

Huron Soil and Water Conservation District

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HURON SOIL AND WATER CONSERVATION DISTRICT

HURON COUNTY DITCH MAINTENANCE PROGRAM

POLICIES AND PROCEDURES

DATE: JUNE 20, 2011

HURON SOIL AND WATER CONSERVATION DISTRICT

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Last Revised: February 17, 2009

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2011 Huron SWCD Board of Supervisors



John Ganz, Chairman



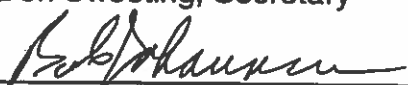
Gerald Martin, Vice Chairman



Dan Stevens, Treasurer



Don Sweeting, Secretary



Bob Johannsen, Special Projects

**HURON SOIL AND WATER CONSERVATION DISTRICT
DITCH MAINTENANCE
POLICIES AND PROCEDURES**

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HURON COUNTY DITCH MAINTENANCE PROGRAM

DITCH MAINTENANCE POLICY AND PROCEDURES

SECTION 1 - INTRODUCTION

(July 10, 1991)

1.1 Authority

The Board of Supervisors of the Huron Soil and Water Conservation District (SWCD), through agreement with the Board of Huron County Commissioners and the Huron County Engineer, has accepted the responsibility of administering the Huron County Ditch Maintenance Program, as authorized under sections 6137.15 and 1515.29 of the Ohio Revised Code. This program exists to maintain works of improvement constructed under Chapters 6131, 6133, and 1515 of the Ohio Revised Code.

Maintenance of Joint County Projects: The lead county (county in charge of administering the project) in the planning and construction phases will be the county in charge of administering the maintenance of a joint county project. The lead county will provide information such as inspection reports, maintenance work done, and financial information to the county engineer and board of county commissioners of the other counties involved. The approval of assessments, doing the maintenance base reviews, and any other matter that needs commissioner approval, will be done through the appropriate joint board of commissioners.

1.2 Objectives

The Huron County Ditch Maintenance Program will be carried out to ensure that each drainage improvement continues to function at or near design specifications. Maintenance work will be done on a preventative basis, and will include control of land and aquatic vegetation, removal of silt bars, spreading and leveling of spoil and repair of banks and structures.

All maintenance activities will be performed in accordance with Chapter 6137 and other applicable sections of the Ohio Revised Code, with all applicable rules and regulations of the State of Ohio and Huron county (e.g., the Ohio Utilities Protection Service and Ohio Pesticide regulations) and the policies set forth by the Huron SWCD Board of Supervisors as stated in this document. USDA Natural Resource Conservation Service Standards and Specifications for conservation practices will be followed.

It is the intent of the Huron SWCD to perform maintenance work efficiently and to minimize cost to the landowners and the environment while providing expected drainage benefits.

1.3 Public Relations

Keeping the public informed about ditch maintenance activities is a primary concern. This is being done through news articles and releases, radio programs, displays, the "Open Channel" and "District Surveyor" newsletters, presentations for local organizations, answering concerns for individual landowners and providing information to landowners. Starting in 2003, information about the ditch maintenance program will be included in the Huron SWCD's web site. The web address for the site is www.huronswcd.com.

**SECTION 2 - RECORDS
(July 10, 1991)**

2.1 Record Keeping

The Huron SWCD will keep the individual account records for each project on the maintenance program.

2.2 Administrative Charges

The administrative costs involved in the day to day operations of the program will be prorated to the individual projects at the end of each year. These administrative costs are called indirect time.

Indirect time activities include bookkeeping, record keeping, payroll, activity report, preparation for and attending board meetings, purchasing supplies and materials, paying bills, scheduling work, budgets, audits, employee management, the annual meetings and training, yearly reports of maintenance activities, annual inspection report, maintenance cost summary information, and public relations activities.

2/19/14 approved Indirect time change:

Indirect time is shared by every ditch project on maintenance. The total indirect time costs are divided in half and shared by all the ditches. The remaining half are prorated and billed by the amount of direct work done on an individual ditch basis.

**SECTION 3 - ASSESSMENTS
(October 15, 2001)**

3.1 Assessments and Carryover Balances (ORC 6137.03, 1515.24)

Maintenance work is funded by special assessments on benefitting land. These assessments are collected as authorized by sections 6137.03 and 1515.24 of the Ohio Revised Code, based on the project maintenance base established at the time the project is placed on the Ditch Maintenance Program or revised at a review hearing.

It is the current policy of the Huron SWCD to maintain a carryover balance in the range of 5-20% of a project's current maintenance base. Collection percentage will not exceed 20% of the maintenance base unless the project is in the red. A project's balance should not have a negative balance exceeding 20% of the maintenance base.

