What You Will Learn

What is the legal definition of a Conservation District?
What are the purposes of Conservation Districts?
What powers do Conservation Districts have to carry out their purposes?
What agency drafts, monitors and enforces rules governing Conservation Districts?
Where can those rules be found?
What is covered in the rules?
Arkansas Leads The Way

In 1937 the Arkansas General Assembly passed the FIRST state conservation law in the nation

Authorizing creation of local conservation districts

Creating what is now the Arkansas Natural Resources Commission

Today there are 75 local conservation districts in Arkansas

While similar, each state’s conservation district laws and rules differ
Legally Speaking

General Assembly passed Act No. 197 of 1937 authorized creation of conservation districts and creating what is now named the Arkansas Natural Resources Commission.

Amended several times (e.g., 1947, 1963, 1969)

Act 197 of 1937 is codified with amendments as Arkansas Code Annotated § 14-7-125

Title 14 = Local Government
Subtitle 7 = Soil & Water Improvement Districts
Chapter 125 = Conservation District Law
Law Defines Conservation District

14-125-106.

(1) A “conservation district” …means a governmental subdivision of this state and a public body, corporate and politic, organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the provisions, herein set forth. All districts created under this chapter shall be known as conservation districts and shall have all the powers and duties set out in this chapter.
Law Defines District Purposes

14-125-105.

To provide for the control and prevention of soil erosion

For the prevention of floodwater and sediment damages

For furthering the conservation, development, and utilization of soil and water resources and the disposal of water

To preserve natural resources

Control floods

Prevent impairment of dams and reservoirs

Assist in maintaining the navigability of rivers and harbors

Preserve wildlife

Assist in the control of nonpoint source pollution

Protect the tax base

Protect public lands

Protect and promote the health, safety, and general welfare of the people of this state.
Law Defines District Powers


To carry out preventive and control measures for better utilization of soil and water resources.

To enter into agreements and furnish financial or other aid to any private or public agency or land user within the district for better utilization of soil and water resources and for removal of excess water as the directors deem necessary.

To obtain by purchase, gift or otherwise, any real or personal property to accomplish the goals of the district.

To make available to land users any equipment and materials needed to carry out soil and water conservation programs.
Law Defines District Powers


To **construct, improve, operate and maintain works** of improvement as needed.

To **develop comprehensive plans** for soil and water management in the district and **bring this information to the attention of land users.**

**Levy taxes** based on specific benefits.

To **make and amend land use regulations** within the district when needed to conserve soil and water resources.

To **cooperate with other districts** in the exercise of any of these powers.
Law Defines District Powers


To accept contributions in money, service or materials from any source for use in carrying out the district program.

To sue and be sued in the name of the district; to have perpetual succession (with exceptions); to make and execute contracts; to borrow money, issue notes and bonds, and mortgage property;

As a condition to extending benefits on private lands, the district may require contributions in money, services, or materials, except that the district may not charge for technical services provided by NRCS or other agencies providing technical assistance.

Technical assistance provided by the district may be supported by a reasonable fee or charge.
Law Defines Powers


To organize an irrigation, drainage or watershed development district to install, operate and maintain works of improvement such as dams, levees, ditches and pumping stations.

To form improvement project areas to assume local obligations in installing, operating and maintaining structural measures in watershed projects and Resource Conservation and Development measures.

The conservation district has the power of eminent domain (condemnation) .... The use of condemnation powers must be consistent with specific conservation purposes in the conservation district law. Any condemnation procedure requires an assessment and compensation for damages.

Act 469 of 1989 authorizes the ANRC to delegate its power to conservation districts to allocate surface water during times of shortage.
The law gives **Arkansas Natural Resources Commission** responsibility for developing, maintaining and enforcing rules to implement the law.

**ANRC Rule Title II: Rules Governing Conservation Districts** (2005)

ANRC Rules are updated periodically

The most recent update was August 13, 2005

The most recent official version is always online on the ARNC website

Click this link to see rules online - **ANRC Rule Title II: Rules Governing Conservation Districts** (2005)

A paper copy of the current rule can be found in Module 2 of your training manual
ANRC Roles

ANRC Land Resources Specialists work with districts to interpret, implement and enforce Title II: Rules Governing Conservation Districts.

Land Resource Specialists work in the Conservation Division of ANRC.

When Rules Governing Conservation Districts need to be updated, ANRC staff write the draft revisions for review and approval by the ANRC Executive Director.

The ANRC Executive Director is appointed by the Governor.
ANRC Roles

STATE OF ARKANSAS
Mike Beebe, Governor

Arkansas Natural Resources Commission

J. Randy Young, P.E.
Executive Director

Jonathan R. Sweeney, P.E.
Deputy Director / Chief Engineer

Adrian Baber
Conservation Division Chief

Joe Williams
Land Resources Specialist

Ken Housh
Land Resources Specialist

Bob Fowler
Land Resources Specialist
ANRC Roles

The nine-member Arkansas Natural Resources Commission reviews and approves draft revisions to the rules governing conservation districts. The Governor appoints the Commission.

Commission Members

Corbet Lamkin
Chairman
Chiester

James Neal Anderson
Commissioner
Lonoke

David Feilke
Commissioner
Stuttgart

Alec Farmer
Commissioner
Jonesboro

Daniel Bryant
Commissioner
North Little Rock

Robert White
Commissioner
Fayetteville

Sloan Hampton
Commissioner
Stuttgart

Jerry Mitchell
Commissioner
Harrison

Ann Cash
Commissioner
McGhee
ANRC Title II Subtitles

Arkansas Natural Resources Commission
Title II: Rules Governing Conservation Districts” (2005)

I. General Provisions

X. Appointment and Re-Appointment of District Directors

XI. Election And Re-election Of District Directors

XII. Waivers

XIII. Resignation Of District Directors And Decline Of Office

XIV. Removal Of District Directors
ANRC Title II Subtitles

XVI. District Operations - State Funding
XVII. District Operations - Planning
XVIII. District Operations - Financial
XIX. Conservation District Beaver Control Program
XX. Conservation District Grant Program
XXV. Rules Governing The Delegation And Operation of the Water Conservation Education/Information Program by Conservation Districts
Detailed Outline of What’s In Title II

Arkansas Natural Resources Commission
Title II: Rules Governing Conservation Districts” (2005)
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201.3 Definitions
201.4 Executive Director & Staff Assistance
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210.2 Request For Board Recommendation
210.3 Re-appointment Of Director
210.4 Public Request For Appointment
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210.8 Issuance Of Certificate Of Appointment
XI. Election And Re-election Of District Directors

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211.4 Approval Of Polling Place
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211.8 Notice Of Election
211.9 Ballots
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222.3 Application Period And Notification Of Application Period
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Discussion Questions

What is the legal definition of a Conservation District?
What is the purpose of Conservation Districts?
Where can you find the Conservation District Law online?
What agency writes rules to enforce the Conservation District Law?
What do those rules cover?
Is your conservation district using all of your powers to achieve your purposes?
How might your conservation district use its powers more effectively to achieve its purposes?