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Organizing for Watershed Development

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ORGANIZING for Watershed Development



Great Plains

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SOUTH DAKOTA STATE COLLEGE
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Great Plains Agricultural Council

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in consultation with the two committees.

The report draws heavily upon two other studies. One of these is "A Comparative Study for Watershed Legislation" by the Bureau of Government Research, University of Kansas, Lawrence, Kansas, September 1952. The other is an unpublished report by Stanley Voelker, Kris Kristjanson, and John Muehlbeier, former Bureau of Agricultural Economics, U. S. Department of Agriculture, prepared August 1952 for the Missouri Basin Survey Commission, in response to a request for information on local participation in watershed programs.

Credit is also due Fred A. Clarenbach, Agricultural Research Service, U. S. Department of Agriculture, for assistance with the list of selected legislative acts and bibliography included.

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Organizing For Watershed Development

JOHN MUEHLBEIER¹

Introduction

Conservation of soil and water resources has received a great deal of attention in the last two or three decades. Much emphasis has been placed on better farming practices and on land treatment. The latter included such work as terraces, contour farming, small ponds, small erosion - control structures, and grassed waterways. However, there is an additional phase which has received much less attention. This is the further reduction of soil loss and flood damage by building flood-water retarding dams, large grade stabilizing structures, channel improvement features, bank stabilizing structures, and other protective works. This may require a watershed program.

Speeding up the application of better farming practices and land treatment plus the construction of erosion and water-control installations where needed, along with changes in major land use, constitute a watershed program. The watershed is the area of work. In

some instances a water supply, irrigation, drainage, or recreation may be the important feature. Although some Federal assistance has been available for construction of grade-control and flood-prevention structures, it was not until recently that a national watershed program was provided to assist local groups with this work.

To initiate, plan, construct, finance, and maintain a watershed program, or to participate effectively in one undertaken cooperatively with the Federal Government, local people must be able to work together and to assume certain responsibilities. The purpose of this report is to indicate ways in which this can be done and to outline the responsibilities the local people may need to assume. It is recognized that some states have adequate legislation for local groups to undertake watershed programs.

¹Agricultural Economist, Agricultural Research Service, Production Economics Research Branch, U. S. Department of Agriculture.

Watershed Protection and Flood Prevention Act

The Watershed Protection and Flood Prevention Act authorizes the Secretary of Agriculture to cooperate with local organizations (including states or political subdivisions having appropriate authority) in planning and constructing works of improvement for watershed protection and flood prevention or for the agricultural phases of conservation, such as the development, utilization, and disposal of water.² ³ It provides for technical and financial assistance by the U. S. Department of Agriculture to local organizations or states. It requires them to meet certain conditions for Federal financial assistance.

More specifically, the local organization must:

- (1) Submit an application to the Secretary of Agriculture through appropriate channels;
- (2) Develop, or agree on, a plan for works of improvement;
- (3) Share in the cost of installing works of improvement, with certain exceptions;
- (4) Assume responsibility for construction or for the administration of contracts for construction;
- (5) Provide easements and rights-of-way;
- (6) Obtain required agreements to carry out recommended soil and water conservation measures;
- (7) Provide necessary water rights;
- (8) Provide operation and maintenance for works of improvement;

(9) Meet other minor requirements.

To do this, local people need certain authority. They may already have this in any one of several types of improvement districts or in a political subdivision of the state, such as a county, city, or soil conservation district. Or, they may need some additional authority. In some instances, the state might become the cooperating agency or sponsor.

²Public Law 566—83d Congress, 68 Stat. 666 and Public Law 1018—84th Congress, 70 Stat.

³Public Law 1018, 84th Congress, modified the Watershed Protection and Flood Prevention Act (Public Law 566, 83d Congress). The modifications which bear directly on the subject of this publication are:

(1) It requires local organizations to bear such proportionate share of the cost of installing works of improvement for irrigation, drainage, and other agricultural water management as is determined by the Secretary to be equitable in consideration of the direct identifiable benefits.

(2) It requires local organizations to assume all of the cost of installing works of improvement for purposes other than flood prevention and agricultural water management.

(3) It requires the Federal Government to bear the entire construction cost of works of improvement applicable to flood prevention and features relating thereto.

