

## Chapter 1: SWCDs in Minnesota

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### National History of Soil and Water Conservation

"History is largely a record of human struggle to wrest the land from nature, because man relies for sustenance on the products of the soil. So direct, is the relationship between soil erosion, the productivity of the land, and the prosperity of people, that the history of mankind, to a considerable degree at least, may be interpreted in terms of the soil and what has happened to it as the result of human use." - *Hugh H. Bennett and W.C. Lowdermilk, circa 1930's*

The United States of America has a long history of natural resources conservation. Minnesota's soil and water conservation districts are based on a national model that dates back to the late 1930s. See the timeline below to learn about major events related to soil and water conservation.

#### Timeline: National History of Soil and Water Conservation

- 1610-1775 Agriculture was the primary livelihood for 90% of the population in the United States. Farmers primarily produced food for their own use.
- 1760-1840 (Industrial Revolution) The development of the steam engine changed agriculture from subsistence farming to production farming.
- 1860-1905, the number of farms tripled. The main export crops were cotton, sugar and tobacco.
- 1862 Homestead Act allowed farmers to settle 160 acre tracts of land for almost nothing.
- 1862 United States Department of Agriculture (USDA) established.
- 1887 Hatch Act authorized the establishment of an agricultural experiment station, to be affiliated with the land grant college of agriculture, in each state (7 U.S.C. 361a et seq.).
- 1896 USDA established the National Cooperative Soil Survey.
- 1912 Soil erosion research began on overgrazed rangeland in central Utah.
- 1914 US crop production surged to supply food for the US and Allied Nations in World War I (1914-1918).

- 1928 USDA published Circular 33 titled, "Soil Erosion, A National Menace," written by [Hugh Hammond Bennett](#).
- 1929 USDA established and funded the ten soil erosion experiment stations in OK, TX, KS, MO, NC, WA, IA, WI and OH.
- 1933 Department of the Interior created the Soil Erosion Service as a temporary agency to demonstrate practical conservation methods to farmers. Hugh Hammond Bennett directed it.
- 1933 Civilian Conservation Corps and Federal Emergency Relief Act. Coon Creek Watershed in Wisconsin selected as first to demonstrate soil conservation practices.
- 1934 (March) A large windstorm from the Great Plains swept dust into Washington D.C. Congress decides action must be taken immediately. PBS [Video](#), H.H. Bennett tours the country. Discovery Channel [video](#) on Dust Bowl. PBS [Video](#), the Dust Bowl Episode: Uncovering the Dust Bowl.
- 1935 (April) Soil Conservation Act recognized that "the wastage of soil and moisture resources on farm, grazing, and forest lands . . . is a menace to the national welfare," Soil Erosion Service was renamed the Soil Conservation Service (SCS), which became a permanent agency in the USDA. Hugh Hammond Bennett was appointed as its chief and Walter Clay Lowdermilk was appointed its assistant chief.

Secretary of Agriculture's Committee on Soil Conservation recommended that "all erosion control work on private lands, including new demonstration projects would be undertaken by SCS only through legally constituted Soil Conservation Associations. The Committee felt that the solution was to establish soil conservation districts to lead the conservation planning effort at the local level. These associations, which were the precursor to our modern-day soil and water conservation districts, were organized around 11 Civilian Conservation Corps (CCC) camps and conservation demonstration projects.

- 1936 Soil Conservation and Domestic Allotment Act provided education to farmers about conservation practices and rewarded farmers for planting trees and native grasses.
- 1937 (February) A model Soil Conservation District Law was developed for consideration by each of the states.
- 1937 (August) The first soil conservation district was established in the Brown Creek watershed of North Carolina.
- 1938 Three years after Roosevelt signed the Soil Conservation Act bill, soil erosion in the United States had dropped 65 percent. See PBS [video](#) "The Dust Bowl Lessons."
- 1944 Flood Control Act authorized 11 flood prevention project to help protect lives and property following natural disasters.
- 1946 National Association of Conservation Districts founded in Chicago, Illinois with representatives from 17 states.
- 1948 USDA published "[Conquest of the Land Through Seven Thousand Years](#)," written by W.C. Lowdermilk.
- 1948 Water Pollution Control Act was first major law enacted by Congress to address the problems of water pollution.
- 1954 Watershed Protection and Flood Prevention Act protected watersheds from erosion, sedimentation, and flooding.
- 1956 Soil Bank Program paid rental payments for retired cropland and provided financial incentives to farmers for planting protective cover crops.

- 1972/1977 the Clean Water Act established the Water Bank program, which provided incentives to landowners to protect wetland habitat.
- 1985 Food Security Act established the Sodbuster, Swampbuster, and Highly Erodible Lands Programs. The Soil Bank Program became the Conservation Reserve Program (CRP).
- 1994 USDA renamed SCS as the Natural Resources Conservation Service (NRCS) to better reflect the broad scope of the agency's mission.
- 2002 Grasslands Reserve Program and Conservation Security Program are established to further conservation on private land.

