

STATE OF MINNESOTA  
DEPARTMENT OF AGRICULTURE

In The Matter Of The Proposed  
Rules Relating To The Control  
Of Excessive Soil Loss

Statement Of Need  
And Reasonableness

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture (Department) of rules governing the control of excessive soil loss on Minnesota's lands. The rules are proposed for adoption pursuant to Minnesota Statutes, section 40.21, 1985 Supplement, which requires the Department to adopt rules for the implementation of a soil loss limits program.

The Notice of Intent to Solicit Outside Opinion was published in the State Register by the Department on June 24, 1985. The Department and the Soil and Water Conservation Board (SWCB) actively encouraged soil and water conservation districts, counties, various federal, state and local organizations and other interested parties to review and submit comments on the draft copies of the proposed rule and model ordinances. Thus, the proposed rule and model ordinances reflect the changes suggested by the Soil and Water Conservation Districts, counties, various federal, state and local organizations and other interested parties. The proposed rule includes the items required by the 1984 and 1985 legislation, provides clarification of certain sections of the legislation and establishes administrative requirements which provide local governments, with assistance from Soil and Water Conservation Districts, the ability to administer the program in a consistent manner and address local resource concerns.

For the aforementioned reasons, the Department has directed that the proceedings on the proposed amendments be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, sections 14.22 to 14.28.

The discussion provided in the statement is divided into the following parts:

- Part II. Small Business Impact
- Part III. General Overview
- Part IV. Need For and Reasonableness of the Proposed Rule
- Part V. Attachments
  - Model Ordinance I
  - Model Ordinance II
  - Priority Cost-Share Assistance Contract

II. SMALL BUSINESS IMPACT

Minnesota Statute, section 14.115 requires an assessment of the impact on small business when laws and rules are enacted that affect them.

The proposed rules pertaining to the control of excessive soil loss relate to the local administration of a state program. Consequently, exemption from a small business impact statement is claimed on the basis of section 14.115, subdivision 7, which excuses agency rules that do not directly affect small businesses.

### III. GENERAL OVERVIEW

#### A. The Need For Rules

To understand the need for and reasonableness of the proposed rule, it is important to know why it is proposed. In recent years, considerable attention has been given to soil erosion and conservation practices which could be used to reduce excessive soil loss.

The 1982 adoption by Fillmore County of a soil erosion control ordinance is an example of this. To this end, the 1984 Minnesota Legislature directed the Department to implement a soil loss limits program for local governments. The program is voluntary and counties are given an opportunity to adopt this type of ordinance under Minnesota Statutes, section 40.19. In 1985, the Minnesota Legislature amended the law so that the program is easily workable at the local level of government.

The authority to promulgate rules by the commissioner of agriculture is given in Minnesota Statutes, section 40.21, 1985 Supplement.

### IV. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

The following discussion addresses the need for and reasonableness of the proposed rules governing excessive soil loss at the local level of government. The discussion has been divided into sections according to the proposed section of the rule.

#### A. General Provisions (Section 8400.4000)

This section contains the general purpose, policy and scope statements of the proposed rules. These statements lay the groundwork for why the proposed rule is needed and the benefit the proposed rule will have to a local government if adopted.

#### B. Definitions (Section 8400.4002)

The proposed rule contains many new definitions related to excessive soil loss and land use. They are necessary to clarify the meaning of the proposed rule. The definitions are reasonable because they are consistent with generally accepted soil and water conservation terminology and will permit a better understanding of the proposed rule. Many of the definitions are contained in Minnesota Statutes, section 40.19, 1985 Supplement.

#### C. Local Duties (Section 8400.4005)

The proposed rule states that once a local government adopts an ordinance in accordance with Minnesota Statutes, section 40.19 to 40.28, 1985 Supplement, they shall administer and enforce that ordinance. This is consistent with the general procedures of local governments.

D. Soil And Water Conservation District Duties (Section 8400.4010)

This section is reasonable because it restates Minnesota Statutes, Chapter 40.23, subdivision 2, 1985 Supplement, Minnesota Statutes, Chapter 40.244, 1985 Supplement, and Minnesota Statutes, Chapter 40.26, 1985 Supplement.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

E. Commissioner's Duties (Section 8400.4015)

This section is reasonable because: 1) parts A and B restates Minnesota Statutes, Chapter 40.21, 1985 Supplement; 2) parts C, E and F are a part of the power and duties of the state Soil and Water Conservation Board, as stated in Minnesota Statutes, Chapter 40.03, subdivision 4, 1985 Supplement; and 3) part D restates Minnesota Statutes, Chapter 40.21, subdivision 3, 1985 Supplement.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

F. Minimum Standards For Local Soil Loss Limits Ordinances (Section 8400.4025)

This section is reasonable because: 1) Subpart 1 restates Minnesota Statutes, Chapter 40.20, 1985 Supplement; 2) Subpart 2 restates Minnesota Statutes, Chapter 40.25, subdivision 1, 1985 Supplement; and 3) Subpart 3 restates Minnesota Statutes, Chapter 40.21, subdivision 2, 1985 Supplement.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

G. Prohibited Activities (Section 8400.4030)

This section is reasonable because: 1) Subpart 1 restates Minnesota Statutes, Chapter 40.22, 1985 Supplement; 2) Subpart 2a and b restate Minnesota Statutes, Chapter 40.22, and Minnesota Statutes, Chapter 40.22, 1985 Supplement; 3) The addition of Subpart 2c is for clarification since forestry and related activities are included in the definition of agricultural use (Section 8400.4002, Subpart 2); 4) Subpart 3 restates Minnesota Statutes, Chapter 40.22, subdivision 2, 1985 Supplement and Minnesota Statutes, Chapter 40.20, 1985 Supplement; 5) Subpart 4 restates Minnesota Statutes, Chapter 40.25, subdivision 1, 1985 Supplement; and 6) Subpart 5 states that federal, state, county and municipal roads that are designed and constructed according to the Department of Transportation's standard specifications for construction are exempt. Since Minnesota Statutes, Chapter 40.19, subdivision 6, 1985 Supplement exempts this type of road construction from the definition of a development activity.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

