



DIVISION OF SOIL AND WATER CONSERVATION
North Carolina Department of Agriculture & Consumer Services
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ORIENTATION MANUAL FOR SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS

Leading North Carolina's Conservation Movement

BRIEF HISTORY

Soil and water conservation districts and their governing boards of supervisors were formed nationwide, based on enabling legislation from Congress that grew out of the devastating "Dust Bowl" and other critical conservation problems of the 1930s. This federal legislation encouraged the states to pass legislation making it possible to form soil and water conservation districts.

Dr. Hugh Hammond Bennett, a North Carolina native from Anson County, was instrumental in coordinating national efforts toward solving the critical conservation problems that the country faced. Dr. Bennett can be credited for the soil and water conservation programs around the nation today.

Many followers joined Bennett's campaign until they finally brought help from the White House to pass national legislation. In 1937, President Franklin D. Roosevelt urged each state to push for similar legislation that would enable local citizens to form soil conservation districts. That same year, the North Carolina General Assembly passed the Soil and Water Conservation Districts Law, and the local citizens organized the Brown Creek Soil and Water Conservation District.

These two events in the 1930s marked the beginning of an experiment to see if local, democratically organized, and controlled subdivisions of state government could develop programs to save our natural resources. North Carolina was the second state to pass such a law, and Brown Creek was the first District organized in the United States.

Under North Carolina General Statute 139, soil and water conservation districts are organized, through the efforts of local citizens, to plan and carry out a comprehensive conservation program that the local people need and want. District affairs are managed by the local district board of supervisors with help from individuals and groups involved in a coordinated conservation program, including resources from local, state, and federal agencies. This way, governmental assistance in conservation programs remains under local control. It is commonly held that local people, rather than state or federal government, can better manage their own program and resources through a soil and water conservation district.

Since 1937, this type of self-government has contributed greatly to the protection, improvement, and wise use of land water resources with positive changes seen in farm income, family well-being, and stabilization of local communities.

WHAT IS A SOIL AND WATER CONSERVATION DISTRICT?

A soil and water conservation district is a governmental subdivision of the state of North Carolina, and a public body, corporate and politic, organized according to the Soil and Water Conservation District Law, operating within the powers set forth in the Law.

Its purpose is to provide for the conservation, development and proper utilization of the soil and water resources of this state, and for the control and prevention of soil erosion. In fulfilling this purpose, districts work to preserve natural resources, improve water quality, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, protect wetlands, and protect and promote the health, safety, prosperity, and general welfare of the people of this state.

It is also the district's purpose to alleviate and prevent flood damage; to conserve the waters of the state through improvement and through impoundments for effective use and various beneficial purposes; to develop private lands and waters of the state for recreational purposes; to promulgate soil and water conservation practices and measures which beautify the landscape, and promote the economic welfare of communities, counties, and areas of the state; and to provide leadership to other governmental agencies, departments and private groups in the promotion of the conservation of land, water, and related resources.

FUNCTION OF THE CONSERVATION DISTRICT

To take available technical, financial, and educational resources, whatever their source, and focus or coordinate them so that they meet the needs of the local land user for conservation of soil, water, and related resources.

DISTRICT ORGANIZATION

Each soil and water conservation district is administered by a five (5) person board of supervisors. Three of these supervisors are elected at the same time as the regular election of county officers. This election is nonpartisan and is conducted by the respective county board of elections. Two (2) supervisors are appointed by the North Carolina Soil and Water Conservation Commission upon recommendation of the local district board of supervisors. All five supervisors serve terms of office that are four years in length.

The officers of the district are: chairperson, vice-chairperson, and secretary; many districts also select a treasurer. Each of these officers is elected annually. The district is encouraged to take this action in January or February.

Each district may appoint associate supervisors, committees, and other ad hoc groups as required to carry on a comprehensive conservation program. District supervisors may serve on county boards and committees, such as planning boards, erosion and sediment control boards, farmland protection boards, and watershed organizations.

