

Chapter 1: Introduction

NRCS initiated a study of the conservation effects on rural America in 1993. An interagency team was organized to provide guidance on this study. Although the original goal of the study team was to analyze the impact of conservation activities on all rural areas of the Nation using a representative sample of counties, the study team soon recognized the limitations of resources. Therefore, the team made a decision to limit the study to some selected regions of the country for a more focused study. The criteria for selecting a study region were finally agreed upon as follows:

- Representation in resources problems
- Data availability of the selected regions
- Regional representation in geography
- Various levels of using current USDA conservation programs
- Similarity of counties within a region in overall economic activities

A subcommittee of the study team was responsible for identifying and selecting regions according to the above criteria. The study team used Rand-McNally's U.S. map to mark the regions or areas having the desired attributes, and then recommended 31 regions. However, because of funding limitations, the team decided to further reduce the scope of research to 10 regions. In addition, because there is a need for pilot testing the study methodology developed and used by the University of Tennessee, two more regions from Tennessee were added.

Therefore, the study involves 12 multicounty regions, which cover a total of 204 counties. To understand the statutory requirements and limitations on the environmental resources conservation programs activities, a subcommittee of the study team did a review of Federal conservation legislative history. However, the team agreed that conservation activities of farmers and land users were also highly guided or influenced by the state and local laws and regulations. Therefore, a recommendation was made that if resources were available, the team should review and document at least the laws and regulations of the states within the regions being selected for the study.

Based on the 12 selected multicounty regions, in 1995 a subcommittee of the study team initiated a special study on the state and local legal requirements for resources conservation. It started with a direct survey of the state and local laws on conservation by using the existing administrative structure of the NRCS. A letter was mailed to individual NRCS state offices and selected district offices requesting cooperation in providing documents and materials on existing soil and water conservation laws and regulations. The key requests include the following:

- A list of county laws, rules, regulations, and ordinances guiding resources conservation activities in the district.
- A list of the applicable state laws, rules, and regulations on conservation activities in the district and state.
- A list of known statutes or rules and regulations not covered in the two items above (i.e. regional statutes, rules, or regulations) that are used to guide conservation activities in the district and state.

Basically, three stages were applied in conducting the research on conservation laws and regulations. The first stage was to conduct a comparison of the 50 states' implementation of the Standard Soil and Water Conservation District Laws by

examining the individual states' modified statutes and applications of the standard district law. That report was first completed and reported as the *No. 3 Working Paper of the Third RCA*. It details the differences in names for the soil and water conservation organization in the state bureaucracy and the districts, the organization, functions and powers, and financing of the conservation district in each state, including Puerto Rico and the Pacific Basin Islands.

The second stage was to analyze the statutes, and regulations provided by the NRCS state and district offices. These responses and state statutes were further classified into the following major categories:

State Soil and Water Conservation District Laws

State and Selected County Erosion and Sediment Control Laws

State and Selected County Ground Water Laws

State Water Quality and Management Laws

State and Selected County Flood Plain and Stormwater Control Laws

State and Selected County Wetlands Conservation Laws

State and Selected County Prime Farmland, Rangeland Protection, and Forest Land Conservation Laws

State Surface Mining Laws

State and Selected County Organic Waste and Confined Animal Feeding Operations Laws

State Nutrient, Pesticide, and Seed Laws

State Wildlife and Wildlife Habitat Protection Laws

Additional research was then conducted by using the existing data bases on state laws for each of the above major state statutory categories. Because limited county or NRCS district offices were selected to respond to the letter for legal information, only a limited number of district offices were able to provide information of county laws and regulations. Therefore, the reports on county laws should be considered as selective rather than comprehensive examples of these counties where information on county laws and regulations was provided.

The overall report is organized according to the sequence of the above topics in chapters. For easy reference, each chapter generally begins with a summary section and then follows with the contents. This first provides an analyzes of the common and unique features of the 17 state statutes, and then information is given on the local laws and ordinances of those counties where legal requirement information is available (fig. 1).

