

**103E.015 CONSIDERATIONS BEFORE DRAINAGE WORK IS DONE.**

Subdivision 1. **Environmental and land use criteria.** Before establishing a drainage project the drainage authority must consider:

- (1) private and public benefits and costs of the proposed drainage project;
  - (2) the present and anticipated agricultural land acreage availability and use in the drainage project or system;
  - (3) the present and anticipated land use within the drainage project or system;
  - (4) flooding characteristics of property in the drainage project or system and downstream for 5-, 10-, 25-, and 50-year flood events;
  - (5) the waters to be drained and alternative measures to conserve, allocate, and use the waters including storage and retention of drainage waters;
  - (6) the effect on water quality of constructing the proposed drainage project;
  - (7) fish and wildlife resources affected by the proposed drainage project;
  - (8) shallow groundwater availability, distribution, and use in the drainage project or system;
- and
- (9) the overall environmental impact of all the above criteria.

Subd. 2. **Determining public utility, benefit, or welfare.** In any proceeding to establish a drainage project, or in the construction of or other work affecting a public drainage system under any law, the drainage authority or other authority having jurisdiction over the proceeding must give proper consideration to conservation of soil, water, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit, or welfare.

**History:** 1990 c 391 art 5 s 3