POWERS OF DISTRICTS AND SUPERVISORS - NC G.S. 139-8

Soil and water conservation districts and their respective boards of supervisors are given broad powers to plan and conduct their conservation programs. The following excerpt from the law outlines those powers:

- (a) A soil and water conservation district organized under the provisions of this Article shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers in addition to others granted in other sections of this Chapter:
- 1) To conduct surveys and investigations relating to the character of soil erosion and floodwater and sediment damages, and to the conservation, utilization, and disposal of water, the development of water resources, and the preventive and control measures and work of improvement needed, to publish the results of such surveys and investigations, and to disseminate information concerning such preventive and control measures and works of improvement.
 - 2) To carry out preventive and control measures and works of improvement for flood prevention or the conservation, utilization, and disposal of water and development of water resources within the district, including, but not limited to engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in subsection (a) subdivision (3) of G. S. 139-2, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupiers of such lands or the necessary rights or interest in such lands.
 - 3) To cooperate, or enter into agreements with, and within the limits or appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupiers of land within the district, in the carrying on of erosion control and prevention operations, and works of improvement of flood prevention or the conservation, utilization, and disposal of water and development of water resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this Chapter.
 - 4) To obtain options upon and to acquire by purchase, exchange, lease, gift, grant, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this Chapter; and to sell, lease, or otherwise dispose of its property or interests therein in furtherance of the purposes and the provisions of this Chapter.
 - 5) To make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water and the development of water resources.
 - 6) To construct, improve, operate, and maintain such structures, works and projects as may be necessary or convenient for the performance of any of the operations authorized in this Chapter, including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake.
 - 7) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and for flood prevention or the conservation, utilization and disposal of water

and development of water resources, within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to bring such plans and information to the attention of occupiers of lands within the district.

- 8) To act as agent for the United States, or any of its agencies, in connection with the acquisition, construction, operation, or administration of any project for soil conservation, erosion control, erosion prevention, flood prevention, or for the conservation, utilization, and disposal of water and development of water resources, or combinations thereof, within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations, except that all forest tree seedlings shall be obtained insofar as available from the Department of Environment and Natural Resources in cooperation with the United States Department of Agriculture.
- 9) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this Chapter, to carry into effect its purposes and powers.
- 10) As a condition to the extending of any benefits under this Chapter to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreement or covenants as to the permanent use of such lands as will tend to prevent or control erosion and prevent floodwater and sediment damages therein.
- 11) No provision with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized there under unless the legislature shall specifically so state.
- 12) Nothing contained in this Chapter shall authorize or allow the withdrawal of water from a watershed or stream except to the extent and degree now permissible under the existing common and statute law of this State; nor to change or modify such existing common or statute law with respect to the relative rights of riparian owners or others concerning the use or disposal of water in the streams of this State; nor to authorize a district, its officers or governing body or any other person, firm, corporation (public or private), body politic or governmental agency to utilize or dispose of water except in the manner and to the extent permitted by the existing common and statute law of this State.
- 13) To assist the Commission in the implementation and supervision of the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to G.S. 106-850 and to assist in the implementation and supervision of any other program intended to protect water quality or quantity administered by the Department of Agriculture and Consumer Services by providing technical

assistance, allocating available grant monies, and providing any other assistance that may be required or authorized by any provision of federal or State law.

(b) A district supervisor may apply for and receive a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, or the Agricultural Water Resources Assistance Program created pursuant to Article 5 of this Chapter if:

- 1) The district supervisor does not vote on the application or attempt to influence the outcome of any action on the application; and
- 2) The application is approved by the Commission.

YOUR RESPONSIBILITIES AS A SUPERVISOR

You are the key to the success of your local district. The task of coordinating the efforts of all agencies, organizations and individuals with responsibilities in soil and water conservation is under your direction. How well you conduct the affairs of your district will be reflected in the accomplishments of the district.

