



Arizona Conservation District Authorities

*Arizona Association of Conservation Districts
District Training Program
2018*

Arizona Enabling Act



- ❧ Arizona Revised Statutes, Annotated , TITLE 17 Chapter 8 Natural Resource Conservation District Law (First enacted **March 17, 1941**, followed by Amendments by the Arizona Legislation)
- ❧ Conservation District Statues are **now in ARS Title 37, Chapter 6**
- ❧ State-level administration of Districts was originally provided by the State Soil Conservation Committee (1941- 1945) consisting of:
 - ❧ Governor - Sidney P. Osborne
 - ❧ Land Commissioner - O.C. Williams,
 - ❧ Water Commissioner - C.H. Smith,
 - ❧ Director of Extension Service - C.U. Pickrell
 - ❧ Soil Conservation Service Coordinator - Allen F. Kinnison



Conservation District Mission



- ❧ “It is declared the policy of the legislature to provide for
- ❧ **the restoration and conservation of lands and soil resources** of the state, the
- ❧ **preservation of water rights** and the
- ❧ **control and prevention of soil erosion**, and thereby to
- ❧ **conserve natural resources,**
- ❧ **conserve wildlife,**
- ❧ **protect the tax base,**
- ❧ **protect public lands and protect and**
- ❧ **restore this state's rivers and streams and associated riparian habitats, including fish and wildlife resources** that are dependent on those habitats, and in such manner to protect and
- ❧ **promote the public health, safety and general welfare of the people.”** *ARS Title 37 Chapter 6 - 37-1001*

Arizona NRCD Statutory Authorities



- ⌘ Natural Resource Assessment and Planning
- ⌘ Research and Education
- ⌘ Technical and Financial Assistance
- ⌘ Cooperation and Coordination

Natural Resource Assessment and Planning



- ☞ Arizona recognizes the special expertise of the districts in the fields of land, soil, water and natural resources management within the boundaries of the district. [ARS.37.1054.A](#)
- ☞ **A District is empowered to develop, publish and bring to the attention of landowners within the district comprehensive plans for the conservation of soil and water resources within the district** that specify in such detail as may be feasible the acts, procedures, performances and avoidances necessary or desirable for the effectuation of the plans.

[ARS.37.1054.A.6](#)

Natural Resource Assessment and Planning



- ❧ A district may **send to the Arizona water protection fund commission written recommendations** for geographic areas to be emphasized, issues of concern and measures to implement. [ARS.37.1054.D](#)
- ❧ A district that sends written recommendations to the commission shall request information from at least the following:
 - ❧ 1. The director of the department of water resources and the state land commissioner.
 - ❧ 2. The federal and state fish, wildlife, recreation and natural resource agencies.
 - ❧ 3. County and municipal entities.
 - ❧ The public.

Research and Education



- ⌘ A District is empowered to **conduct surveys, investigations and research** relating to the character of the soil, soil erosion prevention within a farm or ranch, methods of cultivation, farm and range practices, seeding, eradication of noxious growths and any other measures that will aid farm and range operations
- ⌘ **disseminate information** pertaining thereto
- ⌘ and **carry on research programs** with or without the cooperation of this state or its agencies or the United States or its agencies. [ARS.37.1054.A.1](#)

Research and Education



- ❧ A District is empowered to **organize and establish an education center** to increase the knowledge of natural resources in this state through the following methods: [ARS.37.1054.A.11](#)
 - ❧ (a) Offering technical guidance and training to agricultural producers.
 - ❧ (b) Publishing scholarly materials.
 - ❧ (c) Providing educational and training opportunities, both inside and outside of the district.
 - ❧ (d) Conducting or sponsoring scientific studies that affect natural resources in this state.

