

Comment Report

HF 2375

A bill for an act relating to petitions to change the form of management of a drainage or levee district to a board of trustees.(Formerly HSB 640.)

Subcommittee Members: Guth-CH, Brown, Celsi

Date: 03/01/2022

Time: 10:30 AM

Location: Room 217 Conference Room

Name: Gannett Swan

Comment: I would like to read this before the committee, if time allows. If not, I have attached a pdf copy of what I intend to say. Please, vote against this antifarmer bill. Gannett Swan

Thank you for allowing me to speak today.

Any proposed changes to Iowa Code 468 Drainage Law should not be taken lightly and should be measured carefully. Not all drainage districts are alike, but when landowners seek to take over private trusteeship of a drainage district, it will be for a good reason. Recently there has been a movement toward private trusteeship, so it is no coincidence that this bill is being proposed now. The purpose behind the bill before you is solely to make it more difficult for landowners to take control of the management of their drainage district.

My name is Gannett Swan. I am the fifth generation of our family to farm in Clay County and our family has been deeply involved in drainage issues. Through our property runs Pickerel Run, also known as Drainage District #37. Over 100 years ago the drainage district was established to enable farmers to farm more of our township, which is called Lake Township.

In 2012 an aggressive engineering firm established an office in Clay County. Shortly thereafter, a few farmers were asked by the county engineer if they would like to petition to enhance the functioning of the county tiles. It should be noted that it only takes one single landowner to sign a petition to start the ball rolling. Not knowing the significance of their petition, the petitioners were surprised when five years later a multi-million dollar improvement project was on the table. The bar to stop such improvements is currently very high. People who are dead, but still on property deeds, were included as landowners and, by default, were counted as being in favor of the project because they could not vote against it. Public land was counted as being in favor. If landowners were uninformed or apathetic and didn't actively oppose the improvement, they were counted as being in favor. There is no doubt that the majority of the landowners were opposed to this improvement but, for no reason we can yet understand, the supervisors voted to go ahead.

Pickerel Run is currently operating above design parameters. It has also developed some amazing wildlife habitat in the century since the drainage district was created. In fact it is one of the best natural assets in Clay County, and the proposed project would have unnecessarily devastated all of that. The original petition was to examine county main tiles. This did not require a total rework. The Landowners tried time and time again to talk to the county supervisors, but they would not budge. The only option for the landowners was to take over the trusteeship, which we did.

The new private trustees have had many things to learn, but are making progress. It appears as if they will be able to address any issues for a fraction of the cost of what had been proposed, while still keeping much of the wonderful aquatic and wildlife habitat. The real shame is that hundreds of thousands of dollars of landowner money were wasted by the supervisors before the private trusteeship was established.

The only purpose of the bill before you is to make it harder for landowners to intervene when apathetic county supervisors hand an open checkbook to aggressive engineering firms. If the landowners see this happening and call for private trusteeship, there should not be more hurdles for them to jump. Please allow them to manage their own beloved land.

Before any changes to Iowa code 468, Iowa's drainage laws, are made, carefully measure who benefits and who suffers. Please vote no on this legislation.
Thank you for your time.