

CHAPTER 20
IOWA SOIL 2000 PROGRAM
[Prior to 12/28/88, see Soil Conservation Department, 780—Ch 6]

PART 1

27—20.1 to 20.9 Reserved.

27—20.10(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in implementing the Iowa Soil 2000 Program goal of satisfactorily controlling erosion on all Iowa land. It also establishes standards and guidelines which the soil conservation districts will use in fulfilling their responsibilities under this program.

27—20.11(161A) Rules or subrules are severable. If any provision of a rule or subrule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule or subrule which can be given effect without invalid provision or application, and to this end the provisions of these rules or subrules are severable.

27—20.12 to 20.19 Reserved.

PART 2

27—20.20(161A) Availability, development, distribution, updating and notice of conservation folders. This division establishes rules for the development, distribution, updating, and minimum requirements for notifying landowners that a conservation folder has been developed. This section also defines the responsibilities of the seller and the district to provide copies of conservation folders and farm unit soil conservation plans to a prospective purchaser.

20.20(1) Priority for development of conservation folders. The district staff when developing conservation folders as required by Iowa Code section 161A.62 will include as a minimum the content items required by 20.30(161A) of these rules.

The district commissioners will select priority watershed(s) or area(s) within their district, using the following criteria:

- a. Highest priority will be given to watersheds or areas with the largest percentage of acreage of soils in the first priority criteria.
- b. Lowest priority will be given to watersheds or areas with the largest percentage of acreage of soils in the fifth priority criteria.
- c. If after screening watersheds or areas against these priority criteria, no watersheds or areas fall in the highest priority, that district will select the next highest category for which soils exist in that district as the top priority category.
- d. Priority criteria.
 - (1) Fragile soils which under present agricultural use and management will be depleted in 20 years.
 - (2) Fragile soils which under present agricultural use and management will be depleted in 40 years.
 - (3) Excessively eroding soils that under present agricultural use and management are eroding greater than 15 tons per acre per year.
 - (4) Excessively eroding soils that under present agricultural use and management are eroding greater than 10 tons per acre per year.
 - (5) Excessively eroding soils that under present agricultural use and management are eroding greater than the districts adopted soil loss limits.

20.20(2) Rate of development of conservation folders. Iowa Code section 161A.62(1) "a" requires that each farm unit must be furnished a conservation folder not later than January 1, 1985, or as soon thereafter as funding is available.

The number of conservation folders to be developed in any given year will be at a rate established in the annual work plan developed and adopted by the commissioners of that district.

20.20(3) Notification of landowner and operator. Iowa Code section 161A.62 requires notification of appropriate parties and the keeping of certain records.

Notification that a particular conservation folder is completed will be sent on a date specified by the commissioners. The district records concerning completion and notification of availability of the conservation folder will be maintained in the manner prescribed in 20.60(161A) of these rules.

a. Certified completion. A conservation folder will be certified complete upon a vote of approval by the commissioners, on a motion at any regular or special meeting.

b. Notification of landowner and operator. Following certification of completion by the commissioners, the chairman will send a letter by regular mail to the landowner and the operator if known to the commissioners. The letter will offer those persons a copy of the conservation folder in accordance with a distribution procedure adopted by the commissioners in compliance with the guidelines of subrule 20.20(4).

20.20(4) Distribution procedure.

a. The annual work plan adopted by the commissioners will specify, within these guidelines, a conservation folder distribution procedure for use in their district. These procedures may include the following:

(1) Neighborhood meetings may be utilized to deliver conservation folders to landowners or operators.

(2) Personal delivery may be by district staff, a commissioner, assistant commissioner, or any individual the commissioners deem qualified to do so.

b. Mailing of conservation folders will only be used in those cases where the individual cannot reasonably be contacted otherwise.

20.20(5) Updating conservation folders. Conservation folders previously distributed may be updated at any time the commissioners determine that to do so would be appropriate and helpful to landowners and operators. Records concerning delivery of updated material will be in accordance with 20.60(161A) of these rules.

20.20(6) Certified updated farm plan. An existing farm plan prepared for a particular farm unit in January 1971 or later may be certified by the commissioners, as adequate replacement for the conservation folder upon:

a. Commissioner review to determine that the farm plan provides adequate information to meet the intent and purposes of the conservation folder.

b. Updating the farm plan, if needed, with supplemental information to bring the farm plan into conformance with the conservation folder.

c. Certification of adequacy upon a vote of approval by the commissioners on a motion at any regular or special meeting.

d. Establishment of a record and file for that farm plan in compliance with 20.61(161A) of these rules.