(4) It provides that for projects including structures for municipal or industrial water supplies, the local organization must obtain non-Federal professional engineering services satisfactory to the Secretary of Agriculture.

(5) It provides that for projects not providing for municipal or industrial water supplies, the local organization has the option of obtaining non-Federal professional engineering services or using the engineering services of employees of the Federal Government.

(6) It authorizes the Secretary of Agriculture to make loans or advancements to local organizations to finance local costs.

Functions the Sponsoring Organization May Need to Perform

For a local organization to function effectively as a sponsor of a watershed project, whether it undertakes a project on its own or in cooperation with the Department of Agriculture, it should be able to meet the situations that are likely to arise.

This could include authority to carry out a program to (1) conserve soil and water resources, (2) reduce flood damage, (3) conserve water supplies, (4) reclaim land, (5) control occupancy of flood plains, (6) regulate land use, or (7) do anything else related to watershed improvement that may be conducive to public health and welfare. This would provide a broad framework

within which local groups could work.

The authority needed by local people could be provided by a single enabling act, if so desired, or it might be available in several legislative acts already in existence. The important point is that such authority as is needed is available to them.

To protect the interest of the public and that of any individual affected, specific requirements can be set out which a district, county, or city would have to meet before a program could be put into operation. This would protect the individuals affected and provide flexibility to meet new situations.

Powers the Local Sponsors May Need

Power to Finance Improvements

Insofar as local groups must assume financial responsibility for their watershed programs, they are likely to need the power to raise funds. The more important purposes for which funds may be needed are as follows:

To pay initial expenses. Most local organizations will find it necessary to incur expenses in getting a watershed program under way. To illustrate—local people need information so they will know what is involved; flood-damage surveys may be needed; and other administrative functions may need to be performed. Some of these expenses will occur before special assess-

ments can be levied on landowners who would benefit directly from the works installed. Although these initial overhead costs are not expected to be large, it facilitates the work if funds are available for these purposes. It makes it easier to get started with the program.

One way to enable a local organization to meet initial expenses is to authorize a small general property tax levy. To the extent that work planned does benefit all property owners, this tax can be justified. Certain works do benefit all property owners in the area. For example, structures for the control of water runoff and soil erosion protect not only private property, but in some

instances public property such as roads and bridges. This reduces flood damage to public property which otherwise would have to be borne through increased taxes. Also, there may be other and more general benefits to a community from a watershed program. Whether local people wish to tax themselves for this purpose is a decision they alone must make, based on the merit of each case as they see it.

In some watersheds local donations have been adequate to pay the initial expenses connected with a proposed watershed project.

To provide funds for early expenses would seem preferable to slowing up the work or putting off payment of bills until funds from benefit assessments or other sources become available.

To pay for installations. The construction of floodwater retarding dams, grade stabilization structures, channel improvement, and other protective works calls for large investments. Whether these structures are built within a short period of time or over a number of years, ways must be provided to pay for them. If there is a sharing of cost of the program with the Federal Government, the local organization needs to raise money for its share of the cost.

In many of the watersheds, the program will require more money than can be raised readily from taxes during the period of construction. Hence it will be necessary to borrow money or raise funds in some other way. Another possibility is the use of a repayment contract

in which the Federal government constructs the works and the local organization agrees to repay its share of the cost over a predetermined period of time. One of the recent amendments to the Watershed Act authorizes the Secretary of Agriculture to make loans or advancements to local organizations. Or a state could set up a revolving fund on which local organizations could draw after making suitable arrangements for repayment.

Regardless of the type of debt obligation assumed, provision will have to be made for its retirement, usually through a tax levy which often is a special levy against benefited land. There may be instances, however, in which a special benefit tax and general tax could be justified, depending on how widespread the benefits are expected to be in any particular program.

To raise funds needed for construction, when construction is completed within a short period of time, is difficult. The burden can be lessened by adequate provision to repay the cost over a period of years.

To pay for operation or maintenance. In the past, many improvement districts have not provided adequate funds for annual operation or maintenance of the works built. This reduced the effectiveness of the programs, resulted in deterioration of structures, and may have increased the cost of maintenance in the long run because of the added cost of rehabilitation. Watershed improvement programs face the same problem. The quality

of maintenance is important. It determines in large part the life and effectiveness of the installations.

