

COUNCIL OF THE DISTRICT OF COLUMBIA

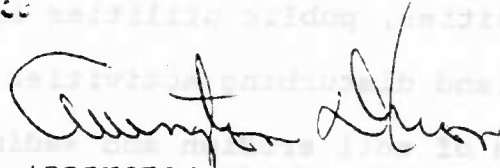
NOTICE

D.C. LAW 4-143

"District of Columbia Soil and Water Conservation Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-82 on first and second readings, June 8, 1982 and June 22, 1982, respectively. Following the signature of the Mayor on July 12, 1982, this legislation was assigned Act No. 4-211, published in the July 23, 1982, edition of the D.C. Register, (Vol. 29 page 3118) and transmitted to Congress on July 16, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-143, effective September 14, 1982.

  
ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 16,19,20,21,22 23,26,27,28,29,30  
August 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20  
September 8,9,10,13

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 12 1982

To create a Soil and Water Conservation District in the District of Columbia; to establish the powers, the duties, and the authority of the Soil and Water Conservation District; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Soil and Water Conservation Act of 1982".

Sec. 2. Findings and Declaration of Policy.

The Council of the District of Columbia finds and declares that:

(a) The lands and waters of the District of Columbia are basic assets. The construction of housing, industrial and commercial developments, streets, highways, recreation areas, schools and universities, public utilities and facilities, and other land disturbing activities have accelerated the process of soil erosion and sediment deposition. This results in the pollution of and damage to the waters, the lands, the forests, the recreational areas, and the wildlife of the District of Columbia.

(b) A Soil and Water Conservation District is an appropriate organization to preserve and enhance natural resources; to control, reduce, and help

CODIFICATION  
D.C. Code,  
title 1,  
new chapter 28  
(1981 ed.)

D.C. Code,  
sec. 1-2801  
(1981 ed.)

alleviate soil erosion; to alleviate past and prospective damage caused by wind and water erosion, flood waters, and sediment; to conserve, improve, and enhance water resources and water quality; to protect wildlife; and to protect and promote the health, safety, and general welfare of the people of the District of Columbia.

(c) Mutual cooperation and assistance among all agencies, departments, or offices of the District of Columbia government whose activities directly affect the conservation of the renewable natural resources of the District of Columbia is necessary to fulfill the requirements of this act. It shall further be the responsibility of the heads of the District of Columbia government agencies, departments, or offices to take the necessary and proper steps to achieve the purposes of this act.

Sec. 3. Definitions.

For the purposes of this act the term:

(1) "District of Columbia government agency"

D.C.Code,  
sec. 1-2802  
(1981 ed.)

means any agency, department, unit, and instrumentality, corporate or otherwise, of the District of Columbia government.

(2) "Renewable natural resources" means the land, the soil, the water, the vegetation, the trees, the fish, and the wildlife of the District of Columbia.

(3) "Conservation" means conservation, improvement, maintenance, preservation, and protection

of the renewable natural resources.

(4) "Mayor" means the Mayor of the District of Columbia or the Mayor's designee.

(5) "United States government agency" means any agency, department, unit, instrumentality of the United States government.

Sec. 4. Soil and Water Conservation District

Established.

D.C.Code,  
sec. 1-2803  
(1981 ed.)

There is established the Soil and Water Conservation District as a District of Columbia government agency.

Sec. 5. Membership of the Soil and Water Conservation District.

(a) The Soil and Water Conservation District, established by section 4, shall be governed by 7 members.

D.C.Code,  
sec. 1-2804  
(1981 ed.)

(b) One member shall be the Director of the Department of Environmental Services, 1 member shall be the Director of the Department of Transportation, 1 member shall be the Assistant City Administrator for Planning and Development, 1 member shall be the Director of the Department of Recreation, and 1 member shall be appointed by and serve at the pleasure of the Mayor. Two members shall be appointed by the Council of the District of Columbia upon the recommendation of the Chairman of the Council of the District of Columbia from among its Members.

(c) Each member of the Water and Soil

Conservation District may designate a person to serve and act in the absence of the appointed member.

(d) The members shall serve without compensation.

Members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties in implementing the provisions of this act.

Sec. 6. Organization of the Soil and Water

Conservation District.

D.C.Code,  
sec. 1-2805  
(1981 ed.)

(a) The Soil and Water Conservation District shall organize annually and shall select a chairperson from among its members. The chairperson shall convene meetings of the Soil and Water Conservation District when necessary to perform the functions of the Soil and Water Conservation District. All meetings of the Soil and Water Conservation District shall be open to the public. A majority of the members shall constitute a quorum and all actions of the Soil and Water Conservation District shall be by a majority vote of the members present and voting at a meeting at which a quorum is present.