20.20(7) Availability to prospective purchasers.

a. Copies of a conservation folder or farm unit soil conservation plan will be made available for review in the district office to any prospective purchaser.

b. A statement explaining conservation cover will be supplied to any prospective purchaser when that individual reviews a copy of either a conservation folder or farm unit soil conservation plan.

c. Seller's responsibility. The seller of land, which has a conservation folder or a farm unit soil conservation plan, will either provide that person copies of these documents or refer the prospective purchaser to the district.

27—20.21 to 20.29 Reserved.

PART 3

27—20.30(161A) Conservation folder content. This division establishes rules concerning required content items and establishes guidelines for the inclusion of additional material at the discretion of the commissioners. The conservation folder contents will provide the landowner and operator with adequate information to develop an understanding of the impacts of excessive erosion, the approximate rate of erosion on their own land, potential alternative solutions to excessive erosion, their erosion control obligations under Iowa law and information about available educational, technical and financial assistance.

20.30(1) Standard conservation folder content.

a. Concise document covering the following:

- (1) Short-term and long-term economic effects of erosion.
- (2) Effects associated with potential land treatments; economic, yield, operational, management.
- (3) Low cost land treatment alternatives.
- (4) Explanation of Iowa's soil conservation laws and landowner's responsibilities.
- (5) Erosion's impact on long-term productivity.

b. District specific items.

- (1) Estimated erosion rates in the local area.
- (2) Rates of acceptable soil loss in the local area.
- (3) Potential erosion rates for the dominant soils of the farm unit.

c. Information on educational, technical, and financial assistance available from various agencies.

20.30(2) Supplemental conservation folder content. The commissioners may at their own discretion include local information that might be beneficial to landowners and operators in the furtherance of soil conservation and the protection and maintenance of the future productivity of the soil.

27—20.31 to 20.39 Reserved.

PART 4

27—20.40(161A) Farm unit soil conservation plan. The farm unit soil conservation plan as defined in rule 20.70(161A) will identify specific permanent and temporary soil and water conservation practices for achieving erosion control to meet soil loss limits established by the district. Where practicable, the plan shall also identify alternatives by which this objective may be obtained. The completed plan must be acceptable to and approved by the commissioners.

27—20.41 to 20.49 Reserved.

PART 5

27—20.50(161A) Conservation agreement. This part establishes procedures for entering conservation agreement as defined in rule 20.70(161A) between district commissioners and landowners and operators.

20.50(1) In accordance with Iowa Code section 161A.62, for any farm unit that has received a conservation folder after January 1, 1986, or one year after the completion of the farm unit plan, whichever is later, state cost-sharing funds through the voluntary program will be available only when a conservation agreement is in effect.

20.50(2) Eligibility. A landowner and, if appropriate, the operator of a farm unit, may enter into a conservation agreement with the commissioners after a farm unit soil conservation plan has been approved by the commissioners.

20.50(3) Initiation of conservation agreement. Within 60 days after the commissioners approve a farm unit soil conservation plan, the district shall offer to enter into a conservation agreement with the landowner.

20.50(4) Conservation agreement form. The schedule for implementing the farm unit soil conservation plan will be recorded on form SCD-6. To complete the conservation agreement, form SCD-6 will be signed by the landowner and the chairman of the district.

20.50(5) Period of conservation agreement. The implementation period of the initial agreement shall not exceed five years, unless amended as defined in 20.50(7).

20.50(6) Performance of conservation agreement. To continue to qualify for state cost-share funds, the landowner shall implement the agreed-upon soil conservation practices according to the schedule contained in the conservation agreement.

20.50(7) Amending or extending the conservation agreement. Conservation agreements may be amended or extended provided the revisions are mutually acceptable to the landowner and the commissioners, for reasons not limited to but including the following:

- a. Lack of public cost-share funding.
- b. Loss or gain of land under agreement.
- c. Uncontrollable circumstances (flood, drought, hail).
- d. Economic constraints on the landowner.

20.50(8) Terminating conservation agreements. Conservation agreements can be terminated for the following reasons:

- a. Conservation agreements shall be terminated when the land changes ownership.
- b. Conservation agreements may be terminated at any time upon request of the landowner, with the understanding that the landowner forfeits the future right to receive state cost-share funds for soil conservation practices on that farm unit.
- c. Conservation agreements may be terminated by the commissioners in the event that the landowner fails to implement the agreed-upon soil conservation practices according to the schedule contained in the conservation agreement.