H. Procedure For Development Activity (Section 8400.4037)

This section is reasonable because: 1) Subpart 1 and 2 restate Minnesota Statutes, Chapter 40.25, subdivision 1, 1985 Supplement; 2) Subpart 3 is an appropriate reminder to local government of the importance of consistent application of ordinances; 3) Subpart 4 restates Minnesota Statutes, Chapter 40.25, subdivision 2, 1985 Supplement and the addition of the time schedule for review was recommended by several local governments and was set to keep the review process moving; 4) Subpart 5 is a continuation of the time schedule for review and notification of decision; 5) Subpart 6 restates Minnesota Statutes, Chapter 40.25, subdivision 2, 1985 Supplement; 6) Subpart 7 clarifies the position of a denial of a permit and if the permit is denied sedimentation control plan and time schedule, the land occupier must resubmit the plan or be in violation of Minnesota Statutes, Chapter 40.25, subdivision 3, 1985 Supplement; and 7) Subpart 8 restates Minnesota Statutes, Chapter 40.25, subdivision 3, 1985 Supplement.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

I. Procedure For Agricultural Activities (Section 8400.4040)

This section is reasonable because: 1) Subpart 1 restates Minnesota Statutes, Chapter 40.23, subdivision 1, 1985 Supplement; 2) Subpart 2 restates Minnesota Statutes, Chapter 40.23, subdivision 1 and 2 and also formalizes the notification of the land occupier of the inspection so that a record may be kept of the notification; 3) Subpart 3 restates Minnesota Statutes, Chapter 40.23, subdivision 2, 1985 Supplement, and 4) Subpart 4 and 5 restate Minnesota Statutes, Chapter 40.23, subdivision 3, 1985 Supplement and formalize the notification of the land occupier of the findings and that a record may be kept of the notification.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

J. Cost-Share Funds For A Mediated Settlement (Section 8400.4045)

This section is reasonable because it restates Minnesota Statutes, Chapter 40.23, subdivision 4, 1985 Supplement. In addition, since the cost-share funds are currently a part of the Soil and Water Conservation Board Cost-Share Program, the method of application and eligibility requirements must follow the adopted cost-share rule (Part 8400.0100 to 8400.2900).

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

K. Penalty (Section 8400.4050)

This section is reasonable because it restates Minnesota Statutes, Chapter 40.23, subdivision 5, 1985 Supplement.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

L. Hearing Procedure (Section 8400.4055)

This section is reasonable because it restates Minnesota Statutes, Chapter 40.242, subdivision 1, 1985 Supplement.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

M. Cost-Share Funds For A Court Order (Section 8400.4060)

This section is reasonable because it restates Minnesota Statutes, Chapter 40.242, subdivision 2, 1985 Supplement. In addition, since the cost-share funds are currently a part of the Soil and Water Conservation Board Cost-Share Program, the method of application and eligibility requirements must follow the adopted cost-share rule (Part 8400.0100 to 8400.2900).

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

N. Penalty (Section 8400.4065)

This section is reasonable because it restates Minnesota Statutes, Chapter 40.28, 1985 Supplement.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

O. Establishment Of Cost-Share Funds (Section 8400.4070)

This section is reasonable because it restates Minnesota Statutes, Chapter 40.244, 1985 Supplement and offers a procedure for soil and water conservation districts to use if cost-share funds are currently not available.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation.

P. VariANCES (Section 8400.4075)

This section is reasonable because it is consistent with current variance procedure used by the Soil and Water Conservation Board through the Cost-Share Program Rules, Section 8400.1950.

It is necessary because local government officials may feel that a particular requirement of the proposed rule is interfering with the application of a conservation practice; thus, this part offers a procedure of appeal to the Soil and Water Conservation Board.

Q. Model Ordinance (Section 8400.4080)

This section is reasonable because it is consistent with Minnesota Statutes, Chapter 40.21, subdivision 1, 1985 Supplement and incorporates the model ordinances by reference.

It is necessary because local government officials do not have ready access to Minnesota Statutes and are familiar with using agency rules for administrative interpretation and program implementation. In addition to being available at the State Law Library, the model ordinance will be provided by the Department to all interested parties.

V. ATTACHMENTS

- Model Ordinance I
- Model Ordinance II
- Priority Cost-Share Assistance Contract

MODEL SOIL EROSION ORDINANCE I (FREE STANDING)

1 The county board of commissioners of \_\_\_\_\_ County [the city council of  
2 the City of \_\_\_\_\_, the town board of the Township of \_\_\_\_\_] ordains:

3 Section 1.0. Authority. This ordinance is enacted pursuant to Minnesota  
4 Statutes, sections 40.19 to 40.28.

5 Section 2.0. Purpose of this ordinance is to encourage and guide the use  
6 of land in accordance with its capabilities, to treat it according to its  
7 needs, to prevent the degradation of lands, streams, and rivers, and to  
8 protect and promote the health, safety, and general welfare of the people  
9 of \_\_\_\_\_ County [the City of \_\_\_\_\_, the Township of \_\_\_\_\_].

10 Section 3.0. Scope. This ordinance, and soil loss limits specified in  
11 the ordinance, applies to all unincorporated [incorporated] land  
12 within \_\_\_\_\_ County [the City of \_\_\_\_\_, the Township of \_\_\_\_\_],  
13 including but not limited to agricultural land, woodland, pasture land, and  
14 land subject to development activity.

15 Section 4.0. Definitions. For purposes of this ordinance, the following  
16 terms have the meanings given them in this section:

17 4.1. Agricultural use. "Agricultural use" means use of land for the  
18 production of livestock, dairy animals, dairy products, poultry or poultry  
19 products, fur-bearing animals, horticultural or nursery stock including sod,  
20 fruit, vegetables, forage and cash grains, forestry, or bees and apiary  
21 products. Wetlands, pasture, and woodlands accompanying land in agricultural  
22 use are also in agricultural use.

23 4.2. Conservation plan and time schedule. "Conservation plan" means a  
24 document listing a set of practices that when implemented will decrease soil  
25 erosion to the soil loss limits on a particular parcel of land. The "time  
26 schedule" sets times to implement, make satisfactory progress, and complete  
27 the conservation plan.

28 4.3. Conservation practices. "Conservation practices" means practices  
29 and standards containing a definition, purpose, and conditions under which the  
30 practice applies, including design requirements, and specifications containing  
31 a statement of details required for installing a conservation practice,  
32 including kinds, quality, and quantity of work and materials needed to meet  
33 the standards.