Assessments schedules are recommended by the Huron SWCD to the county commissioners by the end of June of each year to do the work that the annual inspection report deems necessary in order to comply with the written objectives of the Huron County Ditch Maintenance Program. The Huron SWCD has declared that the maximum assessment for any group in any year will not exceed 40% of the group's current maintenance base.

3.2 Maintenance Base Reviews (ORC 6137.11)

The maintenance base reviews will be as required by section 6137.11 of the Ohio Revised Code. The district will provide to the county commissioners the information needed to do the reviews. If changes are made in the maintenance bases, the commissioners will hold a hearing. The District will be responsible for mailing the hearing notices and to be present at the hearings to answer questions. The time and costs involved in the review process will be charged to the individual group being reviewed.

If the current schedule of maintenance bases is not on a per parcel basis, it will be changed over to a per parcel basis as a part of the review. The time required to break down the bases to a per parcel basis will be charged to the Huron SWCD and not to the ditch maintenance fund.

3.3 Assessment Reduction

A. Reduction for Conservation Practices (ORC 6137.09)

Annual maintenance assessments may be reduced by the following amounts for the installation of conservation practices which reduce the runoff of surface water and the erosion of sediment and silt into drainage channels and grass waterways. The reduction will apply to parcels on which the practices are applied or followed. The maximum reduction permitted by law is 50%.

Ditch Maintenance Policy 3-2

- 20% Berms along the entire portion of the ditch on a parcel, 10' minimum width at narrowest point measured perpendicular to the top of the bank. The berm must be maintained annually by the landowner either by mowing or spraying to control brush and noxious weeds. See Appendix A.
- 20% No-till planting practices for corn and soybeans, defined as less than one third of the surface tilled for corn and at least 30% crop residue on the surface after planting for all crops. The establishment of a permanent vegetative cover, which can include trees, (Conservation Reserve Program) also qualifies for this 20% reduction. See Appendix B.
- 10% Systematic tile drainage installed on crop land. See Appendix C.
- 10% Operator is following a Resource Management Systems (RMS) plan meeting NRCS standards.

B. Reduction for Doing Work on a Project (ORC 6137.08)

A landowner may make an application for reduction of his maintenance assessment due to work he proposes. The owner must make a written application (see Appendix D) to the Huron SWCD on or before May 1st listing the work he proposes to do in that year. The Ditch Maintenance Supervisor will review the proposed work to make sure that it is needed, necessary, and consistent with current ditch maintenance policies. Within 30 days, the owner will receive a written response to his application indicating approval or disapproval of the application.

Applications will only be accepted in those cases where the work to be done will result in savings to the project in excess of the administrative costs involved.

To have the reduction on the next year's assessment, the proposed work will need to be completed by August 31 of the year in which the application was filed. The maintenance department will inspect the work to make sure that it meets the appropriate specifications and the extent to which the proposed work was done.

When the Huron SWCD makes its recommendations to the county commissioners for the next years maintenance assessments, it shall recommend a percentage reduction, up to 100%, for that owner. The county commissioners when certifying the annual schedule of maintenance assessments to the county auditor shall either confirm or reject the recommended percentage. The percentage so allowed shall be certified to the county auditor who shall reduce the next annual maintenance assessment of the owner by the percentage so certified. As soon as the percentage reduction is determined by the county commissioners, a written notice of this determination will be mailed to the owner.

3.4 Additional Assessment for Repair of Damages (ORC 6137.10)

Section 6137.10 of the Ohio Revised Code provides a process to ensure that damage to a project by the negligent acts or omissions of any owner is repaired at that owners expense. This provision will be used only when a problem is not voluntarily corrected by the landowner involved.

SECTION 4 - INSPECTIONS
(February 18, 2000)

4.1 Annual Inspections (ORC 6137.06)

An inspection of each open ditch, grass waterway and sub division project will be completed and documented annually by a member of the Huron SWCD staff.

Tile main inspections will be conducted annually by landowners. SWCD staff will participate at least once every four years.

The inspection report will indicate the condition of each project and also contain a list of maintenance work recommended.

The inspections will be coordinated with individual owners and members of advisory committees (See Appendix E) who wish to participate. Those participating in the inspection will be asked to sign the report and indicate their agreement or disagreement with the recommendations of the SWCD staff member.

A summary of the inspection reports will be presented to the Huron SWCD board of supervisors, the Huron county engineer and the Huron County Commissioners by the first day of June each year.