- ❧ A District is empowered to **conduct demonstration projects** within the district on lands owned or controlled by the state or any of its agencies with the consent and cooperation of the agency having jurisdiction of the land, and on any other lands within the district **on obtaining the consent of the landowner or the necessary rights or interests in the land**, in order to demonstrate by example the means, methods and measures by which water, soil and soil resources may be conserved and soil erosion and soil washing may be prevented and controlled. [ARS.37.1054.A.2](#)

Technical and Financial Assistance



- ❧ A District is empowered to **make available**, on the terms it prescribes to landowners within the district, **agricultural and engineering machinery and equipment, fertilizer, seed and other material or equipment** as will assist the landowners to carry on operations on their lands for the purposes and programs authorized by this chapter.
- ❧ A District is empowered to **employ agents, engineers, attorneys or other employees** not readily available from existing state agencies.
- ❧ The supervisors may **appoint additional advisory members** to the district governing body and delegate to the chairman or any member, or to any agent or employee, such powers and duties as they deem proper. [ARS.37.1053.B](#)
- ❧ District supervisors may **employ a secretary and such other agents, employees and technical or professional experts** as they may from time to time require, and may determine qualifications, compensation and duties applicable to any agent, employee or expert engaged.

Technical and Financial Assistance



- ❧ Sue and be sued in the name of the district, **have a seal**, which shall be judicially noticed, **have perpetual succession** unless terminated as provided in this chapter,
- ❧ **make and execute contracts** and other instruments necessary or convenient to the exercise of its powers and
- ❧ **make, amend and repeal rules** not inconsistent with this chapter to carry into effect its purposes and powers.
- ❧ **Acquire, by purchase, exchange, lease or otherwise, any property, real or personal**, or rights or interest in any property, maintain, administer and improve any properties acquired receive income from any property or right or interest in property and expend it in carrying out the purposes of this chapter and sell, lease or otherwise dispose of any property or interest in property in furtherance of the purposes of this chapter.

Coordinate and Cooperate



- ⌘ A District is empowered to **cooperate and enter into agreements with a landowner, an operator, or any agency or subdivision of the state or federal government** to carry on programs of watershed improvement, soil erosion prevention, methods of cultivation, cropping practices, land leveling and improvement on agricultural lands, and programs limited to methods of proper range use, reseeding and the eradication of noxious growth on grazing lands, **all within the limits of an individual farm or ranch** and subject to the conditions the supervisors deem necessary. [ARS.37.1054.A.3](#)
- ⌘ **Agencies of this state** which have jurisdiction over or are charged with the administration of any state-owned lands, and of any county or other governmental subdivision of the state which have jurisdiction over, or are charged with the administration of, any county owned or other publicly owned lands lying within the boundaries of any natural resource conservation district, **may cooperate fully with the supervisors of such districts in the effectuation of programs and operations** undertaken by the supervisors under the provisions of this chapter.

Cooperate and Coordinate



- ☞ The supervisors of any district organized under the provisions of this chapter **may cooperate with any municipality** within the boundaries of the district on matters relating to soil conservation or land use planning.
- ☞ The supervisors of any **two or more districts** organized under the provisions of this chapter **may cooperate in the exercise of any power** conferred in this chapter. 37-1056

Conservation District Funding



- ❧ Conservation Districts are authorized to **enter into agreements with state and federal agencies, counties, municipalities, or other Conservation Districts** as needed to provide technical and financial assistance to cooperators and other land users in developing and implementing sound, science based conservation plans.
- ❧ Any district or education center desiring to receive state financial assistance for the next ensuing fiscal year shall **apply to the commissioner not later than June 20**. The commissioner shall include in the annual state land department **budget request a sum of not more than forty thousand dollars for each district and sixty thousand dollars for each education center**.
- ❧ Subject to legislative appropriation, the department shall distribute five thousand dollars annually from the special plate fund to each natural resource conservation district with an established education center for the purpose of developing and implementing an environmental education program that is conducted in a balanced manner, that is based on current scientific information and that includes a discussion of economic and social implications.