34 A conservation practice may be a permanent or temporary, vegetative or  
35 structural measure that when applied to the land will contribute to the  
36 control of wind and water erosion.



1 Permanent practices are those that have an effective life of ten years or  
2 more and include grassed waterways, terraces, field windbreaks, water control  
3 structures, grade stabilization structures, sediment retention structures,  
4 stripcropping, water and sediment control basins, and other permanent  
5 practices approved by the state Soil and Water Conservation Board.

6 Temporary practices include conservation tillage, contour farming, grasses  
7 and legumes in rotation, emergency tillage, and any other cultural practices  
8 approved by the state Soil and Water Conservation Board.

9 The field office technical guide or other recognized technical procedures  
10 must be used to design, install, and certify practices.

11 4.4. County [City, Town]. "County [City, Town]" means the elected  
12 governing body of \_\_\_\_\_ County [the City of \_\_\_\_\_, the Township  
13 of \_\_\_\_\_], or its designated officials or agents. Agents may include  
14 districts, water management organizations, joint powers boards, watershed  
15 districts, or other governmental entities responsible for resource management  
16 within \_\_\_\_\_ County [the City of \_\_\_\_\_, the Township of \_\_\_\_\_].

17 After adopting a soil loss ordinance, the county [city, town] may enter  
18 into an agreement with its agent allowing the agent to administer the  
19 functions and perform the duties of the county [city, town] set out in  
20 sections 7.0, 8.0, 9.0, 10.0, 11.0, and 14.0.

21 4.5. Development activity. "Development activity" means a physical  
22 disturbance of the land associated with activities that may result in  
23 sedimentation of adjacent lands or waters. These activities include, but are  
24 not limited to, clearing, grading, excavating, transporting, draining and  
25 filling lands. Federal, state, county, and municipal road construction  
26 designed and installed according to Department of Transportation standard  
27 specifications for construction are not development activities.

28 4.6. District. "District" means a soil and water conservation district  
29 organized under Minnesota Statutes, chapter 40.

30 4.7. Erosion. "Erosion" means any process that wears away the surface of  
31 the land by the action of water, wind, ice, or gravity. "Erosion" can be  
32 accelerated by the activities of man and nature.

33 4.8. Excessive soil loss. "Excessive soil loss" means soil loss that is  
34 greater than the soil loss limits set out in section 4.14. "Excessive soil  
35 loss" may be evidenced by sedimentation on adjoining land or body of water,  
36 watercourse or wetland.

1 4.9. Field office technical guide. "Field Office Technical Guide" means  
 2 the guide developed by the United States Department of Agriculture, Soil  
 3 Conservation Service and adopted by the district. The technical guide  
 4 contains methods and procedures by which the various types of erosion can be  
 5 measured and conservation practice standards and specifications required in  
 6 the application of soil and water conservation practices.

7 4.10. Land occupier. "Land occupier" means a person, firm, corporation,  
 8 municipality, or other legal entity that holds title to or is in possession of  
 9 any land as owner, lessee, renter, tenant, or otherwise. The term includes  
 10 both the owner and the occupier of the land if they are not the same.

11 4.11. Sediment. "Sediment" means solid mineral or organic material,  
 12 that, in suspension, is being transported, or has been moved from its original  
 13 site by air, water, gravity, or ice, and has been deposited at another  
 14 location.

15 4.12. Sedimentation. "Sedimentation" means the process or action of  
 16 depositing sediment that, upon inspection, is determined to have been caused  
 17 by erosion.

18 4.13. Soil. "Soil" means the unconsolidated mineral and organic material  
 19 on the immediate surface of the earth that serves as a natural medium for  
 20 growth of land plants.

21 4.14. Soil loss limit. "Soil loss limit" means the maximum amount of  
 22 soil loss from water or wind erosion, expressed in tons per acre per year,  
 23 allowed on a particular soil. The soil loss limits for soils found  
 24 in \_\_\_\_\_ County [the City of \_\_\_\_\_, the Township of \_\_\_\_\_] are the  
 25 soil loss tolerances for each soil series as described in the Field Office  
 26 Technical Guide. [Optional: The United States Department of Agriculture Soil  
 27 Conservation Service has prepared a soil survey for \_\_\_\_\_ County that sets  
 28 out the soil loss tolerances, according to the Field Office Technical Guide,  
 29 for each soil series found in \_\_\_\_\_ County. The official \_\_\_\_\_ County  
 30 Soil Survey is adopted by reference and declared to be a part of this  
 31 ordinance. The official \_\_\_\_\_ County Soil Survey shall be on file in the  
 32 offices of the county auditor and zoning administrator.] The soil loss limit  
 33 for each soil series found in \_\_\_\_\_ County [the City of \_\_\_\_\_, the  
 34 Township of \_\_\_\_\_] is set forth below:

35 Soil Series                      Tolerance/Soil Loss Limit

36

1 Any other soil found in \_\_\_\_\_ County [the City of \_\_\_\_\_, the  
2 Township of \_\_\_\_\_] and not listed herein has a maximum soil loss tolerance  
3 of 5 tons per acre per year.

4 4.15. Soil loss tolerance. "Soil loss tolerance" means the maximum level  
5 of soil erosion that will permit a high level crop productivity to be  
6 sustained economically and indefinitely.

7 Section 5.0. Excessive soil loss prohibited. A person may not cause,  
8 conduct, contract for, or authorize an activity that causes excessive soil  
9 loss.

10 5.1. Agricultural activity. A land occupier shall:

11 (a) if engaged in an agricultural use, prevent excessive soil loss  
12 and ensure that proper management and conservation practices are being applied  
13 to the land;

14 (b) if using wooded or open land for pasture, ensure that proper  
15 management is used to prevent excessive soil loss due to overgrazing or cattle  
16 paths; and

17 (c) if using wooded land for timber harvest, ensure that proper  
18 management is used to prevent excessive soil loss.

19 5.2 Development activity. A person engaged in a development activity  
20 that will disturb over one acre of land must submit a sedimentation control  
21 plan and time schedule that will prevent excessive soil loss to the local  
22 government for its approval.

23 Section 6.0. Exemptions. An occupier of agricultural land is not  
24 violating section 5.0 if the district report, as developed through section  
25 8.2, shows that existing farming practices and methods are being effectively  
26 applied to control soil loss. A land occupier engaged in federal, state,  
27 county, or municipal road construction is not violating Section 5.0 if the  
28 road construction is designed and installed according to Department of  
29 Transportation standard specifications for construction.

30 Section 7.0. Complaint. An adversely affected land occupier, and elected  
31 or appointed official of the county [city, town] or a district board member  
32 may submit a signed, written complaint to the county [city, town] if  
33 conditions exist that indicate there is excessive soil loss from a tract of  
34 land.

35 7.1. Elements of complaint. The signed, written complaint must contain:

36 (1) the name and address of the allegedly offending land occupier;

1 (2) the location of the tract of land with the alleged excessive soil  
2 loss;

3 (3) other land or water that is allegedly being affected by the excessive  
4 soil loss; and

5 (4) a description of the nature of the alleged excessive soil loss and  
6 resulting sedimentation.

7 7.2. Complaint to district. The county [city, town] shall submit the  
8 complaint to the district for soil loss determination.

9 Section 8.0. District determination of soil loss. The district shall  
10 determine the average annual soil loss in tons per acre per year for the tract  
11 of land cited in the complaint.

12 8.1. Entry for inspection. The district may enter public or private land  
13 to make an inspection to determine soil loss or to complete the report. The  
14 land occupier must be notified of the time of the inspections and be given an  
15 opportunity to be present when the inspection is made.

16 (a) The land occupier shall be notified of the time of inspection ten  
17 (10) days prior to the date of the inspection.

18 (b) The notice shall be delivered either by personal service or by  
19 certified mail.

20 (c) If the owner of the property and the occupier of the residence  
21 differ, both shall receive notification under the procedure stated above.

22 8.2. Report. The district shall submit a report to the county [city,  
23 town] that states the average soil loss in tons per acre per year for each  
24 tract of land and whether that soil loss is excessive under the applicable  
25 soil loss limits.

26 (a) If the soil loss is excessive the report must include identification  
27 of existing farming practices and a conservation plan and time schedule that  
28 will prevent excessive soil loss or reduce the soil loss on that tract of land.

29 (b) If the district report shows that soil loss from the tract of land is  
30 equal to or below the soil loss tolerance for that soil series, the county  
31 [city, town] may dismiss the complaint and notify the land occupier.

32 Section 9.0. Notice of excessive soil loss. The county [city, town]  
33 shall issue a notice of excessive soil loss to the land occupier. The notice  
34 shall:

35 (a) describe the land and state the extent to which soil loss exceeds the  
36 soil loss limits;

1 (b) be delivered by either personal service or by certified mail; and  
2 (c) state a time, not more than 90 days after the date of delivery of the  
3 order, by which mediation must be commenced.

4 9.2. Appointment of mediator. The county [city, town] may appoint the  
5 planning and zoning director, a planning commissioner, or other county [City,  
6 Town] official to act as mediator. The county [city, town] may also contract  
7 with a mediation center to provide mediation services.

8 9.3. Settlement. The land occupier and the county [city, town] must  
9 attempt to agree on a conservation plan and time schedule that will reduce  
10 soil loss to the local soil loss limits.

11 9.4. Filing of settlement. A mediated settlement must be set into  
12 writing and filed with the county recorder and any other local entity involved.

13 9.5. Cost-share funds. The land occupier has 90 days after the  
14 settlement is filed to apply for state cost-share funds that will provide 75  
15 percent of the cost of the permanent conservation practices. Only 50 percent  
16 cost-share may be provided if the application is not made within 90 days after  
17 the settlement is filed. The land occupier must apply for 50 percent  
18 cost-share within 270 days after the mediated settlement is filed.

19 9.6. Penalty. A land occupier who does not comply with the provisions of  
20 the mediated written agreement is subject to a civil penalty up to \$500.

21 Section 10.0. Forwarding complaint to county attorney. If the county  
22 [city, town] and land occupier do not reach a mediated settlement, or if the  
23 land occupier refuses to participate in mediation, the county [city, town]  
24 shall forward the complaint to the county attorney. The county attorney may  
25 petition the district court for a hearing under section 11.0.

26 Section 11.0. District court hearing. If the land occupier and the  
27 county [city, town] do not reach a mediated written agreement or if the land  
28 occupier has refused mediation, the county attorney may petition the district  
29 court for a hearing. The land occupier may present a conservation plan and  
30 time schedule as an alternative to the county's [city's, town's] conservation  
31 plan and time schedule. The court shall follow the procedure and the criteria  
32 set out at Minnesota Rules, part 8400.4055 in issuing an order for the  
33 implementation of a conservation plan and time schedule.

34 11.1. Cost-share funds. If the court orders the implementation of:

35 (a) the land occupier's conservation plan and time schedule, amends the  
36 conservation plan and time schedule, or develops a new conservation plan and

1 time schedule, the land occupier is eligible to apply for 75 percent  
2 cost-share funds for permanent conservation practices. The land occupier must  
3 apply for the cost-share within 90 days after the court order. If the land  
4 occupier does not apply within 90 days for the cost share funds, the  
5 cost-share must be reduced to 50 percent. The court shall establish a time  
6 when the land occupier is not eligible for cost-share funds if an application  
7 is not made; or

8 (b) the conservation plan and time schedule developed by the county [city,  
9 town] the land occupier shall be eligible for 50 percent cost-share funds if  
10 the land occupier applies within 90 days after the court order.

11 11.2. Penalty. If the land occupier does not comply with the provisions  
12 of the court order, the land occupier is subject to a civil penalty up to \$500.

13 Section 12.0. District assistance. A land occupier who has filed a  
14 mediated written settlement under section 9.3 or who has received a court  
15 order under section 11.0 may request the district to assist in the planning,  
16 design, and application of practices necessary to reduce soil loss to the soil  
17 loss limits set out in section 4.15. The district must give the land occupier  
18 a high priority for technical and cost-share fund assistance.

19 Section 13.0. Cost-share application. The method of application and  
20 eligibility requirements for cost-share funds shall follow Minnesota Rules,  
21 parts 8400.0100 to 8400.2900. If any other state or federal cost-share funds  
22 are used, the method of application and eligibility requirements shall follow  
23 the current state or federal guidelines.