**SECTION 5 - MAINTENANCE WORK ITEMS
(February 17, 2009)**

5.1 Working Area (ORC 6137.12)

[For open ditches the permanent easement shall be not more than 25' from the top of the bank, measured at right angles thereto. In an emergency situation, the easement may be extended to a maximum of 75'. The permanent easement for closed ditches for tiles shall not be more than 80' centered on the centerline of the improvement. For all other improvements the permanent easement shall be as located and the width as specified by the county engineer.]

With the exception of the spraying operations for brush, weeds, and cattails on projects without berms, the performance of all maintenance work will be done to minimize damage to crops. Work shall be done from one side of the ditch where feasible. Landowners adjacent to the work area will be notified of upcoming sediment removal so they can advise the workers of the preferred disposal sites.

5.1A Riparian Forest Buffers and Wetland Restorations

In order to continue to maintain the open channels on the maintenance program, the installation of riparian forest buffers and wetland restorations will only be allowed on one side of a maintenance ditch. If trees already exist on one side of the ditch (one-sided construction) these practices will not be allowed on the other side.

5.2 Vegetation Control

Brush and broadleaf weeds on individual projects shall be treated by broadcast spraying every two to three years as necessary to control noxious weeds and brush buildup in the project area. On open channels, the treated area will include the bottom and side slopes, as well as a maximum 15' berm. Where a project is located in a wooded area, all cleared areas will be treated. Grassed waterways will be sprayed to the design width in non-crop land areas or the grassed width in crop land areas.

Brush escapes will be spot treated with herbicides or cut. The Ditch Maintenance Supervisor along with the recommendations from an advisory committee, if applicable, will determine the spraying schedule for each project. Every effort will be made to avoid treatment of sensitive areas and those areas that will be mowed or sprayed by landowners.

All trees that have fallen to the channel or on the berm will be removed. The removal of trees from the channel in areas of one-sided construction will be a ditch maintenance expense only if the one-sided construction was mandated in the construction specifications. If the one-sided construction was done at the request of the landowner, then the removal of trees from the channel will be the responsibility of the landowner.

Cattails and other undesirable bottom vegetation shall be controlled as necessary to provide for the free flow of water and to minimize the siltation caused by excessive vegetation in the channel bottom.

All chemicals used shall be approved by the Environmental Protection Agency for use on drainage ditches. All personnel applying herbicides shall be licensed in the appropriate categories by the Ohio Department of Agriculture.

5.3 Erosion Control

Erosion control measures shall be installed as needed to minimize silt deposition in the channel. These erosion control measures can include but shall not be limited to rock structures, stream bank protection, splash pads, pipe drop inlets, and critical area seeding. The Ditch Maintenance Supervisor with recommendations from an applicable advisory committee shall determine the need for all erosion control measures. All erosion control work will be done according to USDA Natural Resources Conservation Service standards and specifications.

All structures installed during the construction and/or maintenance of a project shall be maintained or repaired by the maintenance program.

5.4 Tile Outlet Pipes

All subsurface drainage outlets shall be protected with an outlet pipe. For projects placed on the maintenance program before September 7, 1982 the following shall apply: All tile outlets existing at that time will have a pipe installed as a group expense. Tile outlets installed after that date will be the responsibility of the landowner. Once a pipe is installed, all future repair or replacements shall be a group expense. For projects placed on the maintenance program after September 7, 1982 the following shall apply: Original tile outlet pipe installations will be handled in the same manner as was used during the construction. Any new tile systems installed after the project is placed on the maintenance program shall be protected with a pipe and this expense will be paid by the landowner. Once a pipe is installed, all future repair or replacements shall be a group expense. All tile outlet pipe installations shall be done according to Huron SWCD standards and specifications.

Landowners installing tile into an open channel after a project has been placed on the maintenance program shall provide and install a new tile outlet pipe that meets Huron SWCD standards and specifications.

If an outlet pipe is installed with less than one foot of freeboard from the design bottom, the owner shall be responsible for maintaining freeboard on the pipe, unless the installation is approved by the Huron SWCD.

5.5 Access Structures

When determining the need for these structures, the following shall be considered: the need to access a right-of-way from a road without traveling on private property, the ability to do timely maintenance work, the ability to travel along a right-of-way without a great deal of down time or backtracking, the cost of the installation compared to the savings that will be realized each year in the future, and consent of the landowner(s).

Road ditch crossing permits shall be obtained from the appropriate authority (township trustees, county engineer, Ohio Department of Transportation). Installation procedures and materials used shall be as required by the appropriate authority.