You are a public official responsible only to the people of your district. Your challenge is to:

1. Give attention to the problems and opportunities of your district through regular board meetings.
2. Call on others for assistance. The following organizations and individuals may help:
 - a) Board of County Commissioners
 - b) Representatives of federal, state and local organizations
 - c) Agricultural agencies
 - d) Farm organizations
 - e) Local development groups
 - f) Civic and business leaders
 - g) Leading farmers
 - h) Environmental and other special interest groups
 - i) Local Boards of Election
3. Achieve six clock hours of training per term of service as required by NC General Statute 139-7.2. In addition, attend mandatory training hosted by the UNC School of Government at the first offering during your service.

The legislature has given soil and water conservation district supervisors broad powers to develop and carry out soil and water conservation programs. To carry out these powers, only supervisors can and should take the initiative to provide the leadership to carry out certain responsibilities. The following is a listing of some of those responsibilities:

1. Maintain an up-to-date long-range soil and water conservation program. By agreement, your program plan is to be updated at least every five years.

2. Participate in developing and carrying out the annual work plan.
3. Prepare for, conduct and participate in district board meetings and attend NCASWCD state and area meetings. Soil and Water Conservation Commission policy requires each appointed supervisor to attend at least 2/3 of regularly scheduled district board meetings to be eligible for reappointment.
4. Provide for the keeping of a full and accurate record (minutes) of all proceedings and of all resolutions, regulations, and orders issued or adopted.
5. Prepare and distribute an annual report.
6. Secure needed funds for adequate district operations and oversee proper dispersal of funds according to state law.
7. Prepare an annual budget and maintain an adequate bookkeeping system that reflects all income and expenditures. Prepare an annual financial statement and an annual audit as required in NC G.S. 139.7.
8. Employ personnel and determine their qualifications, duties, and compensation. Keep abreast of performance and provide administrative supervision. In districts where county government manages district employees, be active with the county in handling personnel details.
9. Solicit and utilize all available resources to assist in developing and carrying out the district's soil and water conservation program; coordinate the inputs of these resources.
10. Serve as an "up-front" person for the district by presiding at public functions sponsored by the district and representing the district at functions that are related to soil and water conservation work.
11. Assist with election and appointment of district supervisors as an open public process and appoint associate supervisors, committees, and advisors as needed.
12. Annually designate a chairperson, vice-chairperson, secretary, and [optional] treasurer for the board of supervisors (usually in January).
13. Execute surety bonds for employees and officers who are entrusted with funds or property.
14. Purchase, manage, and maintain district equipment.
15. Furnish to the State Soil and Water Conservation Commission, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties.
16. Establish district policies.
17. Establish priority of work.
18. Sponsor and actively participate in educational activities to inform the people about the soil and water conservation program and enlist their support.
19. Enter into working agreements or memorandums of understanding for assistance and cooperation in carrying out the soil and water conservation program. Currently, most districts have Mutual, Cooperative, and Operational Agreements outlining working relations with federal, state and local governments.
20. Approve and cancel land user-district cooperative agreements.
21. Pay state and national dues to NCASWCD and NACD respectively.
22. Establish and maintain communications with leaders in the district who can support the district's programs
23. Make decisions in response to all proposals presented to the board.

FUNDING YOUR DISTRICT'S PROGRAM

Funding is provided to local soil and water conservation districts from federal, state, and local governments. Also, many districts develop fund raising activities including grants and services. Funding sources include those described below:

1. *Local* – Most districts receive funding from their county government. County funding may include appropriations that fund office space, personnel, and equipment. In some cases, city government may also provide funds to districts for specific conservation programs and projects.
2. *State* – North Carolina provides technical and administrative assistance, and some equipment through the Division of Soil and Water Conservation. Financial assistance is also provided to districts by the State. This funding is administered by the N.C. Soil and Water Conservation Commission with staff assistance from the Division of Soil and Water Conservation. Funding is available through (1) matching funds to districts, (2) the Agriculture Cost-Share Program, (3) the Community Conservation Assistance Program, (4) the Agricultural Water Resources Assistance Program, (5) grants, and (6) special project funds.
3. *Federal* - The NRCS provides personnel, technical assistance and equipment for support of the district's conservation program. In specific cases, NRCS may also provide financial assistance connected with federally initiated conservation programs implemented through local districts.
4. *Independent Fund Raising* – Many districts use various activities to raise money or to receive donations. The practice of selling tree seedlings or conservation materials are examples. Some districts also obtain grants for special projects or charge fees for services.

Important Note: All funds that a District receives are public monies! The district is a governmental body and must administer and account for all funds according to the NC Local Government Budget and Fiscal Control Act and any local ordinances.

DISTRICT MEETINGS

Number: Although the District Law does not establish how often the district must meet, regular monthly meetings are usually needed to keep district affairs current.

Agenda: Before each meeting, the chairperson and district and NRCS personnel should prepare an agenda. Copies of the agenda, with any pertinent materials, should be distributed to each supervisor before the meeting. To prepare a thorough agenda, review the (1) annual work plan, (2) minutes of the previous meeting, and (3) correspondence received during the past month. A copy of the agenda should be sent to each cooperating agency and to anyone appearing on the program.

Presiding Officer: Each year, the board elects one of its members as chairperson who presides at every meeting. In the absence of the chairperson, the vice-chairperson should conduct the meeting. Meetings should be conducted by following "Robert's Rules of Order".

Quorum: A majority of the board of supervisors shall constitute a quorum. No official action can be taken in the absence of a quorum. A quorum is necessary at local district meetings before supervisors can claim reimbursement for expenses. A quorum is not necessary at area and annual Association meetings for reimbursement to be claimed.

Minutes: Minutes of board meetings are one of the most important documents in the district's operation. The District Law states that each action of the board, including the expenditure of funds, requires a majority vote by the supervisors. Since minutes may be the only record of voting action taken, they legally provide the basis for

each expenditure of funds, or other action. The record copy of each set of minutes should be signed by the board secretary and the chairperson indicating their approval. A copy of each set of minutes should be sent to: (1) the Division state office, (2) the Area Coordinator, (3) the NRCS Assistant State Conservationist for Field Operations, and (4) the NRCS state office.

Attendance: The district should invite all cooperating agencies to each meeting so these agencies will be kept up-to-date on the district's program. Likewise, the district needs to be aware of programs involving cooperating agencies.

Open Meetings Law: Districts must comply with the Open Meetings Law, pursuant to NC G.S. 143-318.9-18.

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION

The North Carolina Soil and Water Conservation Commission is created by NC G.S. 106-840 and is organizationally located in the Department of Agriculture and Consumer Services (NCDA&CS). The commission membership, as established by NC G.S. 106-841, is composed of seven members appointed by the Governor as follows:

- 1) The president, first vice-president, and immediate past president of the North Carolina Association of Soil and Water Conservation Districts. Vacancies arising in any of these positions shall be filled through appointment by the Governor upon the nomination by the executive committee of the North Carolina Association of Soil and Water Conservation Districts.
- 2) Three supervisor members nominated by the North Carolina Association of Soil and Water Conservation Districts from its own membership representing the three major geographical regions of the State and appointed by the Governor.
- 3) One member appointed at large by the Governor.

POWERS AND DUTIES OF THE NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION - NC G.S. 139-4

In addition to the powers and duties assigned in NC G.S. 106-840 the commission has the following powers and duties:

- 1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.
- 2) To keep the supervisors of each of the several districts organized under the provisions of this Chapter informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.
- 3) To coordinate the programs of the several soil and water conservation districts organized hereunder so far as this may be done by advice and consultation.
- 4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts.

