

January 13, 2023

Chapter 103E Drainage Authorities

Re: Ditch Buffer Strip Annual Reporting for Calendar Year 2022

Dear Points of Contact for County and Watershed District Drainage Authorities,

State drainage law (Minnesota Statutes, Chapter 103E) requires the establishment and enforcement of buffer strips of perennial vegetation along Chapter 103E drainage ditches when viewers are appointed for the following types of proceedings:

Type of Proceeding	Link to Chapter 103E Section
a. Ditch Establishment via 103E.212	https://www.revisor.mn.gov/statutes/?id=103E.212
b. Ditch Improvement via 103E.215	https://www.revisor.mn.gov/statutes/?id=103E.215
c. Improvement of an Outlet via 103E.221	https://www.revisor.mn.gov/statutes/?id=103E.221
d. Laterals via 103.225, Subd. 2 and Subd. 3	https://www.revisor.mn.gov/statutes/?id=103E.225
e. Redetermination of Benefits via 103E.351	https://www.revisor.mn.gov/statutes/?id=103E.351
f. Repair by Petition via 103E.715, Subd. 6	https://www.revisor.mn.gov/statutes/?id=103E.715
g. Including property not previously assessed benefits via 103E.741	https://www.revisor.mn.gov/statutes/?id=103E.741
h. Incremental Buffer Strip(s) via 103E.021, Subd. 6	https://www.revisor.mn.gov/statutes/?id=103E.021

Note: If there is any uncertainty about the type of proceeding that requires viewers to be appointed, please refer to the applicable Chapter 103E section via the associated link above.

In 2007, the Minnesota Legislature added Section 103E.067 Ditch Buffer Strip Annual Reporting, which requires drainage authorities to submit a report to the Board of Water and Soil Resources (BWSR) on a calendar year basis providing required information about public drainage ditch buffer strip establishment, inspection and enforcement. In accordance with this statutory requirement, and on behalf of BWSR, I am requesting your Ditch Buffer Strip Report for Calendar Year 2021. As in previous years, we are providing the reporting form. It is attached in the transmitting email and is on the BWSR website at http://www.bwsr.state.mn.us/drainage/ditch_buffer_strip_study.html.

Instructions:

- 1) When reporting on a Joint County drainage system, the county drainage authority that maintains the records is the only one that should submit the buffer strip reporting information for that drainage system.
- 2) If you are reporting on your county ditches and joint county ditch(es), please combine the reports.
- 3) Please double check all entries against actual ditch system activity records during the calendar year. Errors in data entry will make the statewide summary that BWSR must develop also in error. With nearly 100 drainage authorities reporting, review and validation of data entries is very challenging, including follow-up with drainage authority points of contact.
- 4) **Even if you have no ditch buffer strip establishment or enforcement actions to report for the calendar year, please complete and submit the form as an Excel document** by February 1 to Tom Gile at tom.gile@state.mn.us, so that BWSR knows your drainage authority reported. As part of the required BWSR annual review of local government performance, BWSR reports compliance with this reporting requirement on our website and via the

annual Performance Review and Assistance Program (PRAP) report to the Legislature (e.g. LGU reported on time, late, or no response). Drainage authority reporting is also a component of the eligibility criteria for Clean Water Fund Competitive Grants.

For those who are new to this ditch buffer strip reporting, be aware that multiple reminders are sent out by BWSR prior to the reporting date, until a report is received. If no report has been submitted by the week prior to the reporting date, BWSR will check to see that the email addresses it uses are correct. Any corrections of email addresses that you can help provide are appreciated. The last drainage authorities to submit their report may be contacted via phone to assure correct email addresses and receipt of the original report request and subsequent reminders.

Thanks in advance for your assistance in achieving 100% compliance with this statutory requirement. If you have any questions about the form, please contact Cecelia via email. For questions about Chapter 103E, please contact me at 507-696-1974, or at tom.gile@state.mn.us. (Email is preferred with the current office status due to COVID)

Sincerely,

Thomas Gile

Thomas Gile
Resource Conservation Section Manager

cc: Cecelia Rost, Office and Administrative Specialist