Main or lateral ditch crossings including fords, low flow pipe crossing, and culverts shall be installed according to Huron SWCD standards and specifications. The future repair or replacement of any access structure shall be a maintenance expense.

In general, the repair or replacement of private ditch crossings (bridges, culverts, fords, etc.) Will be at the landowner's expense. However, if the installation of any private crossing was done as a cost to the group, then it shall be a maintenance cost to do so. The repair or replacement of any state, county, or township road bridge, culvert, etc. will not be a ditch maintenance expense.

5.6 Sediment and Debris Removal

A complete bottom clean out will be done when one or more of the following conditions exist:

1. Siltation has progressed to the point that several tile outlets have no freeboard (water level in ditch is the same as the flow line of the tile),
2. The capacity of the channel has been reduced significantly from its designed capacity, or
3. The average depth of silt is 1.5' or more.

Bids or price quotations will be received on any bottom clean out.

Silt bar removal will be done to free a few tile outlets when a minor amount of work will correct the situation. Silt bar removal will also be done to reduce bank erosion. A bottom clean out or silt bar removal will be initiated by the maintenance department before any loss of drainage benefits occurs. Stone and debris removal work, made necessary as a result of a bottom clean out, will be done by the maintenance department unless other arrangements are made by the group to handle the situation.

The District's rock picker can be used by owners along a maintenance ditch to clean up rock left after the spoil leveling has been completed. A deposit is still required, but the use will be free.

The District's ten foot box scraper can also be utilized to do additional leveling or dirt moving along a maintenance project. Like the rock picker, a deposit is required and the use will be free.

5.7 Grazing of Livestock

The permanent or continuous grazing of any type of livestock within the confines of any ditch will not be permitted. Seasonal or short duration grazing will be permitted so long as it is not detrimental to the condition of the project.

Grazing on these ditch berms is permissible as long as easy access for maintenance work is provided. Permanent fencing shall be installed in a manner that will not interfere with the maintenance of a project.

**SECTION 6 - CONTRACTING FOR WORK
(March 17, 2008)**

6.1 Bidding and Price Quotes

Bids will be received for work that exceeds \$25,000.00. Section 153.54 of the Ohio Revised Code (bid guaranty) will be used in the bidding process. Price quotations will be received for work that will be less than \$25,000.00.

6.2 Contractors

A contractor is defined as a individual who receives money for work performed.

All contractors doing ditch maintenance work must comply with the following requirements:

- provide a certificate of liability insurance.
- provide a certificate of worker's compensation coverage.
- provide an affidavit of contractor or supplier of non-delinquency of personal property taxes.
- install work according to SWCD specifications.
- must be willing and able to work anywhere on a project.
- if an advisory committee exists, must have its approval to work on a project.

6.3 Materials Used by Landowners

Landowners doing work may use materials paid for by the project fund when:

- work is identified as needed during the annual inspection or in consultation with the ditch maintenance supervisor,
- work is performed according to SWCD specifications,
- the project advisory committee, if one exists, agrees to this process.

APPENDIX "A"

HURON SOIL & WATER CONSERVATION DISTRICT
8 Fair Road, Norwalk, Ohio 44857
(419) 668-7645 or 668-4113

HURON COUNTY DITCH MAINTENANCE PROGRAM

TO: Huron Soil and Water Conservation District

RE: Ohio Revised Code, Chapter 6137.09; Granting of reduction for
establishing a sodded filter strip.

I, _____, do hereby make
name of landowner

an application for a 20% reduction in the maintenance bases for the
establishment and maintenance of 10' wide sodded filter strips on each side of

ditch name and number

I have established the sodded filter strips and will maintain them on an annual basis either by mowing
or spraying. I understand that this reduction will only apply to the parcels of land that have the ditch on
them.

Landowner signature: _____

Landowner address: _____

Date of application: _____

APPENDIX "B"
HURON SOIL AND WATER CONSERVATION DISTRICT
8 FAIR ROAD, NORWALK, OHIO 44857
(419) 668-7645 or 668-4113

HURON COUNTY DITCH MAINTENANCE PROGRAM

Application for assessment reduction for conservation practices according to ORC 6137.09

Conservation practices: No-till planting, Permanent Vegetative Cover

% reduction allowed: 20% of maintenance base for each parcel

Requirements: No-till planting practices for corn, soybeans, and wheat, defined as less than one third of the surface tilled for corn and at least 30% crop residue on the surface after planting for all crops. No-till planting practices need to be used on a continuing basis.

The permanent cover has to be on land that has crop history as defined by FSA. Land planted to trees also qualifies.

Conditions: Huron SWCD has the right to inspect the parcels listed below to determine continued eligibility for this maintenance base reduction.

