municipal engineers work with property owners and soil and water conservation districts where road drainage ties in with farm drainage;
  - Protect and prevent the destruction of existing underground drainage systems and require those responsible for the damage of tile lines to repair lines and pay damages.
- A uniform statewide plan of action for petition ditches to ensure proper maintenance and easements; this includes:
  - Providing for an easement on new residential developments with county ditches running through them.
  - A ditch survey, conducted by the Soil and Water Conservation District or the county engineer, should be accepted by either party in the event a ditch project moves from one jurisdiction to the other.
  - Requiring the recording of petition ditch easements so that they may be discovered during property title searches.
- Additional Management Efficiencies:
  - Funding be available for all open and subsurface drainage practices and log jam removal when such practices will control soil erosion or result in other environmental benefits.
  - Farmers using cooperative agreements on ditches whenever possible.

### ***Discussion Questions***

1. What types of investment do you have in surface and subsurface drainage infrastructure on your property? How old are the systems? What maintenance is required? Do your systems interconnect with other landowners in the watershed?
2. Consider this situation – If a breakdown in an established drainage system going

across one landowner causes problems to an adjoining landowner, what procedures should be in place to get the breakdown repaired? Should the procedures be the same if it is a public or private system, ditch or tile?

3. Consider this situation – Some land’s natural topography retains water or causes surface flooding in a watershed after weather related events. Should one landowner have the ability to compel a neighboring landowner to initially install drainage systems to address the issue? Who should pay for the initial drainage improvements?
4. What drainage challenges do you see impacting your community long term? What policies should be in place to ensure there is a “balance” for financing, maintaining and/or improving public and private surface and subsurface drainage assets in your community?