

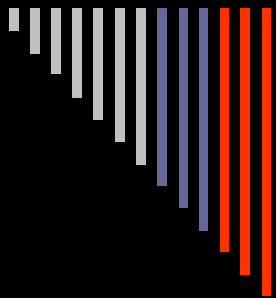
---



# Soil Loss Complaints

**Code of Iowa  
Chapter 161A  
Section .44 through .51**





---

Jim Gillespie  
IDALS – DSC  
515 281-7043

Find P&P Manual online at  
[www.iowaagdata.com](http://www.iowaagdata.com)  
or contact your local SWCD

---

---



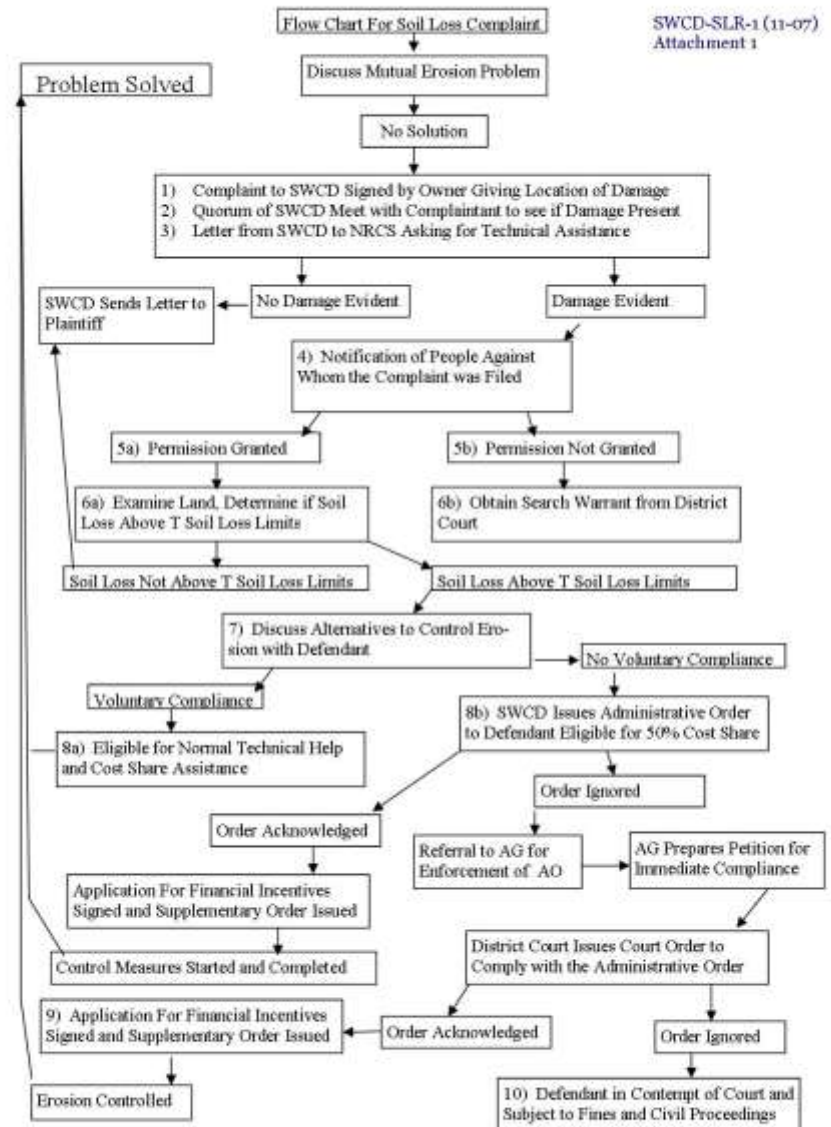
# Information at Your Fingertips

Handout includes ...

- Flow chart of process & outline
  - Code of Iowa statement
-

# Flow Chart

- Not a complicated process for the district
- Compliance overnight unrealistic
- 9 month to 4 year process



# Prior to Filing Soil Loss Complaint

- Neighborly solution if possible
- Landowners should discuss mutual erosion problem
- No solution – soil loss complaint process begins
- Document, document, document and retain records in accessible location



---



# Soil Loss Complaints

- A written complaint signed by an owner or occupant of land claiming that the owner's or occupant's land is being damaged by sediment
-

# Complaint Must Include ...

- Description of property being damaged (map showing area is recommended)
- Signature of title holder or person working or living on farm
- Indication that offending party's land has soil loss exceeding district limits





---

# Land Subject to Public Interest

- No complaint necessary
  - Public interest means – publicly held, subject to public easement or the subject of an improvement at the public's expense
  - Examples – parks, roads, ditches
  - Also rivers, streams and lakes being damaged by sediment
-



# Land Subject to Public Interest

Could a soil loss complaint be considered if you can't physically observe damage?