- 5) To disseminate information throughout the State concerning the activities and programs of the soil and water conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.
 - 6) Upon the filing of a petition signed by all of the district supervisors of any one or more districts requesting a change in the boundary lines of said district or districts, the Commission may change such lines in such manner as in its judgment would best serve the interests of the occupiers of land in the area affected thereby.
 - 7) To receive, review, and approve or disapprove applications for planning assistance under the provisions of Public Law 566 (83rd Congress, as amended), and recommend priorities on such applications.
 - 8) To supervise and review small watershed work plans pursuant to NC G.S. 139-41.2 and 139-47.
 - 9) To create, implement, and supervise the Agriculture Cost Share Program for Nonpoint Source Pollution Control pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, and the Agricultural Water Resources Assistance Program as provided by G.S. 139-8(b).
 - 10) To review and approve or disapprove the application of a district supervisor for a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the Community Conservation Assistance Program, or the Agricultural Water Resources Assistance Program as provided by G.S. 139-8(b).
- (e) A member of the Commission may apply for and receive a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the Community Conservation Assistance Program, or the Agricultural Water Resources Assistance Program if:
- 1) The member does not vote on the application or attempt to influence the outcome of any action on the application; and
 - 2) The application is approved by the Commissioner of Agriculture.

NORTH CAROLINA ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS (NCASWCD)

The North Carolina Association of Soil and Water Conservation Districts, created in 1944, is a non-profit, non-governmental organization whose membership includes every district supervisor in North Carolina.

Association's Mission Statement: "The purpose of the NC Association of Soil and Water Conservation Districts is to connect, coordinate and build the capacity of soil and water conservation districts to help all citizens protect and conserve natural resources."

The primary goals of the Association include:

1. Promoting an interest in the activities and programs of Soil and Water Conservation Districts and to coordinate the exchange of knowledge and information between Districts;

2. Promoting suitable standards of conservation, restoration, management and the proper use of the State's soil, water, and other natural resources;
3. Addressing, and forming policies on, such issues as land use planning, non-point source water pollution, watershed protection, soil and water research efforts, and the overall environmental quality of North Carolina;
4. Fostering the accumulation and exchange of the knowledge of, and to disseminate information pertaining to, conservation, restoration, management, and the proper use of all of the State's natural resources;
5. Promoting, sponsoring, and conducting research and disseminating knowledge concerning conservation, restoration, management, and proper use of the State's soil, water, and other natural resources to the people of North Carolina;
6. Promoting and sponsoring educational programs of all types relating to the conservation, restoration, management, and proper use of the soil, water, and other natural resources of the State of North Carolina;
7. Securing the cooperation and assistance of local, state, and federal agencies and/or organizations and private citizen's organizations interested in natural resource conservation in furtherance of local Soil and Water Conservation District programs; and
8. Assisting and encouraging individuals in the study of natural resource conservation and management.

The Association has organizationally divided the state into eight areas. Each area has its own officers who conduct at least two area meetings each year, one in the spring and one in the fall. These area meetings provide district supervisors and other agencies an opportunity to exchange ideas and make input into the Association policies and programs. The Association relies on its Executive Committee for continuing leadership. The NCASWCD Executive Committee is made up of the following offices:

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| President | Secretary |
| First Vice-President | Treasurer |
| Second Vice-President | Board Member (To NACD) |
| Immediate Past President | Eight (8) Area Chairpersons |
| Chairman of the Legislative Committee | |
| Chairman of the Finance Committee | |

NCASWCD carries out many of its activities through standing committees. Each of these standing committees is made up of one district supervisor from each of the eight Association areas. In addition, each year, the Association's First Vice-President appoints district supervisors to serve as chairperson for each of the eight respective committees.

The Association's standing committees are:

1. Community Conservation
2. District Operations
3. Education
4. Finance
5. Legislative
6. Natural Environment
7. Research and Technology
8. Water Resources

In addition to the area and state meetings, the Association sponsors an extensive awards and recognition program. They also sponsor an annual Resource Conservation Workshop and an Envirothon for youth as well as various other educational programs.

NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS (NACD)

The National Association of Conservation Districts is the national voice for the nation's nearly 3,000 conservation districts. Its programs and activities are aimed at advancing the resource conservation cause of the local district and the millions of cooperating landowners and land managers served by them. Conservation districts have worked to promote and establish the wise use of soil and water resources. Thus far, the gains for all Americans have been dramatic.