## Minnesota's Soil and Water Conservation History

Minnesota's conservation history follows the national trends. However, due to the abundance of lakes, rivers and wetlands in Minnesota there are many additional laws in place to protect these resources. The timeline below shows major conservation-related events in Minnesota.

### Timeline: Minnesota History of Conservation

- 1887 MN Drainage Law established a process to oversee drainage management among ditch owners.
- 1937 The Southeast Minnesota Soil Conservation Association lobbied the state legislature to pass a bill permitting the establishment of soil and water conservation districts (SWCDs) within Minnesota, as outlined by the guidelines in the U.S. Department of Agriculture (USDA) Soil Conservation Districts Law. The bill passed, and the Minnesota Soil Conservation Districts Law became effective July 1, 1937. It enabled farmers within set boundaries to organize for conservation purposes and gave them the power to enter into legal agreements and furnish financial aid to landowners. Chapter 44A Soil Conservation in the [1938 Supplement to Mason's Minnesota Statutes](#), outlines the criteria and process for creating soil conservation districts.
- 1937 The State Conservation Committee was established to organize the SWCDs. The committee later became the districts' administrative arm, called the Minnesota Soil and Water Conservation Board, and later, the Minnesota Board of Water and Soil Resources (BWSR).
- 1938 Burns-Homer-Pleasant Soil Conservation District formed (May 3) in Winona County.
- 1938 (late) Rollingstone-Stockton-Gilmore Creek District formed, the second in Minnesota.
- 1955 Watershed Act provided the means to create watershed district anywhere in the state.
- 1960's Soil Conservation District name changed to Soil & Water Conservation Districts.
- 1969 Shoreland Management Act ensured preservation and wise development of land bordering lakes and rivers. Floodplain Management Act provided the State authority to regulate land uses on floodplains to minimize potential flood damage.
- 1977 SWCD State Cost Share Program provided grants to soil and water conservation districts (SWCDs) to help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation.
- 1982 Metropolitan Surface Water Management required watershed districts and water management organizations in the seven county metro area to develop watershed management

plans to protect water resources. Metro cities are also required to develop and implement local water management plans.

- 1985 Comprehensive Local Water Management Act allowed counties to development and implement comprehensive local water management plans (county water plans).
- 1986 Reinvest in Minnesota (RIM Reserve) program provided landowners with a payment to voluntarily enroll land in a conservation easement.
- 1986 Winona County Soil and Water Conservation District was last district to form. The final merger of three original conservation districts.
- 1989 Groundwater Protection Act provided a framework for protecting the state's groundwater.
- 1991 Wetland Protection Act maintained and protected Minnesota's wetlands and the benefits wetlands provide.
- 2006 Clean Water Legacy Act provides funding from sales taxes to a Clean Water Fund in order to protect, enhance, and restore water quality in lakes, rivers and streams and to protect groundwater from degradation.
- 2008 Clean Water, Land and Legacy Amendment to protect drinking water sources; to protect , enhance and restore wetlands, prairies, forests; and fish, game and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater.
- 2012 Comprehensive Watershed Management through the One Watershed, One Plan program supports partnerships of local governments in developing prioritized, targeted, and measurable implementation plans on a watershed basis.
- 2015 Buffer Law required buffers on all public waters and public ditches.

## Minnesota SWCDs

The 1937 model Soil Conservation District Law did not provide any guidelines for establishing district boundaries. USDA leaders generally favored watershed boundaries for districts. The first Minnesota SWCDs boundaries were established on a watershed basis, which were later changed to a county basis. You can find information about each SWCD on the Minnesota Association of Soil and Water Conservation Districts (MASWCD) [website](#).

## Powers and Duties

Soil and water conservation districts (SWCDs) were created and operate under authority of [MINN. STAT. 103C \(2018\)](#). SWCDs are also subject to other state statutes and rules, which govern the conduct and operation of public bodies. An SWCD:

- may conduct resource surveys and demonstration projects.
- may carry out soil and water conservation measures on any lands in the district with the consent of the landowner.
- may cooperate or enter into agreements with any governmental agency or individual landowner for the purpose of carrying on a program of erosion prevention and control.
- may purchase or accept property and income and provide equipment and supplies that will help to bring about conservation practices.
- may construct, install, improve, maintain, and operate such structures and works as may be necessary for proper performance of the district.

- may develop comprehensive and annual plans. These plans are required for the district to receive state grant funds.
- may assume land by purchase, lease, or otherwise to improve, maintain, operate, and administer any soil and water conservation project undertaken by federal or state government.
- may sue or be sued.
- may require compensation or contributions for goods and services provided.
- may make application or enter into an agreement with a designated authority for federal assistance.
- may perform any other acts necessary to secure and use federal aid.
- may acquire land, easements, or rights-of-way needed in connection with works of improvement installed with federal assistance.
- may use necessary funds to provide membership in state and national associations that pertain to district operations and is authorized to participate and appropriate necessary funds to defray expenses of district representatives for meetings of such groups.
- may procure insurance directly or through the county in which the district is located.
- may publish any information relating to the activities of the district.
- may provide advice to or consult with county or municipal representatives.
- shall present an annual budget to the board of county commissioners.

