

Soil & Water Conservation District Law

*Providing
Today...*



*...Protecting
Tomorrow*



NYS Soil & Water Conservation Committee



Abbreviated Overview

This abbreviated overview of the law is provided as a service of the State Soil & Water Conservation Committee.

Staff are available to make detailed presentations to individual Districts or groups of Districts by request.



Section 2 - Declaration of Policy

- Preservation of soil and water resources.
- Improve Water Quality
- Control and Prevent soil erosion
- Prevent Floodwater and Sediment damages
- Control and Abate nonpoint sources of pollution
- Assist in the control of floods
- Assist in the drainage and irrigation of ag lands





Section 2...

- Prevent impairment of dams and reservoirs
- Maintain navigability of rivers and harbors
- Preserve wildlife
- Protect tax base
- Protect public lands
- Protect and promote the health, safety and general welfare of people of this state
- Encourage use of ag land for recreational uses



Section 3 – Definitions/Abbreviations

- District - Soil & Water Conservation District (SWCD)
- Director - Member of the “governing body” of the District
- NYS Soil & Water Conservation Committee - State Committee (SWCC)

Section 4

Soil & Water Conservation Committee

- Voting Members of the State Committee are 5 interested and qualified citizens appointed by the Governor
 1. State Grange
 2. State Farm Bureau
 3. NY Association of Conservation Districts
 4. At Large Representative - Farm Interests
 5. At Large Representative - Urban, Suburban & Rural Non-farm Landowner Interests



SWCC Advisory Members



- Director of State Ag Extension Service
- Dean of State College of Ag & Life Sciences at Cornell
- President of ESF at SUNY
- Commissioner of DEC
- Commissioner of Ag and Mkts
- Commissioner of Health
- Secretary of State
- State Conservationist of NRCS
- NYCDEA Representative

or each of their designated representatives

Powers & Duties of the SWCC

- **Adopt policies in carrying out of SWCD programs**
- **Keep directors of each of the SWCDs informed of the activities of other Districts and to facilitate cooperation between the Districts**
- **Approve and coordinate programs of the SWCDs**
- **Secure cooperation of the State and Federal governments**
- **Disseminate info regarding activities of SWCDs, encourage formation of SWCDs**
- **Accept contributions from any source**
- **Develop and maintain principles, standards and procedures for participating in AEM and assessing the AEM program for effectiveness; coordinate and approve the participation of the Districts in AEM**



Mission Statement

- The mission of the *NYS Soil & Water Conservation Committee* is “to develop a responsible Soil and Water Conservation Program for the State of New York that will be implemented through SWCDs.
- The Committee establishes policy to guide the SWCDs’ programs, to assist the state’s SWCDs in organizing, developing and implementing programs, to advise all agencies of government on matters relating to soil and water conservation, and to work in concert with state and federal agencies to reduce pollution of the states water resources and improve the quality of these resources.”



Transfer of functions and matters
related to the SWCC moved from
Cornell University
to the
Department of Ag & Markets
in 1981



Notes of Decisions

Through the years the Attorney General has issued both formal and informal opinions regarding the interpretation and applicability of the law.





Section 5

Creation of SWCD's

Gives the board of supervisors of any county the authority to establish a Soil & Water Conservation District

&

Allows the mayor of NYC the authority to establish a SWCD encompassing the 5 counties of the city (1991)

Section 6

Designation of District Directors

Establishes the makeup of a SWCD board

- 2 members of the *County Board*
- 2 members must be practical farmers
 - 1 member selected from a list submitted by the *Grange*
 - 1 member selected from a list submitted by the County *Farm Bureau*
- 1 member appointed at large to *represent the Urban, Suburban, Rural Non-farm Landowner Interest*



Section 6...

- At the option of the *County Legislative Body* the board of a SWCD may be expanded to 7 members...
- At least one shall be a *Practical Farmer*
- No more than 2 directors shall be from the *County Board*



Section 6...

Special provisions for appointing
board members in

Westchester

Nassau

Rockland

New York City

Section 7

Appointments, qualifications, compensation, & tenure of Directors

- County reps are appointed *annually*
- The other members serve for *three-year terms*





Section 7...

Compensation of the members of the
“Governing Body” of the District
shall be fixed by the county

Section 8

Organization of Directors

“The directors of the District shall be the governing body thereof.”

They shall designate a

- Chairperson
- Secretary*
- Treasurer*

** do not need to be directors*





Section 8...