20.50(9) Distribution of conservation agreement records. Copies of the soil conservation agreement and any revisions or terminations thereto shall be provided to the landowner, the division of soil conservation and the district case file.

27—20.51 to 20.59 Reserved.

PART 6

27—20.60(161A) Records. This part establishes rules concerning standards and records necessary to ensure orderly progress toward attaining the requirements of Iowa Code section 161A.62 to furnish a conservation folder to owners of every farm unit in Iowa.

27—20.61(161A) Record of distribution—district file.

The district will maintain a file system, indexed according to township, range and section to adequately describe each farm unit, that contains a record of:

1. The date the conservation folder was certified complete.
2. The date a letter of notification was sent to the landowner.
3. The landowner's name and address.
4. The operator's name and address.
5. The date the conservation folder was delivered and:

By whom,

To whom,

Method of delivery.

27—20.62(161A) Conservation folder file copy. The district will maintain a record of information furnished to each farm unit. The file will also contain all correspondence related to notification, delivery and updating of the conservation folder.

27—20.63(161A) Program performance records. The district will use existing record systems to provide a data base from which progress can be identified by the division in the following areas:

1. Implementing treatment of fragile soils
2. Reducing nonpoint source pollution
3. Reducing excessive soil erosion
4. Attaining a nondepleting level of erosion on all agricultural lands.

27—20.64 to 20.69 Reserved.

PART 7

27—20.70(161A) Definition of terms. In addition to the definitions in rule 27—10.20(161A), the following terms are defined:

“Adjacent tracts” means two or more tracts of land in the same legal section of land or in touching legal sections lying such that the two tracts have a common side or common corner.

“Conservation agreement” is defined in Iowa Code section 161A.42 to mean a commitment by the owner or operator of a farm unit to implement a farm unit soil conservation plan or, with the approval of the commissioners of the district within which the farm unit is located, a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the district of such technical or planning assistance in the establishment of, and cost-sharing or other financial assistance for establishment and maintenance of the soil and water conservation practices necessary to implement the plan, or a portion of the plan.

“Conservation folder” is defined in Iowa Code section 161A.42 to mean compiled information concerning the topography, soil composition, natural or artificial drainage characteristics and other pertinent factors concerning a particular farm unit, which are necessary to the preparation of a sound and equitable conservation agreement for that farm unit. The specific items to be contained in a conservation folder shall be prescribed by administrative rules of the division of soil conservation. The division shall provide by rule that an updated farm plan prepared for a particular farm unit within 10 years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit.

“Contiguous” means two or more tracts of land lying in the same legal section that have separate legal descriptions, but which have at least a partially common boundary line.

“District staff” means all individuals assigned to, assisting, or employed by a soil and water conservation district.

“Farm plan” as used in these rules refers to any conservation plan or other plan developed in cooperation with the landowner, which provides compiled information concerning the topography, soil composition, natural and artificial drainage characteristics, permanent soil and water conservation practices, and other pertinent factors for the farm unit.

“Farm unit” is defined in Iowa Code section 161A.42 to mean a single contiguous tract of agricultural land, or two or more adjacent tracts of agricultural land, located within a single district, upon which farming operations are being conducted by a person who owns or is purchasing or renting all of such land, or by a tenant or tenants. If a landowner has multiple farm tenants, the land on which farming operations are being conducted by each tenant shall constitute a separate farm unit. This definition does not prohibit land which is within a single district and is owned or being purchased by the same person, or is being rented by the same tenant, from being treated as two or more farm units if the commissioners of the district deem it preferable to do so.

“*Farm unit soil conservation plan*” is defined in Iowa Code section 161A.42 to mean a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the commissioners of the district within which that farm unit is located, based on the conservation folder for that farm unit and identifying those permanent soil and water conservation practices and temporary soil and water conservation practices the use of which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil loss limit or limits. The plan shall, if practicable, identify alternative practices by which this objective may be attained.

These rules are intended to implement Iowa Code chapter 161A.

[Filed 5/10/82, Notice 2/17/82—published 5/26/82, effective 6/30/82]

[Filed 10/8/82, Notice 9/1/82—published 10/27/82, effective 12/1/82]

[Filed without Notice 4/5/85—published 4/24/85, effective 5/29/85]

[Filed 12/7/88, Notice 9/7/88—published 12/28/88, effective 2/1/89]