## SWCD General Services

SWCDs provide conservation services to their county landowners, partner organizations and other watersheds. It is important for you to assess the services that you provide to determine if they meet the needs of your community and its natural resource concerns.

## General Operational Procedures

### *Formation, Annexation, Consolidation, Discontinuance*

Formation: Residents can petition to BWSR to form a SWCD. The establishment process includes public hearings and a referendum. See [MINN. STAT. 103C.201 \(2018\)](#) for the complete process.

Annexation: Residents may file a petition with BWSR to include additional area within an existing district. The petition procedure is the same as the formation procedure. See [MINN. STAT. 103C.205 \(2018\)](#) for the complete process.

Consolidation: One or more districts may petition BWSR for a consolidation. BWSR will take action on the petition if signed by a majority of the supervisors of each of the affected districts. See [MINN. STAT. 103C.211 \(2018\)](#) for the complete process.

Discontinuance: An SWCD may petition BWSR to request that the district be terminated, if the district has been in operation for at least five years. See [MINN. STAT. 103C.225 \(2018\)](#) for the complete process.

### *Change of Name or Office Location*

A SWCD may change its name ([MINN. STAT. 103C.215 \(2018\)](#)) or the location of its principal office ([MINN. STAT. 103C.221 \(2018\)](#)) by adoption of a resolution by a majority of the district board and approval by the BWSR.

The district board passes the appropriate resolution and the action is recorded in the minutes (Resolution for Change of District Name or Resolution for Change of Location of Principal Office (see BWSR website for resolution templates). The resolution form is completed and is signed by the district secretary. Two original copies are sent to the BWSR and one copy is kept in the district files. After BWSR approves the change, the resolution is filed with the Secretary of State office. Once filed with the Secretary of State, the change is official and the district is notified by the BWSR.

### **Intergovernmental Cooperation**

Because SWCDs implement a broad range of local, state and federal conservation programs, they work with a wide variety of organizations, including other SWCDs, counties, watershed districts, watershed management organizations, state and federal agencies and non-government organizations. SWCDs are required to "cooperate as far as possible with federal, state, and local agencies and with private organizations in order to avoid duplication and to enhance implementation of public and private conservation initiatives within its jurisdiction" ([MINN. STAT. 103C.331 \(2018\)](#)).

SWCDs may enter into agreements with other units of government to accomplish their work. The most common types of cooperative arrangements are:

- Joint powers entity. The joint operation is governed by a joint powers board, which has the power to receive and expend funds, enter contracts, etc. A new legal entity is created.
- Service contract. One governmental unit purchases a service from another.
- Mutual aid. Two or more governmental units agree to assist each other when needed, often in emergency situations.
- Shared resources. Two or more governmental units share the use and ownership of facilities or equipment.
- Shared personnel. Two or more governmental units share an employee.

An SWCD may join or cooperate by agreement as provided in [MINN. STAT. 471.59 \(2018\)](#) with another SWCD in an operation or project in which the SWCDs have a common interest ([Minn. STAT. 103C.231 \(2018\)](#)). One specific type of this agreement is for the Technical Service Areas program [hyperlink to TSA chapter]

### ***SWCDs and Counties***

Although SWCDs are independent local units of government, they have a unique relationship with county government. Since SWCDs do not have taxing authority, they must rely on county government to supplement their operating expenses. SWCDs must submit an annual budget to the county board. Some county boards treat their SWCD like other county departments and fund it on a relative scale with other county departments. The level of county support depends on the strength of the relationship between the two boards. From a planning standpoint and a resource protection standpoint, it makes sense that SWCDs and counties work closely toward common goals. By using the county's taxing authority and ordinance functions, the SWCD is able to accomplish some things it would be unable to do alone.

Counties often delegate state programs to the SWCD such as administering the Wetland Conservation Act, local water planning program and county agricultural inspector program. The county provides the funding to implement those programs.

For more information, watch this [presentation](#) about SWCDs and counties given by LeAnn Buck, Executive Director of the Minnesota Association of Soil and Water Conservation Districts (MASWCD).

#### [SWCDs and the Board of Water and Soil Resources \(BWSR\)](#)

BWSR is the state administrative agency for SWCDs, as well as, watershed districts, watershed management organizations, and in some cases, counties. BWSR works with SWCDs and other local government partners through planning, technical and regulatory oversight, and performance review. As the state's water and soil conservation agency, BWSR directs, coordinates, and provides funding to local governments to help private landowners and communities meet their conservation goals and responsibilities.

#### [SWCDs and other partners](#)

SWCDs frequently collaborate with other partners on projects, programs or initiatives related to conservation on private lands. The Minnesota Association of Soil and Water Conservation Districts (MASWCD) maintains a list of partners and links on their [website](#).