- The directors shall provide for the execution of surety bonds for its members and employees entrusted with funds and property
- The directors shall keep full and accurate records of all proceedings etc.
- The directors shall provide for an annual audit of accounts

An Average SWCD

Board of Directors

5 – 7 members

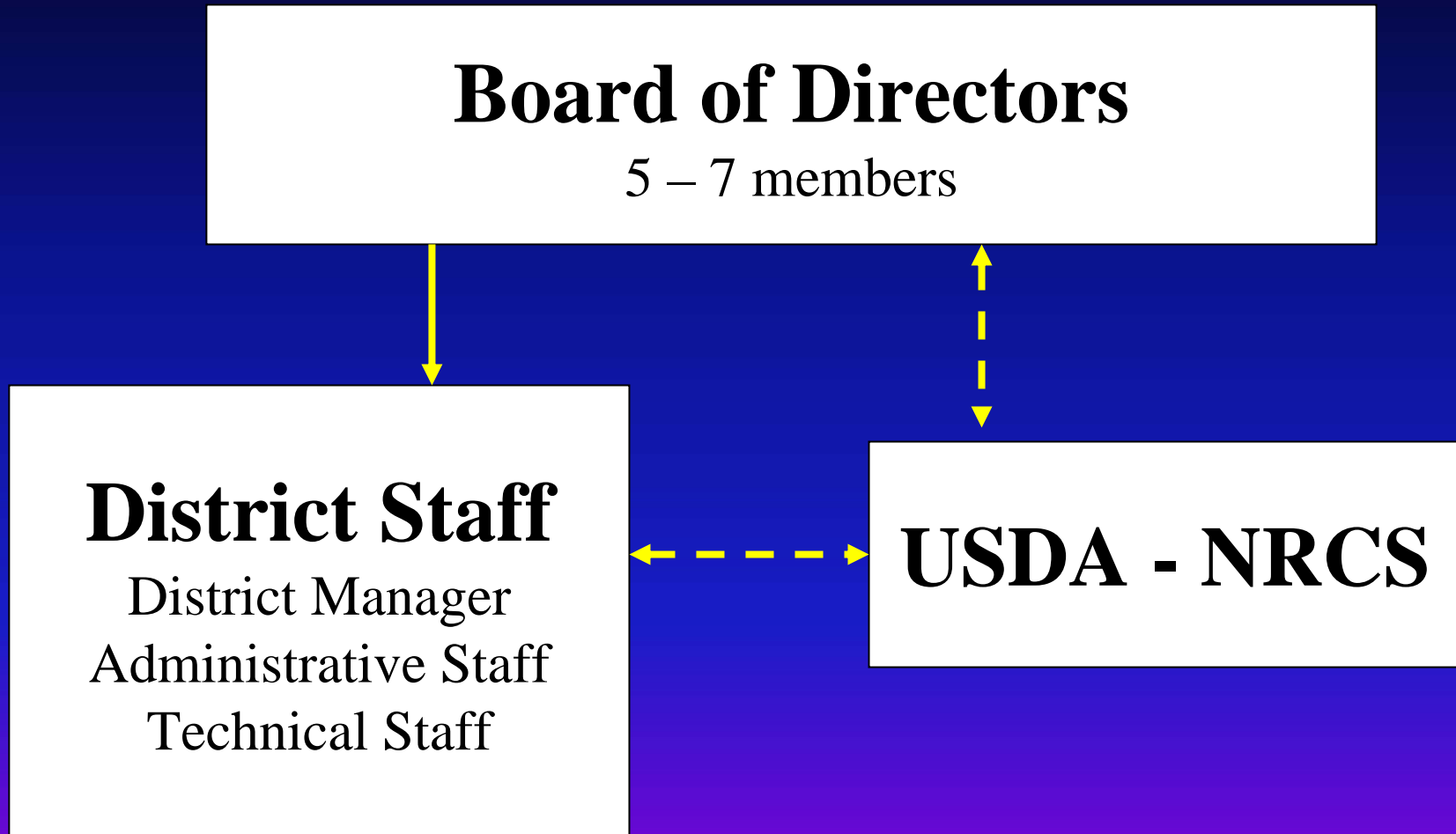
District Staff

District Manager
Administrative Staff
Technical Staff

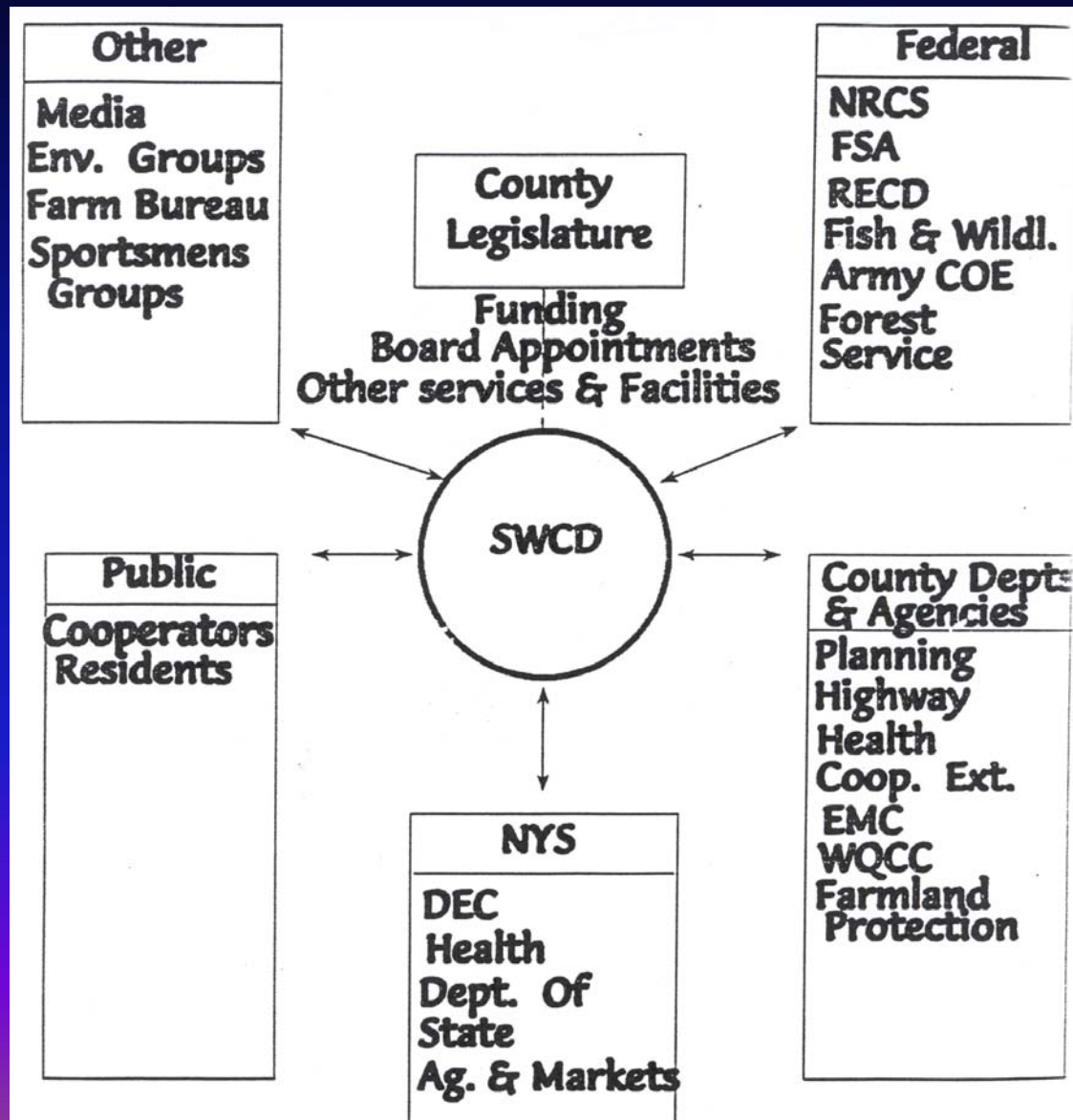
USDA - NRCS

Provides
Assistance

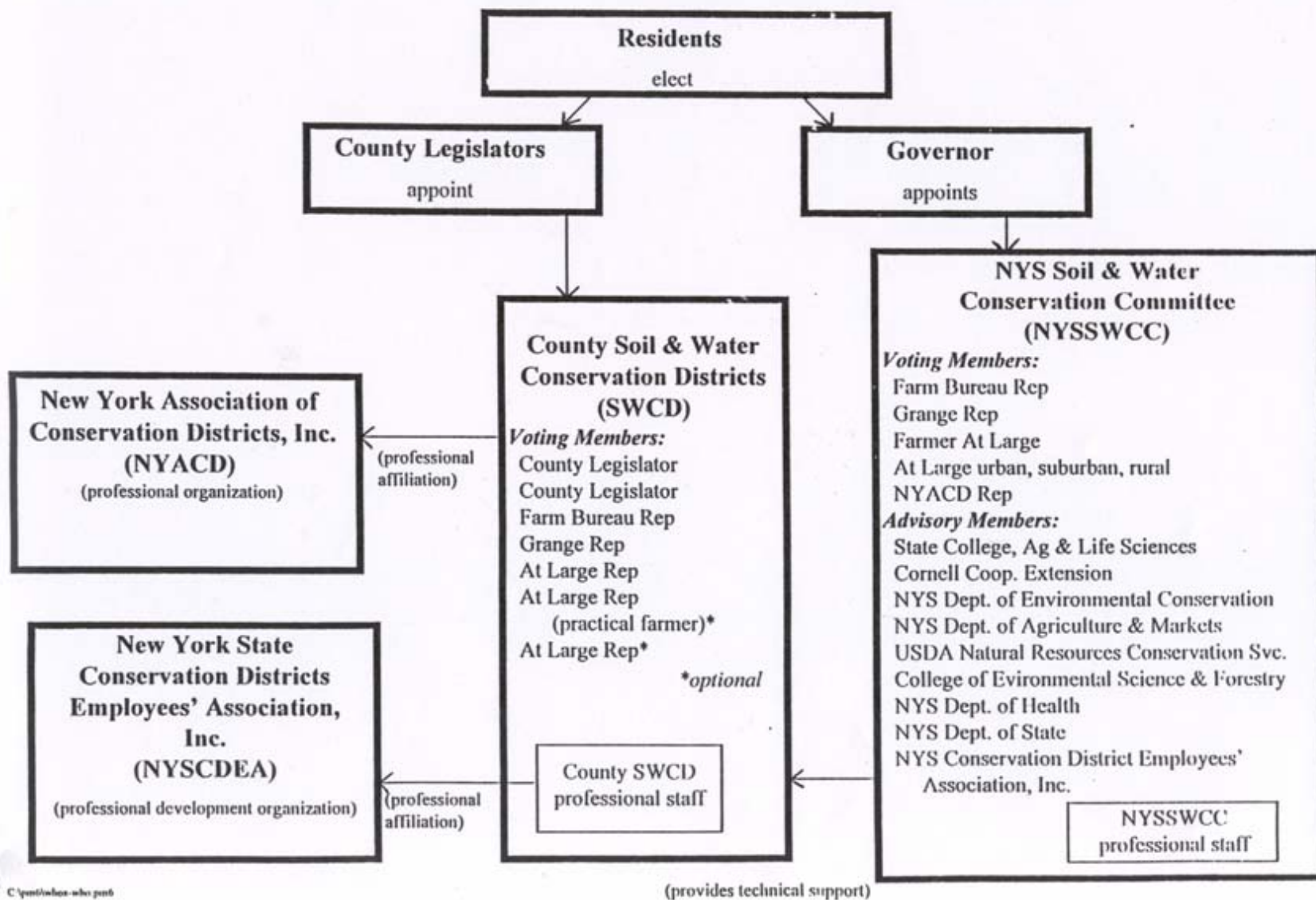
Varies from county to county



The SWCD Within a County



Who's Who in Soil & Water Conservation



Conservation District Function

- Gather available technical, financial & educational resources, whatever their source.
- Focus or coordinate them to meet the needs of the local land user.



Section 9

Power of Districts & Directors

The directors of a Soil & Water Conservation District shall have the following powers, in addition to others granted in other sections of this chapter:



The Directors of a SWCD have the power to...

- Conduct surveys, investigations, and research relating to the character of soil erosion and floodwater and sediment damages, nonpoint source water pollution and the preventive and control measures needed and to publish the results
- Disseminate information concerning preventative and control measures

Directors have the power to:

- Authorize officers and employees to perform such duties as are necessary for the operation on the District
- Establish and abolish positions of employment and to fix the compensation and time of payment (consistent with Civil Service Law)
- Authorize the treasurer to establish and maintain a petty cash fund (up to \$250) for specific District purposes

They shall have the power to...