(b) The Soil and Water Conservation District may employ a secretary, technical experts, and other officers, agents, employees, and advisers, permanent and temporary, as may be permitted by the budget of the District of Columbia government for the Soil and Water Conservation District. The Soil and Water Conservation District may seek legal services from the Corporation Counsel of the District of Columbia. Staff assigned

and employed in the member's office or District of Columbia government agency may provide services for the Soil and Water Conservation District. The Soil and Water Conservation District may delegate the powers and duties enumerated in this act to its chairman, to 1 or more of its members, or to 1 or more agents or employees of the Soil and Water Conservation District.

Sec. 7. Citizen Advisory Committee.

There is established a Citizen Advisory Committee to the Soil and Water Conservation District. The Mayor shall select, for a term of 2 years, 1 advisory neighborhood commissioner from each of the 8 wards of the District of Columbia, to serve on the Citizen Advisory Committee. The function of the Citizen Advisory Committee shall be to ensure communication between the Soil and Water Conservation District and the residents of the District of Columbia affected by the operation of the Soil and Water Conservation District. The members shall keep the Citizen Advisory Committee informed of its work. The Citizen Advisory Committee shall submit recommendations to the members and shall meet with the members at least semiannually.

D.C.Code,  
sec. 1-2806  
(1981 ed.)

Sec. 8. Powers of the Soil and Water Conservation District.

(a) The Soil and Water Conservation District shall discharge its powers and authority on all the lands within the boundaries of the District of Columbia except those lands owned by the United States

D.C.Code,  
sec. 1-2807  
(1981 ed.)

government. The Soil and Water Conservation District shall have the following powers:

(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources.

(2) To conduct demonstration projects within the Soil and Water Conservation District on land owned or controlled by any District of Columbia government agency, with the consent and cooperation of the District of Columbia government agency administering and having jurisdiction thereof, and on any other land located within the Soil and Water Conservation District upon obtaining the consent and cooperation of the owner of the land. The projects will demonstrate the manner and the methods of improvement by which the conservation of renewable natural resources may be implemented.

(3) To implement preventive, improvement, and control measures within the Soil and Water Conservation District. This shall include, but not be limited to, engineering operations, methods of cultivation, and the growing of vegetation on land owned or controlled by any District of Columbia government agency with the cooperation and consent of the District of Columbia government agency administering and having jurisdiction thereof, and on any other land located within the Soil and Water Conservation District, upon obtaining the consent and cooperation of the owner of the land or the

necessary rights or interests in the land.

(4) To assist in the implementation of the functions of the Mayor with respect to erosion and sediment control pursuant to the Soil Erosion and Sedimentation Control Act of 1977, effective September 28, 1977 (D.C. Law 2-23; 24 DCR 3342) as may be agreed to by the Mayor and the Soil and Water Conservation District.

(5) To provide to individuals and organizations agricultural, gardening and engineering equipment, fertilizer, seeds and seedlings, and other material or equipment as will assist individuals or organizations in the conservation of renewable natural resources on their property located within the Soil and Water Conservation District. The Soil and Water Conservation District shall establish a fee schedule, after notice and comment, to provide for the loan, use, grant, or transfer of any material or equipment of the Soil and Water Conservation District.

(6) To develop and implement long-range resource-conservation programs and annual work plans pursuant to section 9.

(7) To enter into agreement with and to coordinate assistance from a United States government agency; to accept donations, gifts, and contributions in money, personnel, services, materials, equipment, or otherwise, from a United States government agency, or from any other source, and to use or expend the money,



services, materials, or other contributions exclusively for the purpose of implementing this act.

8) To make and execute contracts, agreements, and other instruments necessary to exercise the powers granted in this act:

PROVIDED, That the contracts, agreements, and other instruments shall not obligate or require the Water and Soil Conservation District or the District of Columbia government to perform any function, duty, or obligation after January 1, 1987.

(9) To issue rules to implement this act.

(10) To conduct educational programs and activities.

(11) To review, comment, and make recommendations on proposed zoning regulations and amendments, proposed laws and regulations affecting renewable natural resources and their uses, and on the proposed location of highways, schools, housing developments, industries, and other facilities and structures within the District of Columbia.

Sec. 9. Long-Range Resource Conservation Program and Annual Work Plan.

(a) The Water and Soil Conservation District shall prepare, and revise annually in cooperation with other District of Columbia government agencies, a long-range program for the conservation of renewable natural resources. The program shall be directed toward conservation of resources for their best use and

D.C. Code,  
sec. 1-2808  
(1981 ed.)

in a manner that will meet the needs of the District of Columbia. The program shall include an inventory of all renewable natural resources in the Soil and Water Conservation District, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected time tables, descriptions of available alternatives, and provisions for coordination with other programs.