24 Section 14.0. Sedimentation control plan for development activities. The  
25 provisions of this section only apply to \_\_\_\_\_ County [the City  
26 of \_\_\_\_\_, the Township of \_\_\_\_\_] jurisdiction over unincorporated  
27 [incorporated] areas.

28 14.1. Sedimentation control plan. A person engaged in a development  
29 activity that will disturb over one acre of land must submit a sedimentation  
30 control plan and time schedule that will prevent excessive soil loss to the  
31 county [city, town] for its approval.

32 (a) A sedimentation control plan and time schedule must specify how the  
33 movement of soil and damage to other lands and regions will be minimized,  
34 during the construction process, these methods include, but are not limited  
35 to, the use of temporary seeding, fiber mats, plastic, straw, mulch, sediment  
36 control basins, or other measures adequate to prevent erosion and sediment

1 damage.

2 (b) Any conservation practice developed for the sedimentation control  
3 plan may not be located in violation of any existing ordinance the county  
4 [city, town] is currently enforcing.

5 (c) The time schedule accompanying the sedimentation control plan must  
6 establish deadlines for the implementation and completion of each phase or  
7 element of the sedimentation control plan.

8 14.2. Review. The county [city, town] may appoint the zoning or planning  
9 director, auditor, building inspector, engineer or district to review the  
10 sedimentation control plan and time schedule.

11 The county [city, town] must forward the sedimentation control plan and  
12 time schedule to the appointed reviewer within seven (7) days of receiving the  
13 sedimentation control plan and time schedule from the land occupier.

14 The appointed reviewer must review the sedimentation control plan and time  
15 schedule within 21 days of receiving the plan from the county [city, town].  
16 The county [city, town] shall notify the land occupier of its decision after  
17 receipt of the comments from the reviewer and no more than 28 days after  
18 receiving the sedimentation control plan and time schedule from the land  
19 occupier.

20 14.3. Permit required. If the reviewer determines that the sedimentation  
21 control plan and time schedule will control sedimentation, the county [city,  
22 town] shall issue a permit that authorizes the development activity contingent  
23 upon the implementation and completion of the sedimentation control plan.

24 If the reviewer determines that the sedimentation control plan and time  
25 schedule do not control sedimentation, the county [city, town] shall not issue  
26 a permit for the development activity. The sedimentation control plan and  
27 time schedule shall be re-submitted for approval before the development  
28 activity begins.

29 14.4. Penalty. A person engaged in a development activity who does not  
30 secure a sedimentation control plan and time schedule or make satisfactory  
31 progress to complete the plan and schedule or make satisfactory progress to  
32 complete the plan and schedule is subject to a civil penalty. The county  
33 [city, town] shall file the complaint with the county attorney.

34 Section 15.0. Establishment of cost-share funds. Except for a  
35 development activity, a land occupier is entitled to apply for cost-share  
36 funds in the amounts set in sections 9.5 and 11.1.

1 If cost-share funds are not currently available, the land occupier and  
2 district shall enter into a priority cost-share assistance contract for future  
3 cost-share funds. The priority cost-share assistance contract shall state the  
4 percentage of cost-share funds as set in sections 9.5 and 11.1.

5 With the approval of the priority cost-share assistance contract, the land  
6 occupier shall be in compliance with the mediated or court ordered agreement.

7 Section 16.0. More restrictive standard controls. In the event of any  
8 conflict between the provisions of this ordinance and the provisions of an  
9 erosion control ordinance adopted by any township or home rule or statutory  
10 city, the more restrictive standard prevails.

11 Section 17.0. Severability. If any section, clause, provision, or  
12 portion of this ordinance is adjudged unconstitutional or invalid by a court  
13 of competent jurisdiction, the remainder of this ordinance is not affected.

14 Section 18.0. Incorporation of rules and documents. Minnesota Rules,  
15 part 8400.4000 to 8400.4075 are incorporated by reference into this  
16 ordinance. The priority cost-share assistance contract is incorporated by  
17 reference into this ordinance.

18 Section 19.0 Provisions are cumulative. The provisions of this ordinance  
19 are cumulative to all other laws, ordinances, and regulations heretofore  
20 passed, or which may be passed hereafter, covering any subject matter in this  
21 ordinance.

22 Section 20.0 Effective date. This ordinance shall be effective the day  
23 after passage by the county board [city council, town board].

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MODEL SOIL EROSION ORDINANCE II (AMENDMENT TO ZONING ORDINANCES)

ORDINANCE NUMBER \_\_\_\_\_

1 An Ordinance amending \_\_\_\_\_ County [City, Town] Ordinance  
2 Number \_\_\_\_\_, commonly known as the \_\_\_\_\_ County [City,  
3 Town] Zoning Ordinance.

4 The county board of commissioners of \_\_\_\_\_ County [the city council of  
5 the City of \_\_\_\_\_, the town board of the Township of \_\_\_\_\_] ordains:

6 Section 1.0. Authority. Sections \_\_\_\_\_ are enacted pursuant  
7 to Minnesota Statutes, sections 40.19 to 40.28.

8 Section 2.0. Purpose. The purpose of this ordinance is to encourage and  
9 guide the use of land in accordance with its capabilities, to treat it  
10 according to its needs, to prevent the degradation of lands, streams, and  
11 rivers, and to protect and promote the health, safety, and general welfare of  
12 the people of \_\_\_\_\_ County [the City of \_\_\_\_\_, the Township  
13 of \_\_\_\_\_].

14 Section 3.0. Scope. This ordinance, and soil loss limits specified in  
15 this ordinance, applies to all unincorporated [incorporated] land  
16 within \_\_\_\_\_ County [the City of \_\_\_\_\_, Township of \_\_\_\_\_],  
17 including but not limited to agricultural land, woodland, pasture land, and  
18 land subject to development activity.

19 Section 4.0. Definitions. For purposes of this ordinance, the following  
20 terms have the meanings given them in this section.

21 4.1. Administrator. "Administrator" means the \_\_\_\_\_ county [city  
22 of \_\_\_\_\_, township of \_\_\_\_\_] planning and zoning administrator.