- Authorize the District treasurer to establish revolving fund accounts for specific administrative and operational accounts, and to temporarily deposit and invest monies
- Carry out preventive and control measures within the District including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in land use and drainage, irrigation and other agricultural water management operations and measures for the prevention of floodwater and sediment damages, or for control and abatement of nonpoint sources of pollution, with the consent and cooperation of the landowner (private or public)

Districts also have the power to:

- Furnish financial or other aid to any public or private landowner subject to the conditions set by the directors
- Own or lease real or personal property and maintain, administer and improve for income; sell or lease any of its property
- Make available on terms that the directors prescribe to land occupiers agricultural and engineering machinery and equipment, fertilizer, seeds, *seedlings*, and other similar material and equipment for protecting and preserving soil and water resources

They shall have the power to:

- Construct, maintain and improve structures for the performance of any operations authorized in this chapter
- Develop and update plans for conservation of soil and water resources, control and prevention of soil erosion, floodwater and sediment damage prevention, control and abatement of nonpoint sources of pollution, and agricultural water management within the District
- Assist in the administration of the AEM Program
- Develop plans to promote recreational programs for privately owned lands and waters (1996)

Directors have the power to:

- Act as an agent for the federal or state government in connection with acquiring, constructing, operating, maintaining or administering any soil conservation, erosion control and prevention, ag. water management, flood prevention, sediment damage prevention, or nonpoint source pollution control and abatement project and to accept money, services and materials from these entities or any other source
- Sue and be sued in the name of the District ; make and execute contracts; establish rules and regulations

SWCD's have the power to:

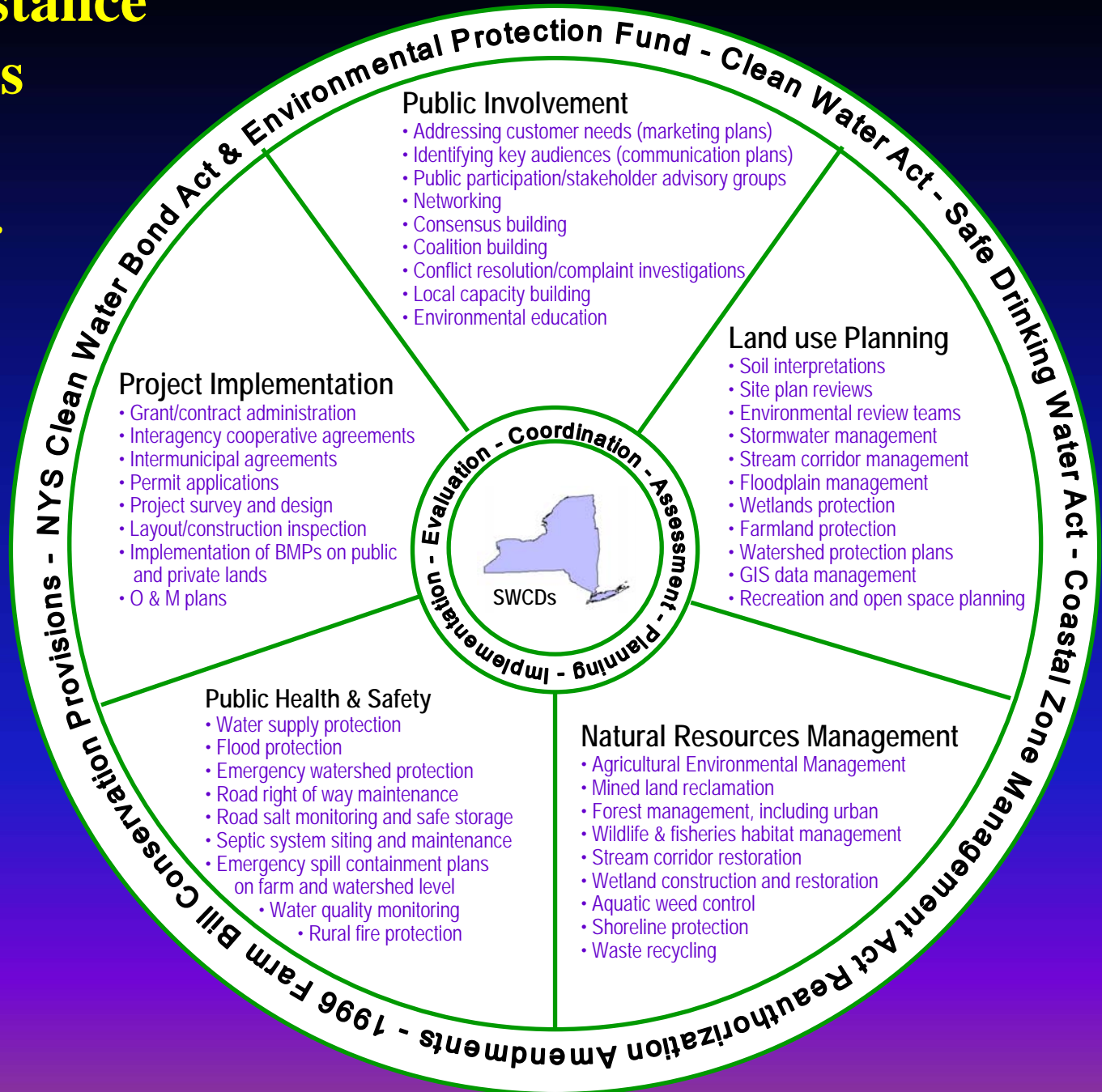
- Require contributions in money, services materials and otherwise to operations conferring benefits and require agreements from the land owners regarding long-term use of the land
- Follow state purchasing and procurement policies
- Use public owned machinery on private lands (at a state established rate – not free)

