

**HEARING PROCEDURE RELATING TO
AMENDMENT OF SOIL LOSS LIMIT REGULATIONS**

for
Woodbury County Soil and Water Conservation District

1.

Open meeting (chairperson)

 The meeting will come to order.

2.

Purpose of meeting (chairperson)

 This special meeting of the Woodbury County Soil & Water Conservation District Commissioners has been called to order for the sole purpose of conducting a hearing relating to the final adoption of revised soil loss limit regulations for the Woodbury County Soil and Water Conservation District. The hearing is now convened.

3.

Introduce commissioners and staff (chairperson)

 Kelly Ingenthron, Chairperson
Charles Bromander, Commissioner
Lane Tabke, Commissioner
Gary Walters, Commissioner
Jason Yockey, Commissioner
Neil Stockfleth, Assistant Commissioner
Michelle Timmer, Division of Soil Conservation & Water Quality Field Rep
Christine Evans, Natural Resources Conservation Service District Conservationist
Jayme Uhl, Conservation Assistant
Jennifer Davis, Conservation Assistant

4.

Statement of authority (chairperson)

 The amended soil loss limit regulations for the Woodbury County Soil and Water Conservation District have been revised in accordance with authority set forth in Chapter 161A.44,.45,.46 of the Code of Iowa, using the newest published soil survey information.

5.

Publication of notice of hearing (chairperson or secretary read notice as published.
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 Notice of this hearing duly published in Movable Record Newspaper at Movable, Danbury Review at Danbury, Grapevine at Sloan; Sergeant Bluff Advocate at Sergeant Bluff and KTIV Event Board at Sioux City on the 2nd day of April, 2019, is as follows:

NOTICE OF PUBLIC HEARING

A public hearing will be held at 8:30 a.m. on 04/16/2019, at USDA Service Center, 204 1st Ste C1, Sergeant Bluff, Iowa, on the question of the adoption of proposed amended soil loss limit regulations for the lands in the Woodbury County Soil and Water Conservation District. All persons who are likely to be affected by the amended regulations may attend and will be given an opportunity to present their views concerning the amendments.

The regulation changes will establish allowable rates of soil loss by wind or water erosion based on the newest published soil survey information for lands in the county. The rates of erosion expressed in tons per acre per year are proposed to be set for (1) agricultural lands, (2) nonagricultural lands, and (3) construction sites. For agricultural (farm) land, the proposed soil loss limit will be set for each soil type and will vary from one to five tons per acre per year.

The proposed amended soil loss limit regulations are on file and may be reviewed at the Woodbury County Soil and Water Conservation District office, 204 1st St Ste C1, Sergeant Bluff, Iowa, prior to the date of the hearing.

If special accommodations are needed, please contact the Woodbury SWCD one week prior to the hearing by calling 712-943-6727.

Notice of hearing will be made a part of the record of this hearing.

6.

The proposed soil loss limit regulations (chairperson or someone designated by chairperson)

The amended soil loss limit regulations are adopted by the Woodbury County Soil and Water Conservation District Commissioners at a meeting held February 20, 2019 and approved by the State Soil Conservation Committee on March 6, 2019, have been available for review at the office of the Woodbury County Soil and Water Conservation District since date of publication of notice of hearing and are as follows:

Agricultural and Horticultural Lands. Maximum rates of soil erosion for these lands will be the average annual soil loss expressed in tons per acre per year for each soil type in the district as follows:

For all the soils listed on the old 2012 table and still listed on the new table, there is no change in T values.

10B2, 10C2, 10D2 – Monona: The local soil phase was renamed ‘eroded’ from ‘moderately eroded’, but there was no change in the soil T value.

100C2, 100D2, 100E2 – Monona: The local soil phase was renamed ‘eroded’ from ‘moderately eroded’, but there was no change in the soil T value.

101E2 – Monona: The local soil phase was renamed ‘eroded’ from ‘moderately eroded’, but there was no change in the soil T value.

101E2 - Ida: The local soil phase was renamed ‘eroded’ from ‘moderately eroded’, but there was no change in the soil T value.

310C2 – Galva: The local soil phase was renamed ‘eroded’ from ‘moderately eroded’, but there was no change in the soil T value.

510B2 & 510C2 – Monona: The local soil phase was renamed ‘terrace, eroded’ from ‘terrace, moderately eroded’, but there was no change in the soil T value.

