

27—20.20(161A) Availability, development, distribution, updating and notice of conservation folders. This division establishes rules for the development, distribution, updating, and minimum requirements for notifying landowners that a conservation folder has been developed. This section also defines the responsibilities of the seller and the district to provide copies of conservation folders and farm unit soil conservation plans to a prospective purchaser.

20.20(1) Priority for development of conservation folders. The district staff when developing conservation folders as required by Iowa Code section 161A.62 will include as a minimum the content items required by 20.30(161A) of these rules.

The district commissioners will select priority watershed(s) or area(s) within their district, using the following criteria:

- a. Highest priority will be given to watersheds or areas with the largest percentage of acreage of soils in the first priority criteria.
- b. Lowest priority will be given to watersheds or areas with the largest percentage of acreage of soils in the fifth priority criteria.
- c. If after screening watersheds or areas against these priority criteria, no watersheds or areas fall in the highest priority, that district will select the next highest category for which soils exist in that district as the top priority category.
- d. Priority criteria.
 - (1) Fragile soils which under present agricultural use and management will be depleted in 20 years.
 - (2) Fragile soils which under present agricultural use and management will be depleted in 40 years.
 - (3) Excessively eroding soils that under present agricultural use and management are eroding greater than 15 tons per acre per year.
 - (4) Excessively eroding soils that under present agricultural use and management are eroding greater than 10 tons per acre per year.
 - (5) Excessively eroding soils that under present agricultural use and management are eroding greater than the districts adopted soil loss limits.

20.20(2) Rate of development of conservation folders. Iowa Code section 161A.62(1) “a” requires that each farm unit must be furnished a conservation folder not later than January 1, 1985, or as soon thereafter as funding is available.

The number of conservation folders to be developed in any given year will be at a rate established in the annual work plan developed and adopted by the commissioners of that district.

20.20(3) Notification of landowner and operator. Iowa Code section 161A.62 requires notification of appropriate parties and the keeping of certain records.

Notification that a particular conservation folder is completed will be sent on a date specified by the commissioners. The district records concerning completion and notification of availability of the conservation folder will be maintained in the manner prescribed in 20.60(161A) of these rules.

- a. Certified completion. A conservation folder will be certified complete upon a vote of approval by the commissioners, on a motion at any regular or special meeting.
- b. Notification of landowner and operator. Following certification of completion by the commissioners, the chairman will send a letter by regular mail to the landowner and the operator if known to the commissioners. The letter will offer those persons a copy of the conservation folder in accordance with a distribution procedure adopted by the commissioners in compliance with the guidelines of subrule 20.20(4).

20.20(4) Distribution procedure.

a. The annual work plan adopted by the commissioners will specify, within these guidelines, a conservation folder distribution procedure for use in their district. These procedures may include the following:

- (1) Neighborhood meetings may be utilized to deliver conservation folders to landowners or operators.
- (2) Personal delivery may be by district staff, a commissioner, assistant commissioner, or any individual the commissioners deem qualified to do so.

b. Mailing of conservation folders will only be used in those cases where the individual cannot reasonably be contacted otherwise.

20.20(5) *Updating conservation folders.* Conservation folders previously distributed may be updated at any time the commissioners determine that to do so would be appropriate and helpful to landowners and operators. Records concerning delivery of updated material will be in accordance with 20.60(161A) of these rules.

20.20(6) *Certified updated farm plan.* An existing farm plan prepared for a particular farm unit in January 1971 or later may be certified by the commissioners, as adequate replacement for the conservation folder upon:

a. Commissioner review to determine that the farm plan provides adequate information to meet the intent and purposes of the conservation folder.

b. Updating the farm plan, if needed, with supplemental information to bring the farm plan into conformance with the conservation folder.

c. Certification of adequacy upon a vote of approval by the commissioners on a motion at any regular or special meeting.

d. Establishment of a record and file for that farm plan in compliance with 20.61(161A) of these rules.

20.20(7) *Availability to prospective purchasers.*

a. Copies of a conservation folder or farm unit soil conservation plan will be made available for review in the district office to any prospective purchaser.

b. A statement explaining conservation cover will be supplied to any prospective purchaser when that individual reviews a copy of either a conservation folder or farm unit soil conservation plan.

c. Seller's responsibility. The seller of land, which has a conservation folder or a farm unit soil conservation plan, will either provide that person copies of these documents or refer the prospective purchaser to the district.