Directors have the power to:

- Call upon the county attorney for legal services
- Pay dues to the State Association
- Use county or town equipment or funds for work relating to soil and water conservation on public property

Technical Assistance to Communities

*Authorized under
NYS Soil & Water
Conservation
District Law*



Section 10

Cooperation Between Districts

The Directors of two or more Districts may cooperate with one another in the exercise of any or all powers



Section 11

State Agencies to Cooperate

Agencies of the state or local government which have jurisdiction over any lands within the county may cooperate with the District in the effectuation of programs and operations



Section 11-a (a)

State Aid to Districts

The State of New York can reimburse a Soil & Water Conservation District up to \$30,000

Reimbursement limited to expenditures for employment of field technicians or District managers and the purchase of supplies and equipment related to these positions

(New York City reimbursed up to \$150,000)



Section 11-a (b) Conservation Project Financial Assistance

- Districts shall be eligible, within amounts available, for up to \$6,000 annually for the purposes of carrying out projects...

(New York City eligible for \$30,000)

Section 11-a (b) Cont'd Project List

- Conserve, restore & enhance the soil and water resources of the State
- Assist in the implementation of agricultural Best Management Practices
- Prevent & reduce agricultural and non-agricultural NPS source water pollution
- Assist in the control of floods and mitigate flood damage
- Protect & restore streams and wetlands
- Protect & restore wildlife and aquatic habitat
- Assist in the drainage of agricultural lands
- Prevent impairment of dams and reservoirs
- Control stormwater run-off, including from construction sites
- Assist in maintaining the navigability of rivers and harbors
- Reduce agriculturally generated air pollution
- Assist the agricultural production of green energy
- Protect open space
- Collect & dispose of pesticides
- Manage public lands
- Protect & manage rural and urban forests

Section 11-a (c) Performance Based Conservation Financial Assistance

- Districts shall be eligible annually on a competitive basis, within available funding, for financial assistance for financial assistance for the purposes of carrying out projects for the conservation of the soil and water resources of the State and for listed activities...

Section 11-a (c) Cont'd

Project/Activity List

- Improvement of water quality
- Control & prevention of floodwater and sediment damages
- Conservation, development, utilization and disposal of water
- Preserve natural resources
- Control & abate nonpoint sources of water pollution
- Assist in the control of floods
- Assist in the drainage & irrigation of agricultural lands
- Prevent impairment of dams and reservoirs
- Assist in maintaining the navigability of rivers & harbors
- Preserve wildlife
- Protect the tax base
- Protect the public lands
- Protect & promote the health, safety and general welfare of the people of the State

Section 11b

Ag Nonpoint Source Abatement & Control Projects

Establishes the state grant program for the
planning and *implementation* of best
management practices on privately owned
agricultural lands (1989)

Section 12

Discontinuance of Districts

How a Soil & Water Conservation District is
discontinued

This has never been used

Section 13

Separability Clause

If portions of this law are held to be invalid
the remainder of the law shall not be
affected



Section 14

Inconsistency With Other Acts

Insofar as any of the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling.



Soil & Water Conservation Districts

Providing Today...

Protecting Tomorrow