One way to finance operation and maintenance of structures is through an annual tax levy. This would be more dependable than to rely on voluntary contributions. The choice of method, however, should be governed by the needs of the program and who is expected to benefit from it.

To provide for replacements.

Some structures in a watershed program will need to be replaced in due time either because they become damaged or have served their useful life. Emergencies can be expected to occur. Hence it would seem desirable to authorize the establishment of sinking funds. Whether sinking funds are used, however, is a local decision.

Limitations on tax levies. Enabling legislation frequently places a limit on the number of mills a district may levy in general property taxes. Often there is a demand for such limitation because of the fear of being taxed for unnecessary expenditures or for more than is justified on the basis of general benefits.

If limitations on the rate that can be levied for organizational or other specified expenses are written into the act, care should be taken not to set the limit too low. Although some limitation may be desirable, it should be flexible enough to meet the needs.

Power to Regulate

Local sponsors of a watershed program at times may need certain specified controls, such as the regu-

lation of a dam or zoning of flood plains and land-use regulations. These powers conceivably could be used to avoid certain potential hazards or costs in the future. Some states have such statutes and have had experience with them.

Land-use regulations. A local organization sponsoring a watershed program can do a great deal to get proper land use through educational work. It can also enter into agreements with landowners who would benefit under the program, stipulating which conservation measures they would need to apply before the district would install costly grade stabilization or other protective works. Usually this could be expected to work out satisfactorily without the use of regulatory powers.

Once in a while, however, some landowner may follow a practice that is damaging to his land and to that of his neighbors, and the sponsors may not wish to delay their program indefinitely awaiting compliance. A new landowner might decide not to continue proper land-use and conservation practices. Thus he would jeopardize the life of a costly structure already built.

To meet problems of this kind, local people could protect their watershed program by enforcing compliance with land-use regulations. They could protect their investment from the damaging effects of improper use of the land. Illustrations can be found, in connection with certain structures built at public expense, where improper land use has been continued too

long. A possible shortening of the life of the installation is the result.

Zoning ordinances. One objective in watershed development is to reduce flood damage on flood plains. This might be possible through the use of zoning ordinances. Regulations could be imposed on use of land, use or construction of buildings, density of population, and the like. Any nonconforming use that exists at the time the ordinance is adopted may be continued. It would be possible, however, to give direction to the orderly development of flood plains and thereby to reduce potential flood damage. In some places, zoning ordinances now in effect relate to use of flood plains.

Thus, zoning ordinances and land-use regulations can be used on occasion as valuable aids in programs for reduction of flood damage and soil loss. Zoning can prevent new uses that are considered not to be in the public interest. Land-use regulations can prohibit certain practices that aggravate soil-erosion problems, but also they may require landowners to follow practices considered necessary to reduce erosion. These powers could be granted a watershed district or they could be made available under separate enabling acts.

Other Powers

A local organization may need still other powers to be effective in the development of a watershed program. Among these are the powers to:

- (1) Make surveys and adopt plans for improvement, to construct works of improvement or contract for their construction, and to operate and maintain the works constructed. Although in some instances, another agency may construct the facility but expect some cost sharing that could include agreement to operate and maintain the works;
- (2) Cooperate and contract with other governmental units, agencies, corporations, or individuals;
- (3) Acquire, hold, and dispose of land or other property necessary to carry out the purpose for which the district was organized;
- (4) Exercise power of eminent domain to be able to acquire land by condemnation or buy land and water rights;
- (5) Change boundaries or merge with other districts as provided by the act;
- (6) Sue and be sued;
- (7) Accept gifts;
- (8) Hire and discharge employees, and fix their compensation;
- (9) Establish rules for the conduct of business.

Choice of Sponsor

When the national program of technical aid for soil and water conservation work was initiated by the Department of Agriculture in the 1930's, a model enabling act for soil

conservation districts was prepared by the Department. This model law, with various modifications, was soon adopted by the states. By now, a very high percentage of the Na-

tion's farmland is within organized soil conservation districts. These districts have functioned well in promoting soil and water conservation work and in helping to orient a national program to make it fit local situations.

