



Conservation Districts: An Overview



The intent of the Arkansas Legislature when enacting the Conservation Districts Law in 1937, the first in the nation, was to “provide for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, and utilization of soil and water resources and the disposal of water, acquiring property or interests in land necessary to prevent and control sediment runoff, and . . . assist in the control of nonpoint source pollution, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.” Ark. Code Ann. 14-125-105. This legislation was put into place to address natural resources issues such as drought and flooding, and remains relevant today for landowners, farmers, producers and ranchers dealing with drought, declining groundwater, and sediment and nutrient concerns.

Conservation Districts Law established procedures for the formation of seventy five conservation districts which have all the powers and duties set out the Conservation Districts Law. Ark. Code Ann. 14-125-106(1). Conservation districts are local governments at work and their specific responsibility is management of our soil and water resources. The idea behind their formation is to keep decision making on soil and water conservation matters at the local level. Each district is governed by a board of five directors who serve without pay. Two directors are recommended by the local district board members to the Arkansas Natural Resources Commission for appointment and three are elected by resident landowners.

The Arkansas Natural Resource Commission (“ANRC”), formerly the Arkansas Soil and Water Conservation Commission, is the state agency, created in 1963, whose responsibilities include offering assistance to the directors of the conservation districts, coordinating the programs of the conservation districts, securing the cooperation and assistance of federal agencies, and of agencies of this state, in the work of the conservation districts.

Conservation Districts Law provides that ANRC, “in cooperation with the land grant college in the state (University of Arkansas Division of Agriculture), shall develop a program for soil conservation and for other purposes as provided for in [the Conservation Districts Law], which shall be recognized as the state’s policy in soil conservation.” ANRC’s program includes the Non-point Source (NPS)

Pollution Management Program, which addresses the impacts of non-point source pollutants associated with sediment and nutrient runoff. This program is a cooperative effort of local, state and federal agencies, including the conservation districts. ANRC receives funding from the United States Environmental Protection Agency to fund projects associated with the abatement, reduction or control of non-point source pollutants associated with sediment and nutrient runoff, and such monies are available to the conservation districts to assist with the implementation of their powers and duties.

Conservation districts have the power and duty to carry out their plans for control of sediment and nutrient runoff through a wide variety of legislative authorizations, including cooperative agreements with other agencies, undertaking construction projects for the prevention and control of flooding, such as watershed lakes, and the development of land use regulations, such as nutrient management plans and other provisions to control and prevent sediment and nutrient runoff. Ark. Code Ann. 14-125-303; Ark. Code Ann. 14-125-501, et seq; Ark. Code Ann. 14-125-601, et seq; Ark. Code Ann. 14-125-701, et seq.

Other activities of conservation districts include:

- Partner with NRCS to assist landowners with drought and Farm Bill Programs
- Beaver Population Control
- Watershed Plans
- Water Well Registration
- Poultry Operation Registration
- Conservation education programs such as grazing management field days, herbicide weed management training, water resources management, etc.

Conservation districts are sponsoring Mississippi River Basin Initiative (MRBI) projects across the state, which has provided over **\$120 million dollars** to landowners, farmers and producers to fund best management practices (BMPs) targeting water quality and water quantity. These BMPs include alternative watering facilities, grazing & pasture management, irrigation reservoirs, drop pipes & re-lifts, land leveling, stacking sheds, fencing, etc. In 2012 working with USDA-NRCS the conservation districts were able to secure **\$22 million** in drought assistance funding to help landowners address water shortages, replanting of pastures and construction of ponds. In 2016 landowners received over **\$140+ million** in financial assistance as a result of local conservation districts working with USDA-NRCS. Those funds resulted in irrigation reservoirs, fencing, watering facilities, irrigation

management practices and nutrient management conservation practices. Those dollars are spent in local communities which benefit the local and state tax revenues.

Conservation districts may cooperate with each other to exercise any or all of the powers conferred by the Conservation Districts Law. Ark. Code Ann. 14-125-308.

Conservation districts receive varying amounts of funding to support their activities. This funding is through a variety of mechanisms such as:

1. Local support – county funds, voluntary taxes, pecan sales, etc.
2. ANRC appropriation - \$10,000 - \$15,000 per district based on programs
3. ANRC – funds water quality technicians for districts in the nutrient surplus area
4. AGFC Fines Monies – restricted to conservation education programs
5. Water Well Registration Fees – restricted to information and education programs
6. Agricultural Loan Program Fees – set percentage subject to participation of local banks
7. Federal funding – they may earn USDA-NRCS funds based on the implementation of Farm Bill Programs and Initiatives such as MRBI

In order to implement an orderly approach to soil and water conservation, the Conservation Districts Law provides that any provisions enacted by a public body, such as county government, related to the operation of property are not applicable to the operation of property by a conservation district, unless the General Assembly shall specifically so state. Ark. Code Ann. 14-125-303(b). Conservation districts are committed to working with local landowners to address their natural resource concerns through a variety of voluntary, cost incentive best management practices wherever possible. Conservation districts hold locally led work group meetings with landowners, local, state and federal agencies to determine the natural resource concerns within their boundaries.

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