Conservation District Funding



- ❧ Conservation Districts are authorized to **apply for, receive and spend monies from the Arizona water protection fund** pursuant to title 45, chapter 12 to be used in individual districts or in cooperation with other districts, persons, cities, towns, counties, special districts and Indian communities for projects consistent with ARS title 45, chapter 12.
- ❧ Conservation District are authorized to **accept donations, gifts, and contributions in money, services, materials** or otherwise to help implement the local conservation program.

Definitions in District Law



☞ 37-1002. Definitions

- ☞ "District" means a natural resource conservation district organized in accordance with the provisions of this chapter.
- ☞ "Supervisor" means a member of the governing body of a district, elected or appointed in accordance with the provisions of this chapter.
- ☞ **"District cooperators" means any person who has entered into a cooperative agreement with a natural resource conservation district for the purpose of protecting, conserving and practicing wise use of the natural resources under his control.**
- ☞ "Landowner" or "owner of land" means any person, firm or corporation, including the state, holding title to any land lying within a district organized or proposed to be organized under the provisions of this chapter, and includes a buyer on contract who is the occupant of land. For the purposes of this chapter, a holder of a certificate of purchase or lease from the state shall be considered the "landowner" or "owner of land".
- ☞ "Qualified elector" means a person who is a district cooperators and a qualified elector of the state.

District Board Qualifications



- ❧ "Supervisor" means a member of the governing body of a district, elected or appointed in accordance with the provisions of this chapter.
- ❧ **An election shall be held on the first Saturday in May of each even numbered year, at which one supervisor of the district shall be elected. No person shall be eligible to be a candidate for supervisor unless he is a **qualified elector of the district.****
 - ❧ "Qualified elector" means a person who is a district cooperator and a qualified elector of the state.
 - ❧ "District cooperator" means any person who has entered into a cooperative agreement with a natural resource conservation district for the purpose of protecting, conserving and practicing wise use of the natural resources under his control.
- ❧ Candidates for the office of **appointed supervisors shall be qualified electors of the state.** Appointed supervisors shall continue to serve until May 31 of the next even-numbered year or until their successors are otherwise appointed.

Board Member Responsibilities



- ❧ Provide for the **keeping of a record of all proceedings**, resolutions, regulations and orders issued or adopted.
- ❧ **Furnish to the commissioner** copies of such ordinances, rules, regulations, orders, contracts, forms or other documents adopted or employed, audits of the district or education center and such **information concerning their activities as the commissioner requests.**
- ❧ District supervisors shall require and **provide for the execution of a corporate surety bond** in suitable penal sum for, and to cover, any person entrusted with the care or disposition of district funds or property.

Navajo Tribal Code – Title 3



☞ SWCD Powers

- ☞ employ staff
- ☞ conduct surveys, investigations, and research
- ☞ conduct demonstration and training projects
- ☞ cooperate and enter into agreements with ...
- ☞ construct, improve, operate, and maintain any structure
- ☞ acquire & administer supplies, tools, equipment...
- ☞ make available machinery and equipment...
- ☞ develop comprehensive long range plans

Navajo Tribal Code – Title 3



∞ Limits

- ∞ planning and implementation of water resource programs with tribal entities
- ∞ no control or authority – water rights

Tohono O'odham Nation



SWCD Powers

- “governmental division of the Nation under authority and direction of the SWCD Board of Directors”
- conduct surveys, investigations, and research
- conduct demonstration and training projects
- cooperate and enter into voluntary agreements with ...
- acquire property by purchase, exchange, lease or otherwise...
- make available machinery and equipment...

Tohono O'odham Nation



☞ SWCD Powers

- ☞ develop comprehensive long range plans
- ☞ accept donations, gifts & contributions in money, services, materials, or otherwise
- ☞ can cooperate with State of Arizona, or any cons. district

Tohono O'odham Nation



∞ Limits

- ∞ no authority to make determinations or water rights or uses
- ∞ planning & implementation of water resources... with the full consent and participation...
- ∞ diversion, application or use of water by means of any improvements...
- ∞ SWCD subject to all applicable national & federal laws & regulations
- ∞ plans – consult and cooperate with other departments and commissions