The model act originally recommended provided the district with power to tax and, under certain conditions, to regulate land use. The power to tax was deleted from the enabling legislation in most states and in only a few states was the power to enact land-use regulations retained. Even if the latter was provided, few districts made use of this provision.

As the program of technical aid for soil conservation work has been functioning, there has been little occasion for soil conservation districts to need the powers to tax and regulate land use. The cost of the technical aid has been borne largely by the Federal Government, and the work with landowners has proceeded on a voluntary basis. In only a few instances have the local people passed land-use regulations. There were few costly structures to be jeopardized by improper land use.

Insofar as the cost of any watershed program is borne entirely by the Federal Government, which is essentially the case with the structures in the "pilot projects," there is

no need for local people to raise any substantial amount of money and existing soil conservation districts can readily act as sponsors. This they have done with the pilot projects. Local sponsors are expected, however, to provide rights-of-way and assume operation and maintenance. A problem of getting funds could arise in those instances where soil conservation districts have no power of taxation.

Under the new watershed act, local people are expected to share in the cost of construction (except for the costs applicable to flood prevention), provide rights-of-way, and assure operation and maintenance. If cost sharing is more than nominal, local people will be faced with the problem of raising money. As it becomes necessary for them to raise money, they will need appropriate authority. If it is desired, the states could grant soil conservation districts or subdistricts power of taxation. In this way, no new districts would be needed. Also, other improvement districts of one kind or another may have the necessary powers and could act as sponsors.

In addition to districts, counties or towns might act as sponsors on occasion. The important thing would appear to be to select the particular local organization or sponsor that promises to be adequate for needs foreseen.

Organization of Watershed Districts

Whether some of the existing districts are used or new watershed districts organized is a matter of

local preference. Some of the advantages of a new district would be (1) that it could be designed spe-

cifically for watershed-development purposes, (2) the boundaries could readily be made to coincide with the watershed under treatment (while existing districts may follow county or some other lines), (3) it

would leave undisturbed the operations of existing districts, and (4) it would avoid the problems which may arise from the divided responsibility of joint sponsorship by two or more existing organizations.

Considerations in Development of Enabling Legislation for Watershed Districts

If a watershed district is desired, it can be created by the legislature or organized under enabling legislation. The latter is more flexible and less burdensome to both the legislature and local groups.

The enabling legislation specifies the requirements that must be met to establish a district. These commonly include (1) a petition, (2) a hearing, and (3) a vote on the question of organization. It also specifies the requirements that must be met before a program of construction can be undertaken. There can be considerable variation in all of these requirements. It is partly a matter of choice as to how much is spelled out in the act and how much is left to administrative discretion.

Content of Petition

As a minimum, the petition probably should include (1) the name of the proposed district, (2) a map showing proposed boundaries, (3) the names of counties wholly or partly within the district, (4) a statement of purpose and general description of improvements planned, (5) names and addresses of persons who will constitute the original board of directors, (6) the names of petitioners, and (7) a re-

quest that organization of a district be submitted to a vote of the landowners.

In view of the large number of districts that may become organized, it may be desirable to require the state hearing agency, when there is one, to assign a number to each in the order in which petitions for organization are received.

The petition may require a map showing boundaries of the proposed district, but this should be considered only as a tentative delineation and subject to review by the hearing agency. Whether the hearing agency should be a county board or a state office is a matter of choice. It depends on the amount of state participation that is deemed desirable. State review would seem more desirable than review by a county board because a county board would hardly be in position to study the boundaries or program proposed for a large district that might affect several nearby districts or other programs in the state.

Organization of a district can be made easy or difficult, depending on the number or percentage of landowners required as signers of the initiating petition. Only a small percentage of the landowners are

required as signers of the petition for the organization of some improvement districts; others require the signatures of more than half the owners.

So long as a majority vote of landowners is required for the organization of a district and before any construction of improvements is undertaken, it would appear that only enough signers are necessary to show that there is interest in having a district. Possibly 10 percent of the landowners in 50 percent of the precincts would be enough to indicate interest in the subject.

An alternative would be to require the signature of 10 percent of the landowners in the district, irrespective of distribution. This would simplify the organization of a district but would provide less assurance of interest throughout the area. Another alternative would be to require a higher percentage of landowners as signers of the petition, possibly 25 percent, and require no general election on organization of a district unless at least 10 percent of the landowners objected and requested that an election be held.