Owner name: _____

Project name and number: _____ Courthouse number: _____

<u>Parcel number</u>	<u>Acres owned</u>	<u>Acres Benefitted</u>	<u>Acres of cover or Acres no-tilled</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I agree and understand the above and submit this application for Huron SWCD and Huron County Commissioner approval.

Owner signature : _____ Date: _____

The Board of Huron SWCD Supervisors approves this application and recommends that the Huron County Commissioners also approve it.

Huron SWCD Chairman signature: _____ Date: _____

APPENDIX "C"

HURON SOIL AND WATER CONSERVATION DISTRICT
8 FAIR ROAD, NORWALK, OHIO 44857
(419) 668-7645 or 668-4113

HURON COUNTY DITCH MAINTENANCE PROGRAM

Application for assessment reduction for conservation practices according to ORC 6137.09

Conservation practice: Systematic tile drainage installed on crop land.

% reduction allowed: 10% of maintenance base for each parcel

Requirements: Tile spacings of 50' or less, proof of installation, by aerial photograph or by as-built tile plan, shall be submitted with this application. Owner is required to maintain tile system in good working condition.

Conditions: Land uses eligible for the reduction: crop land, pasture land, and CRP land. Land uses not eligible for the reduction: house lots, commercial land, sub-divisions, wood lots, ponds and lakes and farmsteads. Huron SWCD has the right to inspect the parcels listed below to determine continued eligibility for the maintenance base reduction.

Owner name : _____

Project name and number : _____ Courthouse number: _____

<u>Parcel Number</u>	<u>Acres Owned</u>	<u>Acres Tiled</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I agree and understand the above and submit this application for Huron SWCD and Huron County Commissioner approval.

Owner signature : _____ Date : _____

The Board of Huron SWCD Supervisors approves this application and recommends that the Huron County Commissioners also approve it.

Huron SWCD Chairman signature : _____ Date : _____

APPENDIX "D"

HURON COUNTY DITCH MAINTENANCE PROGRAM

Application and work agreement for reduction of maintenance allowance pursuant to section 6137.08 O.R.C.

Application number _____

Applicant name: _____

Date: _____

Project Name & Number _____

Location, type, and amount of work to be completed: (see attached map) _____

I understand and agree to the following:

- 1.) That 6137.08 requires me to file this application on or before the **first of May** in the year that I am applying for a maintenance assessment reduction.
- 2.) That the Huron S.W.C.D. will send me notice of approval or dis-approval, along with a copy of this application within two weeks following the May S.W.C.D. Board meeting. This notice will act as my permission to proceed with the work.
- 3.) I will notify the Huron S.W.C.D. in advance, by phone, mail, or in person, of the days that I intend to perform the work listed above, and will again notify the S.W.C.D. when the work has been completed by signing and returning this application within two weeks of completion and before the **last day of August** of the year I am applying.
- 4.) I will complete the work in a professional manner and in accordance with the plan and the appropriate N.R.C.S. standards and specifications where applicable.
- 5.) If the work is checked and found to be completed in an unsatisfactory manner, I will be given the opportunity to correct the inadequacy of the work.
- 6.) Failure to comply with any of the provisions pertaining to the work or this agreement may result in forfeiture of my reduction, or cause the reduction to occur at a later date.

I agree and understand the above and hereby submit this application for Huron S.W.C.D. Board approval.

Applicant signature _____ Date: _____

The Board of S.W.C.D. Supervisors **approves, disapproves,** this application..

Chairman signature _____ Date _____

I hereby certify that all the work listed above has been completed according to all the provisions of this agreement, and request my assessment reduction to be applied to my next assessment.

Applicant signature _____ Date _____

return to Huron S.W.C.D. 8 Fair, Norwalk Ohio 44857

APPENDIX "E"

HURON SOIL & WATER CONSERVATION DISTRICT
8 Fair Road, Norwalk, Ohio 44857
(419) 668-7645 or 668-4113

HURON COUNTY DITCH MAINTENANCE PROGRAM

Chapter 6137.06 of the Ohio Revised Code authorizes the formation of advisory committees for projects on the county ditch maintenance program.

The information requested on this form is needed to document the establishment of the committee. This form will be kept in the file for this group.

TO: The Huron SWCD Board of Supervisors

FROM: The landowners on _____
name of group and number

We, the under signed landowners, have formed an advisory committee for the above mentioned group on _____ .
date formed

The following landowners have been selected to serve on this committee:

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
-------------	----------------	---------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

The chairman and contact person for this advisory committee is:

Please return this completed form to the Huron SWCD.