23 4.2. Agricultural use. "Agricultural use" means use of land for the  
24 production of livestock, dairy animals, dairy products, poultry or poultry  
25 products, fur-bearing animals, horticultural or nursery stock including sod,  
26 fruit, vegetables, forage and cash grains, forestry, or bees and apiary  
27 products. Wetlands, pasture, and woodlands accompanying land in agricultural  
28 use are also defined as an agricultural use.

29 4.3. Conservation plan and time schedule. "Conservation plan" means a  
30 document listing a set of practices that when implemented will decrease soil  
31 erosion to the soil loss limits on a particular parcel of land. The "time  
32 schedule" sets times to implement, make satisfactory progress, and complete  
33 the conservation plan.

34 4.4. Conservation practices. "Conservation practices" means practices  
35 and standards containing a definition, purpose, and conditions under which the  
36

1 practice applies, including design requirements, and specifications containing  
2 a statement of details required for installing a conservation practice,  
3 including kinds, quality, and quantity of work and materials needed to meet  
4 the standards.

5 A conservation practice may be a permanent or temporary vegetative or  
6 structural measure that when applied to the land will contribute to the  
7 control of wind and water erosion.

8 Permanent practices are those that have an effective life of ten years or  
9 more and include grassed waterways, terraces, field windbreaks, water control  
10 structures, grade stabilization structures, sediment retention structures,  
11 stripcropping, water and sediment control basins and other permanent practices  
12 approved by the board.

13 Temporary practices include conservation tillage, contour farming, grasses  
14 and legumes in rotation, emergency tillage, and any other cultural practices  
15 approved by the state soil and water conservation board.

16 The field office technical guide or other recognized technical procedures  
17 must be used to design, install, and certify practices.

18 4.5. County [City, Town]. "County [City, Town]" means the elected  
19 governing body of \_\_\_\_\_ County [the City of \_\_\_\_\_, Township  
20 of \_\_\_\_\_], or its designated officials or agents. Agents may include  
21 district, water management organizations, joint powers boards, watershed  
22 districts, or other governmental entities responsible for resource management  
23 within \_\_\_\_\_ County [the City of \_\_\_\_\_, Township of \_\_\_\_\_].

24 4.6. Development activity. "Development activity" means a physical  
25 disturbance of the land associated with activities that may result in  
26 sedimentation of adjacent lands or waters. These activities include, but are  
27 not limited to, clearing, grading, excavating, transporting, draining, and  
28 filling lands. Federal, state, county, and municipal road construction  
29 designed and installed according to Department of Transportation standard  
30 specifications for construction are not development activities.

31 4.7. District. "District" means a soil and water conservation district  
32 organized under Minnesota Statutes, chapter 40.

33 4.8. Erosion. "Erosion" means any process that wears away the surface of  
34 the land by the action of water, wind, ice, or gravity. "Erosion" can be  
35 accelerated by the activities of man and nature.

36 4.9. Excessive soil loss. "Excessive soil loss" means soil loss that is

1 greater than the soil loss limits set out in section 4.15. "Excessive soil  
2 loss" may be evidenced by sedimentation on adjoining land or body of water,  
3 watercourse, or wetland.

4 4.10. Field office technical guide. "Field Office Technical Guide" means  
5 the guide developed by the United States Department of Agriculture, Soil  
6 Conservation Service and adopted by the district. The technical guide  
7 contains methods and procedures by which the various types of erosion can be  
8 measured and conservation practice standards and specifications required in  
9 the application of soil and water conservation practices.

10 4.11. Land occupier. "Land occupier" means a person, firm, corporation,  
11 municipality, or other legal entity that holds title to or is in possession of  
12 any lands as owner, lessee, renter, tenant, or otherwise. The term includes  
13 both the owner and the occupier of the land if they are not the same.

14 4.12. Sediment. "Sediment" means solid mineral or organic material,  
15 that, in suspension or motion, is being transported, or has been moved from  
16 its original site by air, water, gravity, or ice, and has been deposited at  
17 another location.

18 4.13. Sedimentation. "Sedimentation" means the process or action of  
19 depositing sediment that, upon inspection, is determined to have been caused  
20 by erosion.

21 4.14. Soil. "Soil" means the unconsolidated mineral and organic material  
22 on the immediate surface of the earth that serves as a natural medium for  
23 growth of land plants.

24 4.15. Soil loss limit. "Soil loss limit" means the maximum amount of  
25 soil loss from water or wind erosion, expressed in tons per acre per year,  
26 allowed on a particular soil. The soil loss limits for soils found  
27 in \_\_\_\_\_ County [the City of \_\_\_\_\_, the Township of \_\_\_\_\_] are the  
28 soil loss tolerances for each soil series described in the Field Office  
29 Technical Guide. [Optional: The United States Department of Agriculture Soil  
30 Conservation Service has prepared a soil survey for \_\_\_\_\_ County that sets  
31 out the soil loss tolerances, according to the Field Office Technical Guide,  
32 for each soil series found in \_\_\_\_\_ County. The official \_\_\_\_\_ County  
33 Soil Survey shall be on file in the offices of the county [City, Township]  
34 planning and zoning administrator.] The soil loss limit for each soil series  
35 found in \_\_\_\_\_ County [the City of \_\_\_\_\_, Township of \_\_\_\_\_] is set  
36 forth below:

1            Soil Series            Tolerance/Soil Loss Limit

2

3

4

5

6            Any other soil found in \_\_\_\_\_ County [the City of \_\_\_\_\_, Township  
7 of \_\_\_\_\_] herein has a maximum tolerance of 5 tons per acre per year soil  
8 loss.

9            4.16. Soil Loss Tolerance. "Soil Loss Tolerance" means the maximum level  
10 of soil erosion that will permit a high level of crop productivity to be  
11 sustained economically and indefinitely.

12            Section 5.0. Appointment of zoning administrator. Pursuant to Minnesota  
13 Statutes, section 40.19, subdivision 8 and section 4.5 of this ordinance,  
14 the \_\_\_\_\_ County [City of \_\_\_\_\_, Township of \_\_\_\_\_] planning and  
15 zoning administrator is appointed to carry out the provisions of this  
16 ordinance.

17            Section 6.0. Excessive soil loss prohibited. A person may not cause,  
18 conduct, contract for, or authorize an activity that causes excessive soil  
19 loss.