Filing

After obtaining the number of signatures called for by the enabling legislation, the petition needs to be filed and acted upon. As a rule, petitions are filed with some local office such as the county clerk who certifies the number of landowners and number of signers. He could then be required to file a certified copy with the hearing agency.

In the event that the proposed district includes all or parts of two

or more counties, a copy of the petition would need to be circulated to the county clerk in each county for certification. All copies would have to be filed with the hearing agency and treated as a single petition. Some states may want the petition submitted to the Secretary of State for endorsement as well as to the hearing agency, but both should not be essential.

Hearings

After a petition is filed, the landowners concerned should be heard. Notice by publication that interested persons will be heard should be adequate. This could be a public hearing or a provision for hearing any person who files a written objection. The latter arrangement may be adequate.

Action by Review Agency

As indicated earlier, the enabling legislation could provide for review of the petition for organization by either a state agency or a county board. For effective participation by the state in the watershed program, review at the state level appears to be essential.

Such review of the petition could cover a number of important points. Among these are (1) whether the proposed boundaries will enable development of an effective program, (2) whether the boundaries would conflict with those of other districts, (3) whether the purpose and type of work planned are in conformity with the enabling legislation, (4) whether organization of the district would be in the public interest, (5) whether any change in boundary would be desirable, and

(6) whether the petition has the approval of the review agency.

When a state agency has discretionary powers, provision needs to be made for appeal from administrative decisions to the courts.

Election

If a petition to organize a district can be initiated by a relatively small percentage of the landowners, possibly as low as 10 percent, an election to determine whether a majority of landowners favor a district would be desirable. On the other hand, if the signature of as many as 25 percent of the landowners is required, an election would not appear to be essential unless there is objection to a district. To meet this condition, provision could be made for an election upon the request of 10 percent of the landowners. It would then require a majority vote before organization of a district could proceed.

Elections would have to be held by either the state review agency or county office, preferably the latter. With development districts, voting by landowners usually is propor-

tioned by district property held.

Creation of Governing Body

There is need for a governing body as soon as a district is established, and a board of directors might as well be elected at the same time landowners vote on the organization of a district. An important item to consider in the election of officers is appropriate representation of all parts of the proposed district. It would seem, however, that this matter might be left to the discretion of the petitioners.

Variation in conditions from one district to another makes it difficult to cover representation in detail in the enabling legislation. Should landowners of the districts wish to change the representation from that established in the petition, they could be permitted to do so after the district is organized.

Dissolution

It would seem wise for the enabling act to provide for dissolution of a district where that is the local wish. As conditions change, a reorganization or dissolution of districts may sometimes be desirable.

Plan for Watershed Development

What must be done to develop a plan and obtain approval of it by the landowners is important. It may determine how sound the plan turns out to be and whether it is accepted by the landowners.

Several questions relating to preparation of plans need to be considered. (1) How much description of the plan for development should

be included in the petition for organization of a district? (2) Should a district be granted authority to prepare a comprehensive plan, periodic plans, or both? (3) How much detail on costs and benefits should the plan include when presented by the board to the review agency and to the voters for approval? (4) Should special assessments, if any

are contemplated, be part of the plan for improvement when presented for approval? (5) What discretion, if any, should be granted the board of directors in putting a program into effect without a vote by the landowners?

Preparation of Plan

A general description of the plan for improvement is all that should be necessary as part of the petition for organization of a new district. That will enable the review agency to determine whether the purpose of the district falls within the scope of the enabling legislation. It is difficult to raise the money for surveys or plans to do more than this before a district is organized.

The best job of planning can be done after a district is organized and is in position to finance the necessary surveys. It would also seem that a district should have wide latitude in the plans it may prepare. In some instances, local conditions may call for a comprehensive plan for watershed improvement. In others, the district may consider it advisable to proceed on the basis of periodic plans, building the program as experience dictates and undertaking only what it can readily finance.

An important part of any plan is the estimate of costs and benefits. Rapid changes in price levels can make an estimate of costs out of date before the plan has been carried out. This could be serious in case of a rapidly rising price level. Estimates of benefits may also be subject to uncertainty for those

parts of a program for which only limited study or experience are available.