NACD was founded in 1946 following the Dust Bowl days and the creation of the nation-wide conservation district system. It is built on the philosophy that conservation decisions should be made by local people with technical and funding assistance provided by federal, state and local governments.

NACD's mission is to serve conservation districts by providing national leadership and a unified voice for natural resource conservation.

Among the goals of the organization are to:

1. Represent districts as their national voice on conservation issues;
2. Provide useful information to conservation districts and their state associations;
3. Build partnerships with federal and state agencies and other organizations in order to carry out district priorities and programs;
4. Analyze programs and policy issues that have an impact on local districts; and
5. Offer needed and cost-effective services to districts.

NACD is a grass roots organization whose governing board members and officers are representatives from local district membership. Individual districts shape the policies of state associations. The state associations, through membership on the NACD Board decide national policies at the NACD annual meeting.

SOIL AND WATER CONSERVATION DISTRICT ROLES

A Modern Interpretation of Soil and Water Conservation District Authorities under North Carolina Law

Adapted from April 2007 document by D. Vogel

When the North Carolina General Assembly first passed General Statute s.139 and s.143 [now s. 106] in 1937, the state's conservation needs and the number and function of federal, state and local agencies were vastly different from what they are today. The legislation established a state and local partnership with the federal government to protect and restore soil and water resources, and to assist private landowners in using conservation practices. This partnership has formed the backbone of highly successful efforts over the past seventy years to address serious problems in soil erosion, flood damage and early water quality problems.

Since 1937, however, North Carolina has seen the establishment of new federal, state and local government agencies to deal with protection of natural resources and to otherwise regulate landowners' activities. Many of these agencies function through mandates and regulations, while the local soil and water conservation districts traditionally focused on non-regulatory programs. The North Carolina General Assembly has maintained good support for conservation programs and has tried, with some success, to use conservation programs to assist landowners to meet their obligations associated with regulatory programs.

Despite this fact, supervisors in many of North Carolina's 96 soil and water conservation districts have trouble relating their general statutory authorities to today's regulatory approach. As agencies and commissions enact top-down federal or state mandates for landowners, the districts continually need to show the role for non-regulatory programs. District supervisors need to understand how their district law provides authority to meet the modern needs of landowners and citizens in natural resource protection and conservation through non-regulatory private lands stewardship.

A modern role provides opportunities for soil and water conservation districts and their partners to become more important participants in natural resource protection programs and in private and public land stewardship decisions. The most recent national Farm Bills stress the need for locally led conservation and reaffirm the role of soil and water conservation districts to serve the state's landowners and agricultural producers, and direct priorities in farm programs. State initiatives in water resource protection, land management, and the goal for smaller and less intrusive state government all provide opportunities for soil and water conservation districts to assume a larger local role in important statewide conservation and resource protection issues.

To take advantage of these opportunities, soil and water conservation districts must adapt their programs to address new challenges. As local leaders, supervisors need to understand the powers and responsibilities of soil and water conservation districts, and how the "well-worn" powers and approaches authorized under the conservation statute can fit into today's landscape for conservation - a landscape reshaped since the conservation statute was first passed in 1937.

CREATION, POWERS AND DUTIES UNDER GENERAL STATUTE s. 139

North Carolina's 96 soil and water conservation districts were established under NC General Statute s. 139 as sub-divisions of the State of North Carolina. Generally, the powers of districts and supervisors are quite broad, and relate to development and implementation of soil and water conserving practices on private lands, with similar responsibilities in cooperation with state and local agencies managing publicly-owned lands. These duties are performed in conjunction with federal and state partners through the Conservation Partnership, under an agreement between the U.S. Department of Agriculture, the Governor, and soil and water conservation districts, and involve the cooperation of the North Carolina Department of Agriculture and Consumer Services, and the North Carolina Association of Soil and Water Conservation Districts

Soil and water conservation district powers and duties are described in General Statute s. 139. The authority is quite broad, and includes the following:

1. To *conduct surveys, investigations, and research* on soil erosion, floodwater and sediment damages, on conservation, development and utilization of soil and water resources and the disposal of water, and on

preventive and control measures, and conduct *demonstration projects* to demonstrate effective conservation methods;