20            6.1. Agricultural activity. A land occupier shall:

21            (a) if engaged in an agricultural use, prevent excessive soil loss and  
22 ensure that proper management and conservation practices are being applied to  
23 the land;

24            (b) if using wooded or open land for pasture, ensure that proper  
25 management is used to prevent excessive soil loss due to overgrazing or cattle  
26 paths; and

27            (c) if using wooded land for timber harvest, ensure that proper  
28 management is used to prevent excessive soil loss.

29            6.2. Development activity. A person engaged in a development activity  
30 that will disturb over one acre of land must submit a sedimentation control  
31 plan and time schedule that will prevent excessive soil loss to the local  
32 government for its approval.

33            Section 7.0. Exemptions. A land occupier of agricultural land is not  
34 violating section 6.0 if the district report as developed through section 9.2,  
35 shows that existing farming practices and methods are being effectively  
36 applied to control soil loss. A land occupier engaged in federal, state,

1 county, or municipal road construction is not violating Section 6.0 if the  
2 road construction is designed and installed according to Department of  
3 Transportation standard specifications for construction.

4 Section 8.0. Complaint. An adversely affected land occupier, and elected  
5 or appointed official of the county [city, town] or a district board member  
6 may submit a signed, written complaint to the administrator if conditions  
7 exist that indicate there is excessive soil loss from a tract of land.

8 8.1. Elements of complaint. The signed, written complaint must contain:

9 (1) the name and address of the allegedly offending land occupier;

10 (2) the location of the tract of land with the alleged excessive soil  
11 loss;

12 (3) other land or water that is allegedly being affected by the excessive  
13 soil loss; and

14 (4) a description of the nature of the alleged excessive soil loss and  
15 resulting sedimentation.

16 8.2. Complaint to district. The administrator shall submit the complaint  
17 to the district for soil loss determination.

18 Section 9.0. District determination of soil loss. The district shall  
19 determine the average soil loss in tons per acre per year for the tract of  
20 land cited in the complaint.

21 9.1. Entry for inspection. The district may enter public or private land  
22 to make an inspection to determine soil loss or to complete the report. The  
23 land occupier must be notified of the time of the inspections and be given an  
24 opportunity to be present when the inspection is made.

25 (a) The land occupier shall be notified of the time of inspection, ten  
26 (10) days prior to the date of the inspection.

27 (b) The notice shall be delivered either by personal service or by  
28 certified mail.

29 (c) If the owner of the property and the occupier of the residence  
30 differ, both shall receive notification under the procedure stated above.

31 9.2 Report. The district shall submit a report to the administrator that  
32 states the average soil loss in tons per acre per year for each tract of land  
33 and whether that soil loss is excessive under the applicable soil loss limits.

34 (a) If the soil loss is excessive, the report must include an  
35 identification of existing farming practices and a conservation plan and time  
36 schedule that will prevent excessive or reduce soil loss on that tract of land.

1 (b) If the district report shows that soil loss from the tract of land is  
2 equal to or below the soil loss tolerance for that soil series, the  
3 administrator may dismiss the complaint and notify the land occupier.

4 Section 10.0. Mediation. If the district report shows that soil loss  
5 from the tract of land is excessive and alternative conservation practices are  
6 available to reduce the soil loss, the administrator shall request the  
7 offending land occupier to participate in mediation with the administrator.

8 10.1. Notice of excessive soil loss. The administrator shall issue a  
9 notice of excessive soil loss to the land occupier. The notice shall:

10 (a) describe the land and state the extent to which soil loss exceeds the  
11 soil loss limits;

12 (b) be delivered either by personal service or by certified mail; and

13 (c) state a time, not more than 90 days after the date of delivery of the  
14 order, by which mediation must be commenced.

15 10.2. Appointment of mediator. The administrator may appoint a planning  
16 commissioner or other county [city, town] official to act as mediator. The  
17 county board [city council, town board] may also contract with a mediation  
18 center to provide mediation services.

19 10.3. Settlement. The land occupier and the administrator shall attempt  
20 to agree on a conservation practice and time schedule that will reduce soil  
21 loss to the local soil loss limits.

22 10.4. Filing of settlement. A mediated settlement must be set into  
23 writing and filed with the county recorder and administrator.

24 10.5. Cost-share funds. The land occupier has 90 days after the  
25 settlement is filed to apply for state cost-share funds that will provide 75  
26 percent of the cost of the permanent conservation practices. Only 50 percent  
27 cost-share may be provided if the application is not made within 90 days after  
28 the settlement is filed. The land occupier must apply for 50 percent  
29 cost-share within 270 days after the mediated settlement is filed.

30 10.6. Penalty. A land occupier who does not comply with the provisions  
31 of the mediated written agreement is subject to a civil penalty up to \$500.

32 Section 11.0. Forwarding complaint to county attorney. If the  
33 administrator and the land occupier do not reach a mediated settlement, or if  
34 the land occupier refuses to participate in mediation, the administrator shall  
35 forward the complaint to the county attorney. The county attorney may dismiss  
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1 the complaint or petition for a hearing under section 12.0.

2 Section 12.0. District court hearing. If the land occupier and the  
3 administrator do not reach a mediated written agreement or if the land  
4 occupier has refused mediation, the county attorney may petition the  
5 districtcourt for a hearing. The land occupier may present the conservation  
6 plan and time schedule as an alternative to the administrator's plan and time  
7 schedule. The court shall follow the procedure and the criteria set out in  
8 Minnesota Rules, part 8400.4055 in issuing an order for the implementation of  
9 a conservation plan and time schedule.

10 12.1. Cost-share funds. If the court orders the implementation of:

11 (a) the land occupier's conservation plan and time schedule, amends the  
12 conservation plan and time schedule, or if the court develops a new  
13 conservation plan and time schedule, the land occupier is eligible to apply  
14 for 75 percent cost-share funds for permanent conservation practices. The  
15 land occupier must apply for the cost-share within 90 days after the court  
16 order. If the land occupier does not apply within 90 days for the cost-share  
17 funds, the cost-share must be reduced to 50 percent. The court shall  
18 establish a time when the land occupier is not eligible for cost-share funds  
19 if an application is not made; or

20 (b) the conservation plan and time schedule developed by the district in  
21 its report, the land occupier shall be eligible for 50 percent cost-share if  
22 the land occupier applies within 90 days after the court order.

23 12.2. Penalty. If the land occupier does not comply with the provisions  
24 of the court order, the land occupier is subject to a civil penalty up to \$500.