There is also a question as to whether an over-all estimate of costs and benefits is sufficient or whether who would be expected to pay the cost and to whom the benefits would accrue should be shown also. This would become the basis for the board of directors to make special benefit assessments. Possibly even this should be known to the voters for any part of the plan that requires a vote by land owners. Otherwise, they have little basis for deciding for or against the plan.

Filing

The plan for watershed improvement should be filed by the board of directors with the review agency and probably with the county clerk. This is notice of the intention of the district and that the plan is available for study or comment.

Review and Approval

As in the case of review of the petition, the plan for improvement could be reviewed by either a state agency or county board. Certain over-all considerations can best be looked after by a state agency or state official. It seems, therefore, that the enabling legislation should provide for state review of proposed construction. Only in this way can there be effective participation by the state in watershed programs.

State review could determine (1) physical and economic feasibility, (2) adequacy of safety standards,

(3) coordination with other plans or resource programs, (4) public interest, (5) conformance with the act, (6) changes to be made, (7) approval or disapproval.

Election

After the requirements of the review agency have been met, the board of directors may either put the plan into operation or submit it to the vote of the landowners, whichever the enabling legislation provides. That is, the board could be authorized to put the plan into operation, except as the enabling legislation provided for landowners filing a petition objecting to the plan and calling for a hearing or election. Or enabling legislation

could require the board to submit the plan to a vote of the landowners.

Another possibility would be to grant the board of directors authority to put such part of the program into operation which does not cost more than a specified mill levy. Any program costing more than a specified mill levy would then need to be put to the vote of the landowners in the district. In other words, a district could install a limited program without election, unless a stated percentage of the landowners filed a petition of objection. As a rule, it would not be wise to permit a very large expenditure without first submitting the program to the landowners for approval.

Importance of Appraisal of Benefits

Many of the watershed improvements made may be financed by special assessments on benefited lands. Hence an accurate evaluation of benefits that accrue to each tract becomes important. It determines whether the assessments will be equitable.

Procedures have been worked out for evaluation of benefits in the case of drainage, irrigation, and levee systems. Although there is less experience in evaluation of the benefits of watershed programs, it is believed that this too can be worked out satisfactorily. Unless this is done costs will not be shared in relation to benefits and landowners who do not benefit from the program, but are still expected to pay, can't be expected to support it.

Appraisal Procedures

There is need for provision for appraisal of benefits. In this connection there are several alternatives. The board of directors could be made responsible for the appraisal of benefits, employing such technical help as necessary, or the directors could be authorized to establish an appraisal board to make the assessments. The latter may be preferable.

The appraisal body could be allowed to set up its own appraisal system or be required to follow a system of units of benefit. The latter would make for more uniformity. The benefits could be divided into two classes, (1) general benefits, to be assessed at equal rates on all property, and (2) special benefits,

to be assessed on certain property in proportion to benefits received. The appraisal body could be required to evaluate the benefits both within and outside the district. The same body could also be required to evaluate or appraise damages before the acquisition of sites for structures, rights-of-way, easements, and the like.

Hearings

After benefit assessments have been made, people affected must be given an opportunity to learn of the decision of the appraisers and to file objections if the assessments are not satisfactory.

The requirements for notice of hearings and the way in which the board of directors should certify the approved assessment to county officials for collection needs to be spelled out. The report of the appraisers could be published or notice given as to where the report may be found or examined. Publication may be preferable. The board of directors probably should

hold the hearings and be responsible for any changes made as a result. The hearings probably should be confined to the subject of assessments. They might be expedited if persons wishing to be heard were required to file their objections before the hearing. Appeals from the hearing probably should be heard directly by the courts rather than by the state review agency and then the court.

Readjustment of Appraisals

Over a period of time conditions may change so as to require a readjustment of benefits. There should be provision for readjustments, including requirements placed upon petitioners in order to be heard, the body before which they must appear, and the method of adjusting benefits and the frequency of adjustments permitted. Adequate provision for readjustment if conditions change or benefits fail to materialize should make landowners more willing to participate in the program.

