

MADISON



SOUTH DAKOTA

ENVIRONMENTAL PROTECTION OFFICE
200 EAST CENTER STREET
MADISON, SOUTH DAKOTA 57042
(605) 256-7606

December 10, 2012

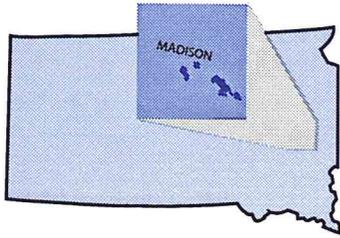
Dear Mr. Magedanz,

The enclosed letter was supposed to be presented to the Watershed Task Force today, but, unfortunately, the weather didn't make that possible. Could you forward it to the Task Force members? It is important to the Lake County Commission and Water Quality Committee that their thoughts are conveyed to the Task Force.

Thank you for your help on this matter.

Sincerely,

John Maursetter
Environmental Specialist, Lake County



County Commissioners

Lake County, South Dakota

200 East Center Madison, SD 57042

To: The Regional Watershed Advisory Taskforce

October 16, 2012

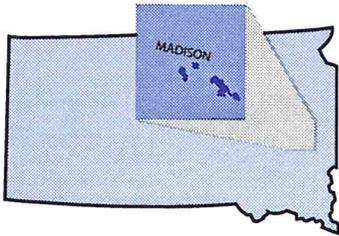
Mr. Chairman,

We have had several consecutive years of excessive snowfall and record rainfall in eastern South Dakota. This has caused severe flooding and resulted in saturation of ground water levels, overflowing lakes, rivers, and streams, the inundation of homes, farmland, and local roads. Draining excess water can markedly improve agricultural productivity in Lake County.

Poor management and regulation of drained water can result in damage to a wide range of private and public property, wildlife habitat, and to public water resources on which all of our citizens depend. Many township and county roads and bridges have been damaged by inundation and flooding, as well as by ditching in public highway rights-of-way to facilitate drainage of private property.

The State of South Dakota adopted SDCL 46A-10A to provide a framework by which county commissioners could establish plans and controls to help manage and regulate drainage. A significant number of those counties that adopted ordinances to undertake such regulation have subsequently found the current system unworkable and have abandoned these drainage ordinances. We believe that the present law may leave permitting counties open to liability if a permitted drainage causes significant damage to downstream landowners.

Furthermore, we believe that the current permitting fee, originally passed to cover the cost of properly evaluating the impacts of proposed drainage, is woefully inadequate. A permitting fee in line with actual costs is needed. We also support the idea of having regional or district personnel available as a professional resource in the area of drainage. Technical assistance for local drainage boards would be a useful tool in the decision making process.



County Commissioners

Lake County, South Dakota

200 East Center Madison, SD 57042

We support the sound and sustainable use of water resources within the state of South Dakota to benefit all residents. The management and regulation of drainage activities must fairly balance the benefits gained by those who drain with the resulting adverse impacts to others. The definition of what must be included in a proper evaluation for permitted drainage has to be clearly defined. Presently, what may be sufficient in one county is considered substandard by another. The resources needed by the counties to properly evaluate the effects of drainage and enforce their drainage ordinances must be provided. We also believe that the present law does not give counties clear direction when enforcing their drainage ordinances. It is difficult to bring violators back into compliance with our ordinances without requiring legal action in our court system.

The present high commodity prices have resulted in more acres of land being planted to crops. In several instances, crops have been planted in the road ditches. This can result in erosion of the ditches as well as impeding the proper drainage of fields and roadways. The drainage law should be strengthened to address this increasing problem.

The South Dakota Association of County Commissioners, South Dakota Association of Towns and Townships, and the water development districts have adopted resolutions in support of efforts to improve management and regulation of drainage. We fully support the thorough review of drainage laws by the South Dakota Legislature to provide for improved management and regulation of the drainage of surface and subsurface water for the benefit of all South Dakotans.

Signed,


Chairman, Lake County Commission


Chair, Lake County
Water Quality Committee

Attest:


Lake County Auditor