25 Section 13.0. District assistance. A land occupier who has filed a  
26 mediated written settlement under section 10.3 or who has received a court  
27 order under section 12.0 may request the district to assist in the planning,  
28 design, and application of practices necessary to reduce soil loss to the soil  
29 loss limits set out in section 4.16. The district must give the land occupier  
30 a high priority for technical and cost-share assistance.

31 Section 14.0. Cost-share application. The method of application and  
32 eligibility requirements for cost-share funds shall follow Minnesota Rules,  
33 parts 8400.0100 to 8400.2900. If any other state or federal cost-share funds  
34 are used, the method of application and eligibility requirements shall follow  
35 the current state of federal guidelines.

36 Section 15.0. Sedimentation control plan for development activities. The

1 provisions of this section only apply to \_\_\_\_\_ County [the City  
2 of \_\_\_\_\_, Township of \_\_\_\_\_] jurisdiction over unincorporated  
3 [incorporated] areas.

4 15.1. Sedimentation control plan. A person engaged in a development  
5 activity that will disturb over one acre of land must submit a sedimentation  
6 control plan and time schedule that will prevent excessive soil loss to the  
7 administrator for its approval.

8 (a) A sedimentation control plan and time schedule must specify how the  
9 movement of soil and damage to other land and regions will be minimized during  
10 the construction process. These methods include, but are not limited to, the  
11 use of temporary seeding, fiber mats, plastic, straw, mulch, sediment control  
12 basins, or other measures adequate to prevent erosion and sediment damage.

13 (b) Any conservation practice developed for the sedimentation control  
14 plans may not be located in violation of any existing ordinance the county  
15 [city, town] is currently enforcing.

16 (c) The time schedule accompanying the sedimentation control plan must  
17 establish deadlines for the implementation and completion of each phase or  
18 element of the sedimentation control plan.

19 15.2. Review. The administrator must review the sedimentation within 21  
20 days of receiving the plan from the land occupier. The county [city, town]  
21 shall notify the land occupier of its decision after receipt of comments from  
22 the administrator and no more that 28 days after receiving the sedimentation  
23 control plan and time schedule from the land occupier.

24 15.3. Permit required. If the administrator determines that the  
25 sedimentation control plan and time schedule will control sedimentation, the  
26 administrator shall issue a permit that authorizes the development activity  
27 contingent upon the implementation and completion of the sedimentation control  
28 plan.

29 If the administrator determines that time sedimentation control plan and  
30 time schedule do not control sedimentation, the county [city, town] shall not  
31 issue a permit for the development activity. The sedimentation control plan  
32 and time schedule shall be re-submitted for approval before the development  
33 activity begins.

34 15.4. Penalty. A person engaged in a development activity who does not  
35 secure a sedimentation control plan permit or does not commence or complete  
36 the sedimentation control plan and time schedule or make satisfactory progress



1 to complete the plan and schedule is subject to a civil penalty. The  
2 administrator shall file the complaint with the county attorney.

3 Section 16.0. Establishment of cost-share funds. Except for a  
4 development activity, a land occupier is entitled to apply for cost-share  
5 funds in the amounts set in sections 10.5 and 12.1.

6 If cost-share funds are not currently available, the land occupier and  
7 district shall enter into a priority cost-share assistance contract for future  
8 cost-share funds. The priority cost-share assistance contract shall state the  
9 percentage of cost-share funds as set in sections 10.5 and 12.1.

10 With the approval of the priority cost-share assistance contract, the land  
11 occupier shall be in compliance with the mediated or court ordered agreement.

12 Section 17.0. More restrictive standard controls. In the event of any  
13 conflict between the provisions of this ordinance and the provisions of an  
14 erosion control ordinance adopted by any township or home rule or statutory  
15 city, the more restrictive standard prevails.

16 Section 18.0. Severability. If any section, clause, provision, or portion  
17 of this ordinance is adjudged unconstitutional or invalid by a court of  
18 competent jurisdiction, the remainder of this ordinance is not affected.

19 Section 19.0. Incorporation of rules and documents. Minnesota Rules,  
20 parts 8400.4000 to 8400.4075 are incorporated by reference into this ordinance.

21 The priority cost-share assistance contract is incorporated by reference  
22 into this ordinance.

23 Section 20.0 Provisions are cumulative. The provisions of this ordinance  
24 are cumulative to all other laws, ordinances, and regulations heretofore  
25 passed, or which may be passed hereafter, covering any subject matter in this  
26 ordinance.

27 Section 21.0. Effective date. This ordinance shall be effective the day  
28 after passage by the county board [city council, town board].

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MINNESOTA SOIL AND WATER CONSERVATION BOARD  
PRIORITY COST-SHARE ASSISTANCE CONTRACT

Priority Contract Number \_\_\_\_\_

Individual or Group Contract

I (we) the undersigned, do hereby request cost-share assistance to help defray the cost of installing the soil conservation practices as listed below. It is understood and agreed that in addition to the conditions set forth in the respective Cost Share Assistance Contracts, the following shall apply:

1. The practices identified herein to be installed during the priority period will be consistent with the Resource Conservation Plan as developed and mutually agreed upon by the land occupier and the district supervisors. All practices shall be installed according to such plan and program rules and requirements in effect at the time the practice is installed.
2. If approved for funding, the land occupier intends to install an eligible practice during each below scheduled year.
3. The practice(s), the amount thereof, the cost-share funds approved and all other pertinent information for each year shall be recorded annually on a Cost-Share Assistance Contract.
4. Subject to the availability of funds, the district supervisors will give priority consideration each year to requests for cost-share assistance for soil and water conservation practices scheduled for installation during that year. Such assistance may be provided under amendments to this contract as agreed to by the parties involved.

The soil and water conservation practices and the amount requested for each year of the priority contract period, and as shown on the CPO (Conservation Plan of Operations), are listed below.

Field no.	Practice	Amount planned	Year to perform

\_\_\_\_\_  
(Date) Signed \_\_\_\_\_  
(Land occupier) (Address)

\_\_\_\_\_  
(Date) Signed \_\_\_\_\_  
(Owner) (Address)

Approved by:

\_\_\_\_\_ Soil and Water Conservation District

By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Chairman, Soil and Water Conservation District)