(b) The Soil and Water Conservation District shall prepare an annual work plan which shall describe the programs, services, facilities, materials, working arrangements, and estimated funds needed to carry out the parts of the long-range program that are of the highest priority in the coming year.

(c) The long-range program and work plan shall be made available to the Mayor, to the Council of the District of Columbia, to District of Columbia government agencies, to United States government agencies, and to the general public.

Sec. 10. Procedures.

(a) Appropriate United States government agencies and District of Columbia government agencies may designate liaison representatives and assign employees, on a temporary or permanent basis, for the consultation on programs and plans for resource conservation, and in the preparation and coordination of local planning and programming for resource conservation.

D.C. Code, sec. 1-2809 (1981 ed.)

(b) The Soil and Water Conservation District shall consult, cooperate, and the Mayor, upon the advice and recommendation of the Soil and Water Conservation District may enter into agreements with adjacent local, state, regional, interstate, and United States government agencies to promote efficient resource conservation policies in implementing the purposes of this act.

(c) The Soil and Water Conservation District shall fully inform the Mayor, the Council of the District of Columbia, and other appropriate local and regional agencies concerning the status and progress of the preparation of its resource conservation programs and plans and shall, upon request, provide the Mayor, the Council of the District of Columbia, and other appropriate agencies with reports, data, rules, orders, contracts, forms, and other documents.

(d) The Soil and Water Conservation District shall hold public hearings in connection with the preparation of the annual work plan and other major programs and shall give careful consideration to the views expressed in the hearings. The Soil and Water Conservation District shall keep the public informed concerning its programs, plans, and activities by hearings and other meetings as it deems appropriate.

(e) The Soil and Water Conservation District shall publish an annual report, of its plans, programs, activities, budget, receipts, and expenditures and

shall include therein descriptions of its official resource conservation program, the current annual program related thereto, and the status of all activities initiated under the program. It shall submit copies of each annual report to the Mayor and to the Council of the District of Columbia, and shall make copies of reports, summaries, and digests available to the appropriate agencies and to the general public.

(f) All actions of the Soil and Water Conservation District shall be in compliance with title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.).

Sec. 11. Participation in Loan, Grant, and Other Programs Administered by United States Government Agencies.

The Soil and Water Conservation District may obtain a loan or grant of any funds, property, equipment, or services from any United States government agency or District of Columbia government agency for any of the purposes of this act. In connection with any loan or grant, the Soil and Water Conservation District may pledge, encumber, or obligate any property or monies of the Soil and Water Conservation District:

PROVIDED, That the encumbrance, obligation, or pledge shall not extend beyond January 1, 1987.

Sec. 12. Annual Budget.

D.C. Code,  
sec. 1-2810  
(1981 ed.)

D.C. Code,  
sec. 1-2811  
(1981 ed.)

The Soil and Water Conservation District shall submit to the Mayor of the District of Columbia an annual budget requesting appropriations for the purpose of implementing this act. Such budget shall be submitted in the same manner as are budgets of other District of Columbia government agencies.

Sec. 13. Limitations on Authority.

Nothing in this act shall authorize the Soil and Water Conservation District, any of its members, or any of its employees to obligate, encumber, pledge, necessitate, or require the Soil and Water Conservation District or the District of Columbia government to perform, execute, or to take any action subsequent to January 1, 1987. Any property, materials, equipment, land, money, records, or any other asset of the Soil and Water Conservation District shall become the possession of the District of Columbia government on January 2, 1987.

D.C.Code,  
sec. 1-2812  
(1981 ed.)

Sec. 14. Severability Clause.

If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the remainder of this act and the application thereof to any other person or circumstance shall not be affected thereby.

D.C.Code,  
sec. 1-2813  
(1981 ed.)

Sec. 15. Sunset Clause.

The Soil and Water Conservation District, established by section 4, shall terminate on January 1, 1987, unless it is subsequently reestablished by an act

D.C.Code,  
sec. 1-2814  
(1981 ed.)





COUNCIL OF THE DISTRICT OF COLUMBIA  
Council Period Four  
Second Session

DOCKET NO: B 4-82

Item on Consent Calendar

ACTION: Adopted First Reading, 6-8-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*William R. Cunningham*  
Secretary to the Council

6/25/82  
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 6-22-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*William R. Cunningham*  
Secretary to the Council

6/25/82  
Date

Item on Consent Calendar

ACTION: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Absent: \_\_\_\_\_

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting