

Step 1

Neighbors discuss mutual erosion problem.

Step 2

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

Complaint letter must include:

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

Step 3

The Pottawattamie 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.)

Step 6

If the findings from the investigation support the complaint and demonstrated that the soil loss limits have been exceeded and sediment damage has occurred on the complainant's property, the commissioners have established authority to issue an Administrative Order. (The commissioners and the landowner(s) can reach a voluntary agreement prior to the issuance of an Administrative Order in many cases.)

Step 7

Prior to issuance of Administrative Order, the complaint may be withdrawn or modified at the discretion of the complaining party. After the administrative order is served, the complaining party(s) may no longer change their complaint.

Step 8

The administrative order will be drafted stating that soil loss is occurring in excess of the limits specified in the district's regulations and that it must be corrected within the time limits stated.

Step 9

A copy of the Administrative Order will be served upon the titleholder(s) of record and occupant. It may be delivered by the sheriff or by registered certified mail.

Step 10

The administrative order will be recorded at the Pottawattamie County Recorder's Office.

Step 11

If the offending party fails to comply with the Administrative Order in a timely fashion, the commissioners may work through the Division of Soil Conservation and request assistance from the office of the Attorney General.

Note: In the case that sediment is delivered to the complainants land from an adjacent construction project or similar undertaking as a result of the removal of all or a major portion of vegetation or manmade cover exposing bare soil to water or wind, the administrative order will require time, no later than five (5) days after service or mailing of the order to the offending party(s), for the commencement of work necessary to control the erosion. A deadline, not later than 30 days after service or mailing of the order, for the completion of the improvement will be required.

For additional information, please call the Pottawattamie County SWCD office at (712)328-2489 extension 3.

***If your land is not in West Pottawattamie County, contact the SWCD office for the county in which the land is located.**

Locate an SWCD office:

www.agriculture.state.ia.us/soilConservation.asp

West Pottawattamie Soil and Water Conservation District



Soil Loss Complaint Guidelines Code of Iowa Chapter 161A44-.51 (Iowa Sediment Control Law)

All Pottawattamie SWCD, DSC, and NRCS programs and services are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, marital status, or disability.