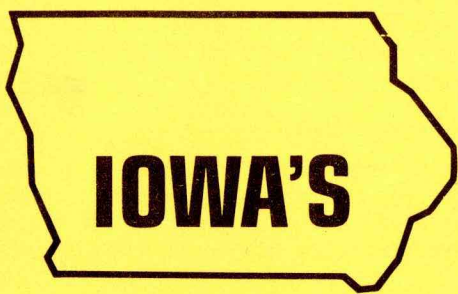


Cap. 1



**NEW
CONSERVANCY
DISTRICTS
and
SOIL LOSS
LIMIT
REGULATIONS**

Cooperative Extension Service
IOWA STATE UNIVERSITY

Ames, Iowa 50010

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IOWA'S NEW CONSERVANCY DISTRICTS AND SOIL LOSS LIMIT REGULATIONS

Iowa farmers, landowners, developers and citizens are responsible for conservation of soil and water resources. Power to enforce these responsibilities is vested with six conservancy districts (see map) and 100 soil conservation districts. Both groups are political subdivisions of the state of Iowa.

Soil conservation districts have been in existence in Iowa for more than 25 years. The six conservancy districts and rules for their operation were created by the Conservancy District Act of the 64th Iowa General Assembly. This Act also spells out an Iowa conservancy policy and provides for establishing soil loss limit regulations.

Iowa Conservancy Policy

Since July 1, 1971, Iowa has a state policy "to preserve and protect the public interest in the soil and water resources of this state for future generations."

To carry out its purpose the policy can encourage, promote, facilitate and—where such public interest requires—mandate the conservation and proper control and use of Iowa soil and water resources.

Measures to preserve and protect soil and water resources include—but are not limited to—control of floods, control of erosion by water or wind, preservation of the quantity or quality of water for its optimum use for agricultural, irrigation, recreational, industrial and domestic purposes. All of these measures are presumed conducive to the public health, convenience and welfare—both present and prospective.

Soil Loss Limit Regulations

The Conservancy District Law charges commissioners of the 100 Iowa soil conservation districts with establishing and administering regulations limiting rates of soil erosion on land in the district.

Briefly, procedures in formulating and administering such regulations include:

Prepared by Richard A. Wilcox, resource conservationist, Iowa Department of Soil Conservation, and Minoru Amemiya, extension agronomist, Iowa State University.

Declaring soil erosion a nuisance

Soil erosion is declared a nuisance if it results in or contributes to:

1. Damage by siltation to any internal improvement of a conservancy district, or
2. Damage by siltation to property other than that of the owner or occupant of the land on which such erosion is occurring.

Requiring abatement of nuisances

The following may bring action:

1. The commissioners of the soil conservation district within which erosion occurs.
2. The owner(s) of any property so damaged.
3. The board of the conservancy district whose internal improvement is so damaged.

Establishing soil loss limits

The commissioners of each soil conservation district adopt regulations as deemed necessary to establish soil loss limits for the district and provide for their implementation. The State Soil Conservation Committee must approve each regulation. The commissioners may amend or repeal their regulations as they deem necessary.

The commissioners have authority to:

- Classify land in the district on the basis of topography, soil characteristics, current use, and other factors affecting soil erosion.
- Establish different soil loss limits for different classes of land in the district. (It was the stated intent of the General Assembly that no land be assigned a soil loss limit that cannot reasonably be applied to such land).

Suggested Soil Loss Limits

Agricultural and horticultural lands:

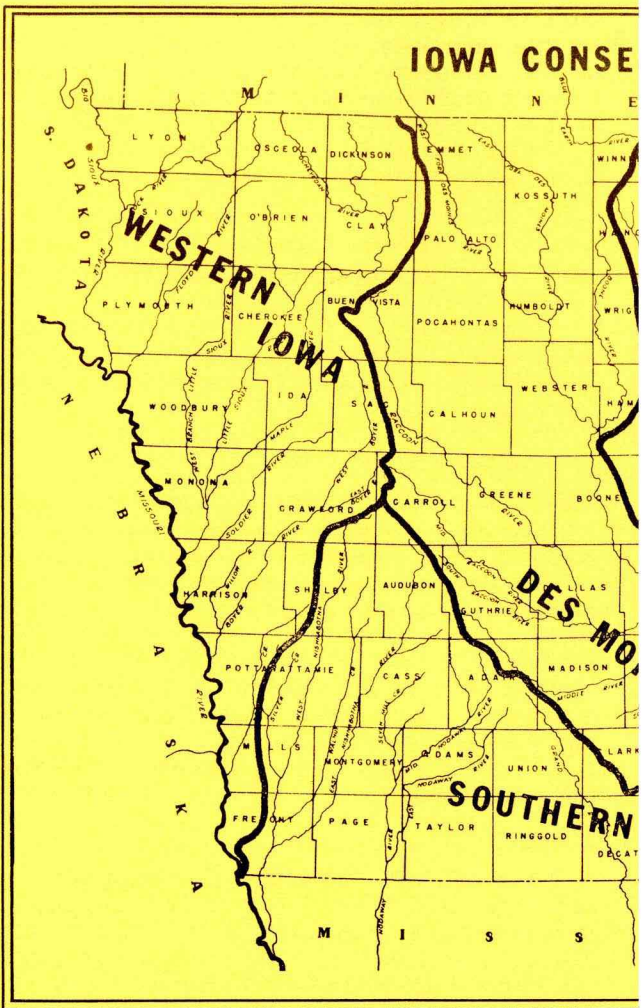
Maximum rates of soil erosion permitted for these lands are the average annual soil loss expressed in tons per acre per year, varying from 1 to 5 tons depending upon soil type.