Desirable Participation at State Level

One question faced by the states in providing for local organizations for watershed development is the kind of state participation to provide. This is an important question. Some of the items that must be considered in this regard follow.

Approval of Districts

The development of a watershed program requires a decision as to the area to be included. In this mat-

ter, local people must take the initiative and indicate the boundaries they would like to establish. It may be desirable, however, for the state to determine whether a particular watershed program would be in the public interest and whether the boundaries would permit development of an effective program. For example, situations could arise in which boundaries should be changed to include drainageways

that contribute to damage, or to include areas that would benefit from a proposed program and thus could be expected to share the cost. In the final analysis, local people will decide what they want but state review and approval may result in better programs from the viewpoint of both the local community and the state as a whole.

Approval of Proposed Programs

As more and more programs are proposed, they may overlap for part of the watershed. There is also the possibility that a program proposed in one district may affect another adversely or damage adjoining property outside the district. Often in the past, work undertaken in one improvement district has been detrimental to the program in another downstream. This has been the case with drainage programs particularly, but it could happen also with watershed programs. Only by state action on proposed districts will problems of this kind be controlled or avoided. The matter of establishing priority of programs also could become important.

Coordination of Effort

In most states, several different resource-development programs are under construction or in operation at one time. To get the greatest benefit from all the programs together may require coordination of effort. This could be the case with all watershed programs taken together or with watershed programs taken together with other programs. Better coordination of all programs can be achieved through participation

by the state. Over a period of years, new conditions may arise that could make it desirable for some districts to reorganize. This can be worked out better under state supervision.

It would thus seem that some kind of state approval of plans for development of watersheds is needed. Approval by the state could aid materially in the development of a strong program.

Assignment of State Responsibility

The job of participation in watershed programs at the state level could be assigned to some state official or to some agency such as a resources or water board. An important thing is that funds and personnel be provided. Too often extra assignments are made without providing additional funds.

In summary, the situation calls for several decisions in connection with state participation. These are (1) whether some state officer or agency should be granted discretionary authority in the approval of the organization of a district, or whether approval should be automatic on meeting specified requirements; (2) to what extent some state agency should be granted discretionary authority in the approval of a proposed plan of development; (3) which officer or agency should be assigned the job; (4) how to provide an adequate staff for whichever office is given the additional responsibility; and (5) how to provide a program of education so that common problems and alternative ways of organizing to meet them, would always be clear to local groups.

Local Participation in Planning for Watershed Protection and Development

Considerable understanding exists by now with respect to the application of better farming practices and land treatment. Furthermore, such work usually involves only the farm on which it is applied even though there may be off-farm benefits. That is, it can be applied on any one farm without the participation of the owners or operators in an entire area or watershed. Other property owners in the watershed are not expected to pay any of the cost.

As already indicated, the structural phase of a watershed program brings new elements into the picture. This may include the need for community-wide planning because of the relation of any one structure to landowners and operators other than the one on whose land the structure is placed, the need for community-wide cost-sharing or cost-sharing in relation to benefits,

community maintenance, relationship of watershed development to other resource programs, and similar factors.

This requires full participation of local people in the study of problems in the planning of the watershed program, in construction, and in maintenance if the program is to be accepted and looked after. Such planning needs to be done by communities and for the watershed as a whole. Local people need to take the initiative in such work and in turn to draw on all technical and administrative help available. This helps to assure understanding on the part of the people and provides orientation for the technical help available.

Too often a few seek a project and the community as a whole knows little about the plans, the effects of the project, and similar related factors.

Enabling Acts and Other Recent State Legislation Relating to State-Local Organization for Watershed Development—A Selected List

All states already have enabling legislation for the organization of improvement districts of one kind or another. Many states have several enabling acts. The procedures for organizing districts, their functions and powers, and the method of

operation vary greatly, however.

Following is a list of enabling acts passed by the various states which bear on resource development. It should be of value to a group or state as a reference on what other states have done.

WATERSHED DISTRICT ENABLING ACTS

KANSAS. Watershed District Act (Chapter 24, Article 12, Statutes of Kansas, as amended by Chapter 201, Laws of Kansas, 1955).