700C2 & D2 – Monona: The local soil phase was renamed ‘terrace, eroded’ from ‘terrace, moderately eroded’, but there was no change in the soil T value.

810C2 – Galva: The local soil phase was renamed ‘terrace, eroded’ from ‘terrace, moderately eroded’, but there was no change in the soil T value.

1220 – Nodaway: Removed from the list.

Nonagricultural Lands including public parks, urban lands, industrial parks, airports, public and private recreation lands, roads, streets, highways, and other public lands. The maximum rates of erosion for these lands will be the average annual soil loss of 5 tons per acre per year.

Construction Sites including housing developments, shopping centers, industrial park developments, commercial building sites, highways, drainage channels, floodways, water impoundment structures, and other similar projects. Maximum rate of soil erosion permitted on such lands will be 5 tons per acre per year leaving the site.

The amended regulations are made a part of record of this hearing by this reading thereof.

7.

Explanation of regulations and reasons why adoption is deemed necessary or advisable (chairperson or a staff member designated by chairperson)

Pollution by sediment resulting from wind or water, soil erosion on farmland, nonfarmlands, and from construction sites is recognized as a most serious threat to the environment.

Soil erosion resulting in damage by sediment to property of others has been declared a nuisance and the law establishes a procedure under which damaged parties can seek relief.

The erosion control law cited above charges soil and water conservation district commissioners with establishing and updating soil loss limit regulations for lands in the district.

The amended regulations recognize three categories of land and establish maximum rates of soil erosion which will be allowed under each. The Woodbury County Soil and Water Conservation District Commissioners believe these limits are reasonable as required by law and as a result will be used as a basis for actions to resolve complaints made to the district by parties alleging damages.

The Iowa General Assembly, in acknowledging the public's interest in abating erosion, provides that specific rates of cost sharing be made available to a landowner to aide in defraying costs in installing control measures.

For agricultural and horticultural lands, permissible rates of soil erosion are assigned to each soil type in the district. These rates reflect the amounts of soil loss that can be allowed and still maintain the land resource for continued agricultural use over an indefinite period of time. We believe that it is reasonable to expect the landowner to hold average annual soil loss at or below this level.

Comment on the three categories of:

- Agricultural and horticultural lands
- Nonagricultural land
- Construction sites

8.

Instructions to participants (chairperson)

Those persons wishing to be heard have so indicated on their attendance register forms.

Statements will be recorded on a tape recorder. Persons making statements will come forward and speak into a microphone stating their names, addresses, occupations, and whom they represent.

Statements made should reflect the position of the person presenting. Both statements for and against the proposed amendments are welcome.

Soil and water conservation district commissioners present may wish to direct questions to the speaker at the end of his or her statement for purposes of clarification. All such questions will be directed to the chairperson for disposition.

9.

Statements by participants (chairperson) may call upon persons in order of choice by arranging forms in order of call.

We are now ready to hear from those persons who indicated on their attendance register forms that they wished to make a statement either in favor or in opposition to the amendments.

Does anyone else present wish to make a statement?

No one wished to speak.

10.

Close of hearing (chairperson)

All persons present having had an opportunity to be heard, the hearing portion of this special meeting is closed and the district commissioners will now decide whether to adopt the amended regulations.

11.

Action to adopt or amend the proposed regulations (chairperson and district commissioners)

Sample motion to adopt

Commissioners of the Woodbury County Soil and Water Conservation District present during the hearing have observed the proceedings and have heard the statements of those in attendance. The chair is ready to entertain a motion on the question of final adoption of the amended soil loss limit regulations.

Moved by Charles Bromander that the amended soil loss limit regulations for the Woodbury County Soil and Water Conservation District, as presented at a hearing on April 16, 2019, be adopted and that a copy of such regulations be attached to and made a part of the record of this meeting. Seconded by Lane Tabke. No discussion. Motion carried.

12.

Adjournment of the meeting

This completes the business before this special meeting of the Woodbury County Soil and Water Conservation District. Is there a motion for adjournment?

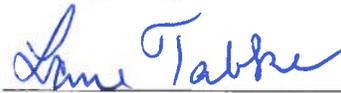
Charlie Bromander moved to adjourn the meeting. Jason Yockey seconded the motion to adjourn the meeting.

The meeting is adjourned at 8:45 AM.

Date Approved 5/28/19



Kelly Ingenthron, Chairperson



Lane Tabke, Secretary