2. To *carry out preventive and control measures for conservation*, development and utilization of soil and water resources, and the disposal of water, such as engineering, methods of cultivation, vegetation, changes in use of land, and other measures on private lands or public-owned lands, *with the cooperation of landowners or the public land management agency*;
3. To *develop comprehensive plans for conservation* of soil and water resources, for the control and prevention of soil erosion, for flood prevention or the conservation, development and utilization of soil and water resources, and disposal of water. Plans may specify engineering, methods of cultivation, vegetation, cropping programs, tillage practices, changes in use of land, and control of artesian wells;
4. To *manage as agent of federal or state agencies* any soil-conservation, erosion-control, erosion-prevention project, or any project for flood-prevention or for the conservation, development and utilization of soil and water resources, and the disposal of water, and to accept contributions in money, services, or materials from federal or state agencies in carrying on its operations;

In addition, the law provides authority to: cooperate or *enter into agreements* with public agencies and landowners in conservation activities; to *acquire property, or rights or interests* therein; to *maintain, administer, and improve any properties* acquired; to make available to landowners agricultural and engineering machinery and equipment and supplies to assist conservation activities; and to construct, improve, operate and maintain such structures as may be necessary for the performance of operations authorized in law.

The law also provides authority to soil and water conservation districts to *adopt land use regulations* governing the use of lands within the district in the interest of conserving soil and soil resources. However, because the responsibility for modern land use decisions resides primarily with county government, soil and water conservation districts do not adopt such regulations, but cooperate with local government on conservation issues involving land use planning (e.g., conservation easements, voluntary agriculture districts or helping develop steep slope ordinances).

The law encourages cooperation among districts, and requires *state agencies to cooperate* to the fullest extent with the districts in their programs. This includes agencies that manage state-owned or county-owned lands. Supervisors may utilize the services of the *county agricultural agents* and the facilities of the county agricultural agents' offices as far as practicable and feasible. Supervisors may also invite *municipal or county representatives* to advise and consult with the district on issues that affect local property, water supply, or other interests.

To apply these existing powers to participate in modern conservation and resource management issues, supervisors must understand today's issues and how they relate to a supervisor's role in a soil and water conservation district.

SUPERVISOR ROLES AND RESPONSIBILITIES IN A MODERN SOIL AND WATER CONSERVATION DISTRICT

It is the responsibility of the soil and water conservation district supervisors to provide the consensus leadership at the local level to make decisions regarding the community's natural resource priorities, and to determine

how best to meet local natural resource needs through cooperation with landowners and partnering organizations. This is the role for soil and water conservation districts as envisioned by their enabling legislation in 1937, as well as by the 1996 Farm Bill theme for Locally-Led Conservation. *A fundamental role for the board of supervisors is to bring together at the local level all interested and affected parties, together with the support organizations charged with providing technical and administrative assistance, to develop and implement a plan to address the community's natural resource concerns.*

Through a locally-led consensus process, or the Community Conservation approach, supervisors help to identify and determine priorities for conservation programs, and work with partners to implement programs, which provide assistance to landowners, agricultural producers, local residents and local government units. It is not necessary for a soil and water conservation district to possess all the resources needed to implement conservation programs. Under the federal model law, and state law, *soil and water conservation districts have access to expertise and resources of their federal and state partners, and should rely in part on partners' cooperation and assistance in meeting local priorities. However, supervisors should seek to develop local technical and financial resources within a district to the degree feasible, to expand the numbers and types of tools in the "conservation toolbox", and to expand a district's capabilities to deliver local conservation programs.*

Based on today's conservation landscape, supervisors should apply the powers and authorities of soil and water conservation districts *in new and innovative ways* to accomplish this basic role. Supervisors must seek new ways to work with traditional partners, and must establish new partnerships with other organizations - both state and local - to fill modern roles.