Nonagricultural lands (including public parks, urban lands, industrial parks, airports, public and private recreation lands, roads, streets, highways and other public lands):

The maximum rate of erosion permitted for these lands is an average annual soil loss of 5 tons per acre per year.

Construction sites (including housing developments, shopping centers, industrial park developments, commercial building sites, highways, drainage channels, floodways, water impoundment structures and other similar projects):

Maximum rate of soil erosion permitted on such land is 5 tons per acre per year leaving the site.



Adopting soil loss limit regulations

The soil conservation district prepares and tentatively adopts soil loss limit regulations for that district and secures approval by the State Soil Conservation Committee.

Hearings

Upon approval by the State Soil Conservation Committee, the commissioners publish notice of a hearing on the proposed regulations in the newspaper of general circulation in the district stating place, time and date (not less than 10 nor more than 30 days from publication) when a hearing on the proposed regulations will be held. The notice will state that the proposed regulations are on file at the affected soil conservation district office and

ANCY DISTRICTS



are available for examination prior to the meeting.

The hearing is conducted by the chairman of the district commissioners. The proposed regulations are read and explained in reasonable detail. Any landowner or occupant who is affected by the regulations may be heard, for or against the regulations.

Final adoption

At the close of the hearing, the commissioners announce and record their decision whether to adopt or modify the proposed regulations. (Modifications are subject to approval by the State Soil Conservation Committee which may require the commissioners to hold another hearing). Regulations become effective upon adoption.

Complaints

Complaints that damages by sediment resulting from excessive erosion are occurring on land of another must be filed in writing with the soil conservation district.

District commissioners investigate complaints and determine if soil loss limits are being violated.

Notice of the determination by the district commissioners is given to owner(s) alleged to be in violation of limits, and voluntary abatement of the nuisance is sought.

Administrative Order

When an **administrative order** is necessary, it is issued by the district commissioners to the party(s) found to be in violation of the soil loss limit regulations to advise each as to action required.

On construction sites, work needed to control soil erosion must start within 5 days and be completed within 30 days from date of order. On other land, landowners have 6 months to start and 12 months from date of order to complete needed erosion control practices.

Cost Sharing

On agricultural and horticultural lands, district commissioners will determine that adequate public or other cost-share assistance is available, and will supplement their administrative order when final commitment of cost-share funds is obtained.

Legal requirements for cost-sharing applicable to agricultural and horticultural lands are:

- 75 percent of the cost of installing any permanent soil and water conservation practice¹
- an amount set annually by the State Soil Conservation Committee for any temporary soil and water conservation practice²

On all other lands there is no provision for cost sharing.

Penalties

If the owner(s) fails to initiate necessary conservation work by the time specified in the admin-

¹Permanent soil and water conservation practices include the planting of perennial grasses, legumes, shrubs or trees, the establishment of grassed waterways, the construction of terraces or other permanent practices approved by the State Soil Conservation Committee.

²Temporary soil and water conservation practices include planting of annual or biennial cover crops, use of strip-cropping, contour planting, minimum or mulch tillage, and any other cultural practices approved by the State Soil Conservation Committee.

istrative order, the district court may be petitioned by the commissioners to issue a court order to obtain immediate compliance with the commissioner's order. In such action, the burden of proof is on the district commissioners.

Unless the owner(s) complies with the court order, he may be found in contempt of court and so punished.

The Conservancy Districts

The governing body of each conservancy district is the State Soil Conservation Committee as established by section 467A.4 of the Code of Iowa, 1971, as amended.

Committee membership

The committee membership includes seven voting members—one farmer member from each of the six conservancy districts and one member appointed at large to represent cities and towns. Ex-officio, nonvoting members include the Iowa Secretary of Agriculture, director of the Iowa Conservation Commission, director of the Iowa Natural Resources Council and director of the State Agricultural Extension Service. The state conservationist of the USDA-Soil Conservation Service and a member of the Iowa County Engineer's Association are advisory members of the committee.

Board Duties

When officially conducting business of any conservancy district, the State Soil Conservation Committee formally convenes as the board of that district and keeps minutes of the meeting. The chairman of the State Soil Conservation Committee is chairman of the board of each conservancy district.

The board of each district has authority to—

- Supervise the water resources of the district as necessary to achieve the objectives of the Conservancy District Act, including supervision of water in any basin, water course or other body of water in the district, and to promulgate and repeal, with approval of the Iowa Natural Resources Council, and to enforce such rules and regulations except those water quality standards under authority of the Iowa Water Pollution Control Commission.

- Employ staff as needed.

- Encourage, foster and promote establishment, enlargement or consolidation of special purpose districts.

- Prepare, adopt, implement, review and revise plans as needed.

- Enter into binding agreements with others

regarding matters within jurisdiction of the district

- Acquire property, real or personal, as needed to achieve the objectives of the district and to sell and convey property owned but no longer needed by the district.

- Acquire real property by condemnation proceedings.

- Construct, operate, maintain, repair, enlarge and make improvements necessary to implement the district's over-all plan.

- Sue and be sued in the name of the district and to bring action to abate soil erosion nuisances.

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