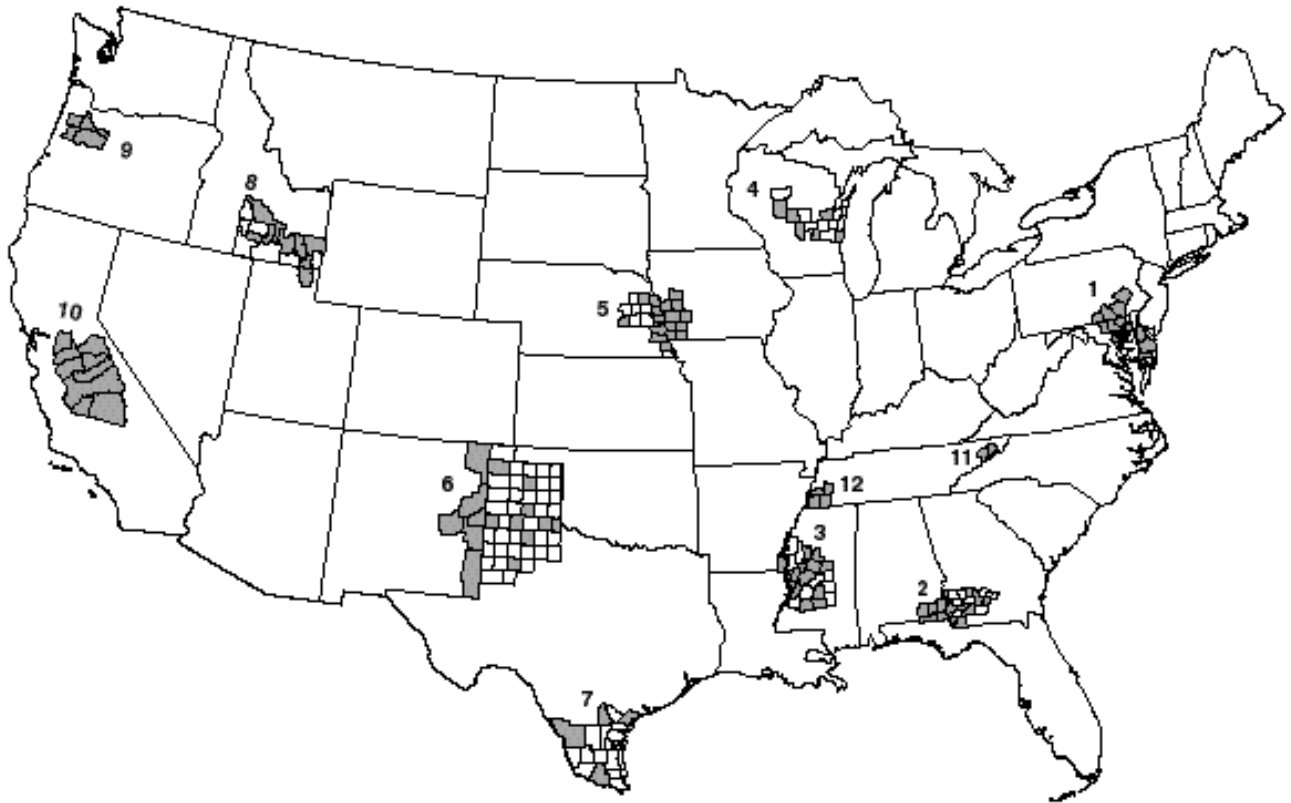


Figure 1. Regions (numbered), states, and counties in report. Counties that were selected and responded to the survey are shaded on the map.

Region	State	County	Region	State	County					
1.....	Delaware	Kent	5	Nebraska	Burt					
		Sussex			Cass					
	Maryland	Anne Arundel			Cuming					
		Baltimore			Douglas					
		Carroll			Otoe					
		Harford			Polk					
		Kent			Sarpy					
		Somerset			Washington					
	Pennsylvania	Adams			6	New Mexico	Curry			
		Berks					De Baca			
		Lancaster	Lea							
		York	Quay							
	2.....	Alabama	Coffee	7			Texas	Roosevelt		
Dale			Union							
Geneva			Armstrong							
Henry			Childress							
Houston			Dallam							
Georgia		Baker	Floyd							
		Clay	Hall							
		Decatur	Hutchinson							
		Early	Lynn							
		Lee	Parmer							
		Mitchell	Swisher							
		Seminole								
		Tift								
Worth										
3.....	Arkansas	Chicot	8	Idaho	Bannock					
		Mississippi			Attala	Blaine				
	Carroll	Caribou								
	Copiah	Franklin								
	Holmes	Jerome								
	Issaquena	Minidoka								
	Leflore	Power								
	Rankin	Utah			Cache					
	Sharkey	9			Oregon	Benton				
	Smith					Linn				
	Warren		Marion							
	Yazoo		Polk							
	4.....		Wisconsin	Adams		10	California	Calaveras		
Clark				Fresno						
Green Lake				Kings						
Outagamie				Madera						
Sheboygan				Mariposa						
Wood				Merced						
5.....		Iowa	Cass	11	Tennessee			Greene		
			Crawford					Washington		
			Fremont					12	Tennessee	Fayette
			Harrison							Haywood
			Mills			Shelby				
			Montgomery			Tipton				
			Page							
	East Pottawatamie									
	West Pottawatamie									
Shelby										