ADAPTING TO CHANGE

Although there is a sound basis in state law for a more comprehensive district role in today's conservation landscape, *many supervisors resist changes needed to adapt to these roles.* This resistance may be due to a perception that districts have lost many traditional customers, and that modern programs have become too complex or regulatory, or that a lack of new funding prevents a district from being a serious participant in many modern local and state issues. New supervisors taking office sometimes express frustration with the lack of district activity in current issues, and may be confused about the role a district should play in current local or state programs. With this frustration and confusion, supervisors may miss opportunities to serve their local landowners and local governments, or may become entangled in complex local issues without a clear plan of action.

On the other hand, many of North Carolina's soil and water conservation districts have adapted to serve new customers and to obtain new sources of funding. These districts have responded mainly due to the *leadership of individual supervisors.* Under Farm Bill programs, many districts have convened active *local working groups* to identify local resource concerns, and to develop program proposals to address those concerns. In a state with rapid growth, some districts have been able to assume a role in *community-based conservation issues,* and in helping to bridge the gap between rural and urban residents. Nearly all districts maintain active *educational programs* along traditional lines and in new programs to educate students and teachers about conservation. Several districts have found opportunities to assume roles in *public land management.* A few districts have become active in their *local planning* process.

The Division of Soil and Water Conservation's active participation in water quality and water policy issues has expanded district exposure to *critical state and federal water resource protection issues*. These efforts are bringing soil and water conservation districts together with *new partners* (i.e., DENR divisions, local land trusts, private river associations) to participate in solutions to issues on water quality and land management. As these new roles are identified, the Division and the Association are working together to provide technical and financial assistance to soil and water conservation districts, through legislation, grants, contracts, and training.

The Core Partnership itself has recognized the need to improve communication and effectiveness in dealing with one another as we seek to expand the role for the partnership in meeting today's challenges. As district supervisors adapt to change, so too must the partnership.

In summary, the *authorities* of a soil and water conservation district and the district supervisors are identified in law, but the *roles and responsibilities* are, to a large degree, subject to local needs and opportunities as well as individual leadership abilities. Because a soil and water conservation district operates within a partnership, a supervisor's role must result from a careful blend of local, state and national priorities. Of course, supervisors should be ever mindful that it is their local accountability and the trusting, local relationships that make a soil and water conservation district a unique organization in North Carolina. It is only through the dedicated service of supervisors, recognizing today's natural resource management needs, and developing technical capabilities in the district, and through support from partnering organizations, that districts can fulfill these modern roles and responsibilities. However, *it must all start with the understanding and goals of the individual supervisor and his or her dedication to serve and to help local landowners apply conservation as a means to conserve and protect local land and water resources and to sustain working lands.*

North Carolina state law provides the foundation for sustaining and adapting conservation programs to meet a wide range of community-based needs. By demonstrating the ability and willingness to apply conservation programs to meet today's challenges, soil and water conservation districts can reinforce to legislators, the agriculture community, their local communities, and the general public the wisdom of the original framers of the conservation statute that soil and water conservation districts represent a unique and preferred pathway to work with private landowners and public agencies to help resolve many of today's natural resource issues.

MORE HELPFUL INFORMATION IS AVAILABLE

1. Division of Soil and Water Conservation – <http://www.ncagr.gov/swc/>
2. N.C. Association of Soil and Water Conservation Districts - <http://www.ncaswcd.org/>
3. National Association of Conservation Districts – <http://www.nacdnet.org>
4. North Carolina Department of Agriculture and Consumer Services - <http://www.ncagr.gov/sw/>
5. USDA-Natural Resources Conservation Service – (national website) <http://www.nrcs.usda.gov>, (North Carolina website) <http://www.nc.nrcs.usda.gov>
6. United States Department of Agriculture – <http://www.usda.gov>
7. Supervisor's Training Workshop, Institute of Government, UNC-Chapel Hill
8. Soil and Water Conservation Districts Law 2 – NC G.S.139
9. North Carolina Agriculture Cost Share Program, Community Conservation Association Program and Agricultural Water Resources Assistance Program
10. NRCS Field Office Technical Guides