**Top 10 Causes of Impairment in Rivers/Streams**

Rank	Cause Name	Number of Stream/ River Segments *
1	Cause Unknown (biological)	120
2	Habitat alterations	104
3	Low dissolved oxygen	77
4	Siltation	66
5	Indicator bacteria	65
6	Ammonia	61
7	Nutrients (nitrogen/phosphorus)	33



# Complaint Investigation

- ❑ Onsite inspection as soon as possible
- ❑ Documentation (pictures, and individually prepared written descriptions of area in question)
- ❑ Comply with open meetings law – no deliberation at site
- ❑ Quorum of investigators (4)
- ❑ No fence crossing to view land possibly causing damage



# Complaint Findings

- Discussion at commissioners meeting
- If no damage, letter to complainant
- Damage evident – request NRCS technical review
- NRCS to determine if soil loss exceeds district limits



---



# Notification of Parties Involved

- Letter sent to all involved landowners (restricted certified mail)
  - Date, time, location and purpose of meeting
  - Request permission to enter land (want this in writing)
  - Permission denied – obtain a search warrant
  - Allow 10 days from date letter sent to date of meeting
-



---

# Inspection of Land

- Commissioners with technical assistance by NRCS
  - Development of resource plans to control soil loss to “T” (minimum of two)
  - Discuss resource plans with landowners
  - Goal – arrive at voluntary compliance
-

---



# Voluntary Compliance

- Normal cost share assistance available
  - Problem solved
  - Lots of time and money saved
-

[Home](#)[1. Who We Are](#)[2. Programs](#)[Contractor List](#)[Practices](#)[Projects](#)[3. Documents](#)[Annual Reports](#)[Brochures](#)[Meeting Minutes](#)[Plans](#)[Policy](#)[Soil Loss](#)[Complaint](#)[4. Outreach](#)[Christmas Tree](#)[Walk](#)[History](#)[Links](#)[Poster Contest](#)[Press Releases](#)[Scholarship](#)[Tree Sale](#)[Volunteers](#)[5. What's New](#)[Sitemap](#)[1. Documents >](#)

## Soil Loss Complaint

Soil erosion can damage your neighbors land. When this happens, work with your neighbor to arrive at a mutually agreeable solution. Rarely neighbors do not agree on a course of action. Generally the problem is caused by excessive water not necessarily the movement of soil. When the movement of soil is the concern and agreement is not found, the landowner whose land is damaged can file a soil loss complaint with the Jones SWCD. The steps below identify the process to follow to submit a soil loss complaint.

### Guidelines for Filing Soil Loss Complaints

Under Code of Iowa Chapter 161 A44-.51  
(Iowa Sediment Control Law)

#### Step 1

Neighbors discuss mutual erosion problem.

#### Step 2

If problem is not resolved, a written complaint can be sent to the Jones County SWCD Commissioners. This action triggers the use of Section 161A.47 of the Iowa Code.

Complaint letter must include:

- v Description of property being damaged
- v Location of property being damaged
- v Signature of titleholder on record or person actually living or working the, property such as tenant
- v Statement that excessive erosion is occurring upon the offending party's land and that sediment damage is occurring
- v Document attempts to resolve the problem with neighbor prior to filing the complaint
- v Permission for Jones County SWCD commissioners and representatives to enter upon property to investigate complaint

#### Step 3

The Jones SWCD commissioners will investigate facts and circumstances surrounding the complaint to determine if the complaint does warrant further investigation. The commissioners will request technical assistance from the Natural Resources Conservation Service-District Conservationist.

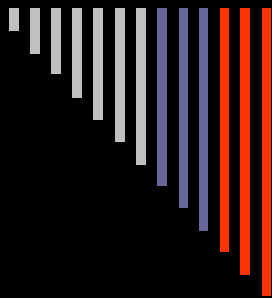
#### Step 4

Next, the commissioners will inspect the property to verify sediment damage.  
(Inspection will be made in a timely manner after receiving the written complaint.)

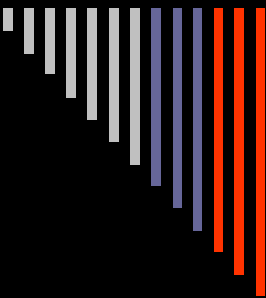
#### Step 5

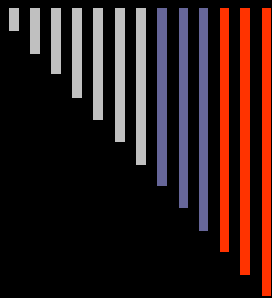
A Notice of Entry letter will be sent by registered certified mail to the party(s) against whom the complaint is filed asking for consent to examine their property. (The occupant must have 10 days notice prior to inspection.)











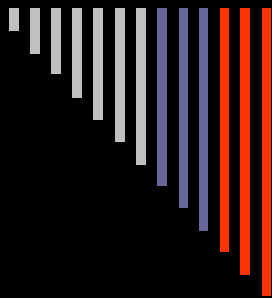


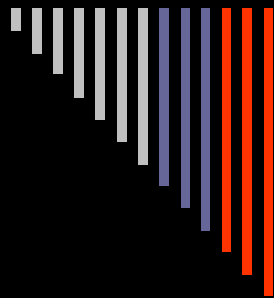


Soil erosion after heavy rains in northwest Iowa  
Photograph by Lynn Betts, NRCS

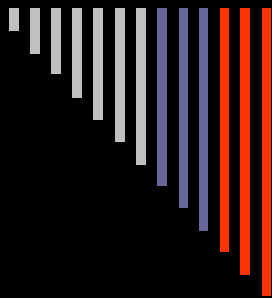


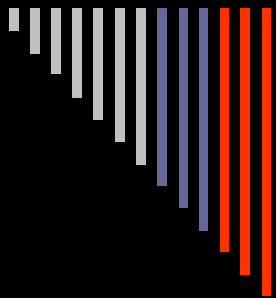












Questions?

**EXPERIENCES TO SHARE?**

---