NEBRASKA. Watershed Act of Nebraska (Sec. 31-832, Chapter 31, Article 8, 1953 Cumulative Supplement, Revised Statutes of Nebraska, 1943; as amended by Legislative Bill 384, Legislature of Nebraska, 67th Session, 1955).

NORTH DAKOTA. Water Conservation and Flood Control Districts Act (N. D. Session Laws 1949, c. 348).

MINNESOTA. Minnesota Watershed Act, providing for Watershed Districts (Chapter 799, Laws of Minnesota, 1955, Senate File No. 1575).

TENNESSEE. Watershed District Act of 1955 (Chapter 18, 1955 Cumulative Supplement to the Tennessee Code, Annotated, Vol. 12, 70-1801).

SUBDISTRICTS WITHIN SOIL CONSERVATION DISTRICTS

CALIFORNIA. Improvement Districts in Soil Conservation Districts (Chapter 1886, Statutes of California, 1955—Senate Bill No. 182).

COLORADO. Provision for levy by soil conservation districts of a tax or assessment, in proportion to benefits, on real property within a portion of a district, upon favorable vote of the qualified voters owning lands within such portion of a district—for flood prevention, watershed improvement, and land treatment measures (Chapter 287—House Bill No. 349—Session Laws of Colorado, 1955).

ILLINOIS. Sub-districts of a Soil Conservation District (House Bill No. 239, 69th Illinois General Assembly, 1955).

IOWA. Sub-districts of a Soil Conservation District (Chapter 225, Acts of the Iowa General Assembly, 1955—Senate File 349).

KENTUCKY. Watershed Conservancy Districts—sub-districts of Soil Conservation Districts (General Assembly of the Commonwealth of Kentucky, Senate Bill No. 95, Regular Session, 1956).

VIRGINIA. Watershed Improvement Districts within Soil Conservation Districts (Title 21, Chapter 1, Code of Virginia 1950, as amended by Chapter 668—H677—Acts of Assembly, 1956).

OTHER SPECIAL-PURPOSE DISTRICTS ENABLING ACTS

CONNECTICUT. Provision for Flood and Erosion Control Districts (An Act Concerning Flood Control and Shore Erosion, Public Act No. 509, Public Acts of Connecticut, 1955).

NEVADA. Water Conservancy Districts Act (Chapter 380, Statutes of Nevada, 1954-1955).

DELAWARE. Provision for creation and functioning of drainage organizations—Tax ditches—with authority for flood protection and related activities (Vol. 3, Title 7, Chapter 41, Delaware Code Annotated, 1953, as amended by Chapter 276, Laws of Delaware, 1955).

MISSISSIPPI. Drainage Districts . . . (Title 19, Chapter 7, Articles 1 and 2, Mississippi Code Annotated, 1942, as amended by Mississippi Session Laws CCH, 2d Special Session, 1955, p. 67—Senate Bill No. 1220).

COUNTY AND TOWNSHIP PARTICIPATION

WISCONSIN. Provision of authority for counties and towns (townships) to raise and expend funds for watershed protection project assistance; and authority for towns (townships) to raise and expend funds to assist programs of Soil Conservation Districts (Chapter 169, Laws of Wisconsin, 1955—No. 40, S.).

MISSISSIPPI. Provision of authority for the board of supervisors of any county to make contributions to soil conservation districts entirely or partially within the county (House Bill No. 429, Mississippi Legislature, Regular Session, 1956).

SPECIAL PARTICIPATION BY STATE AGENCIES

CONNECTICUT. An Act Concerning Watershed Soil Conservation and Flood Prevention Programs; authorizes State Commissioner of Agriculture to act as a "local organization" as that term is defined in P. L. 566, and appropriates \$500,000 to the Commissioner for the purpose of the act (Public Act No. 54, Public Acts of Connecticut, Special Session, November, 1955).

CALIFORNIA. Authorizes State Water Resources Board to pay costs of lands, easements, and rights-of-way for projects undertaken by local organizations pursuant to P. L. 566 (Chapter 1886, Statutes of California, 1955—Senate Bill No. 1874).

NORTH DAKOTA. Water Conservation Commission Act; provides broad authority for the Commission to carry out, operate, and maintain works of improvement (North Dakota Revised Code of 1943, Chapter 61-02, with amendments in 1949 supplement to Code).

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