

replacement for the conservation folder for that farm unit. Upon completion of the conservation folder for a particular farm unit, the district shall send the owner of that farm unit, and also the operator of the farm unit if known by the commissioners to be other than the owner, a letter offering that person or those persons a copy of the folder. The district shall keep a record of the date the folder is completed and the letter is sent. The folder shall be updated from time to time by the district as it deems necessary.

b. The commissioners of each soil conservation district shall complete preparation of a farm unit soil conservation plan for each farm unit within the district, not later than January 1, 1985 or five years after completion of the conservation folder for that farm unit, whichever date is later, or as soon thereafter as adequate funding is available to permit compliance with this requirement. Technical assistance in the development of the farm unit soil conservation plan may be provided by the United States department of agriculture soil conservation service through the memorandum of understanding with the district or by the department. The commissioners shall make every reasonable effort to consult with the owner and, if appropriate, with the operator of that farm unit, and to prepare the plan in a form which is acceptable to that person or those persons. The plan shall be drawn up and completed without expense to the owner or operator of the farm unit, except that the owner or operator shall not be reimbursed for the value of his or her own time devoted to participation in the preparation of the plan. If the commissioners' plan is unacceptable to the owner or operator of the farm unit, that person or those persons may prepare an alternative farm unit soil conservation plan identifying permanent or temporary soil and water conservation practices which may be expected to achieve compliance with the soil loss limit or limits applicable to that farm unit, and submit that plan to the soil conservation district commissioners for their review.

Approved May 1, 1981

CHAPTER 154
LAND DISTURBING ACTIVITIES
S. F. 262

AN ACT to revise the regulation of land disturbing activities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 467A.64, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. If a political subdivision has adopted a sediment control ordinance which the commissioners and the political subdivision jointly agree is at least as equally effective as the commissioners' rules in preventing erosion

from exceeding the established soil loss limits, the commissioners and the political subdivision shall execute an agreement under chapter 28E allowing an agency authorized by the political subdivision to receive and file an affidavit from a person, prior to initiating a land disturbing activity in that subdivision, stating that the proposed activity will not exceed the established soil loss limits. A copy of the affidavit shall be mailed to the district as a part of the terms of the agreement. The affidavit shall be in a form prescribed by the department and made available by the district.

2. Prior to initiating a land disturbing activity in a political subdivision which has not adopted sediment control ordinances as described in subsection 1, a person engaged in the land disturbing activity shall file a signed affidavit with the soil conservation district that the project will not exceed the soil loss limits. The affidavit shall be in a form prescribed by the department and made available by the district.

Sec. 2. Section 467A.64, subsections 2 and 3, Code 1981, are amended to read as follows:

2 3. For the purposes of this section, "land disturbing activity" means a land change such as the tilling, clearing, grading, excavating, transporting or filling of land which may result in soil erosion from water or wind and the movement of sediment and sediment related pollutants into the waters of the state or onto lands in the state but does not include the following:

a. Tilling, planting or harvesting of agricultural, horticultural or forest crops.

b. Preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision development.

c. Minor activities such as home gardens, landscaping, repairs and maintenance work.

d. Surface or deep mining.

e. Installation of public utility lines and connections, fence posts, sign posts, telephone poles, electric poles and other kinds of posts or poles.

f. Septic tanks and drainage fields unless they are to serve a building whose construction is a land disturbing activity.

g. Construction and repair of the tracks, right of way, bridges, communication facilities and other related structures of a railroad.

h. Emergency work to protect life or property.

i. Disturbed land areas of less than ~~ten~~ twenty-five thousand square feet unless a political subdivision by ordinance establishes a smaller exception or establishes conditions for this exception.

j. The construction, relocation, alteration or maintenance of public roads by a public body.

3 4. If the ~~permit-issuing-authority~~ agency authorized under subsection 1 determines that a land disturbing activity is not being conducted in compliance with the soil ~~erosion-control-plan~~ loss limits, ~~the-permit-issuing authority~~ it shall file a written and signed complaint with the soil conservation district commissioners. The complaint shall have the same effect and validity as a complaint filed by an owner or occupant of land being damaged by sediment pursuant to section 467A.47. If the affidavit is

filed with the district or the political subdivision, the commissioners may proceed on their own complaint. The soil conservation district commissioners may issue an administrative order as provided in that section to the person conducting the land disturbing activity.

Sec. 3. The soil conservation districts shall adopt rules to implement section 1 of this Act by October 1, 1981. The requirements of having an affidavit on file with the district provided in section 1 of this Act shall not apply in a district until that district has adopted the rules implementing section 1 of this Act.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Fairfield Ledger, Inc., a newspaper published in Fairfield, Iowa, and in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa.

Approved March 31, 1981

I hereby certify that the foregoing Act, Senate File 262, was published in The Fairfield Ledger, Inc., Fairfield, Iowa on April 10, 1981 and in the Oskaloosa Daily Herald, Oskaloosa, Iowa on April 10, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 155
CONSERVANCY DISTRICT WARDS
H. F. 466

AN ACT relating to the creation of conservancy district wards.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 467D.5, subsection 1, Code 1981, is amended to read as follows:

1. The state soil conservation committee acting in its capacity as a conservancy district board may propose division of a conservancy district, currently being governed by the state soil conservation committee under subsection 1 of section 467D.4, into not less than five nor more than nine wards. Ward boundaries shall coincide with county boundaries, except that each ward shall lie entirely within the conservancy district of which it is a part. Each ward shall be composed of contiguous territory and shall be drawn with equality of population as an objective, insofar as that objective can reasonably be implemented while meeting the other requirements of this subsection. The division of a conservancy district into wards shall not become effective until it is approved by the soil conservation districts located entirely or partially within the conservancy district casting a majority of the total votes of the soil conservation districts in the conservancy district. For the purpose of this subsection each soil conservation district that is entirely within the conservancy district shall