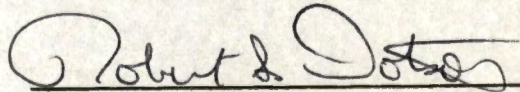


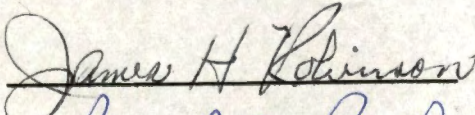
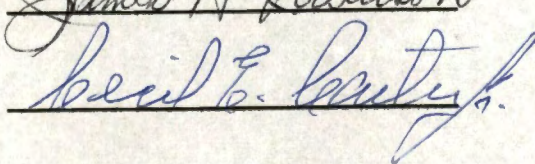
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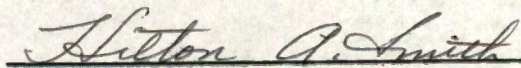
I am submitting herewith a thesis written by Thomas Cochran Mathews entitled "A History of the Soil Conservation District Movement in Tennessee." I recommend that it be accepted for nine quarter hours of credit in partial fulfillment of the requirements for the degree of Master of Science, with a major in Agricultural Extension Education.


Major Professor

We have read this thesis and
recommend its acceptance:

Accepted for the Council:


Vice Chancellor for
Graduate Studies and Research

A HISTORY OF THE SOIL CONSERVATION DISTRICT
MOVEMENT IN TENNESSEE

A Thesis
Presented to
the Graduate Council of
The University of Tennessee

In Partial Fulfillment
of the Requirements for the Degree
Master of Science

by
Thomas Cochran Mathews

June 1972

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ABSTRACT

Man's struggle to control soil erosion is as old as recorded history, yet erosion is still not completely controlled.

A study was undertaken to record the historical development of soil conservation districts in Tennessee utilizing related literature, existing records, and personal interviews with selected parties involved through the years.

Erosion was a problem that the early colonist had to struggle with and the struggle continued until H. H. Bennett brought it national attention. The great dust storms of the 1930's helped further to impress the need for a national program to control soil erosion.

A federal law was passed in 1935 creating the Soil Conservation Service (SCS). To help the SCS bring soil erosion under control more quickly, a model soil conservation district act was drawn up, which all the states adopted in total or with very minor changes. Tennessee adopted the model law.

In Tennessee it took 20 years, 1940-1959, for all of the counties to organize soil conservation districts as provided for in the Act. Previous agreements and World War II were partially the cause of the long time required.

It will continue to require the cooperation of all Federal and State Agencies and other interested organizations if this work is to continue and expand in the future.

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CHAPTER I

INTRODUCTION

I. STATEMENT OF THE PROBLEM

The struggle by man with soil erosion is as old as agriculture itself. While accelerated soil erosion has been blamed for the downfall of some of the ancient civilizations of the world, it started in America with the colonization of the land by people from the Old World (6:1-2).*

One theorist estimated that, if world population growth continued at its present rate, by 2300 A.D. there would be only 5,000 square feet of land available per person. This estimate could be even less if soil erosion were not checked (10:189-196).

Once the early colonial settlers cleared away the native plant cover and started to cultivate the land, they were confronted with accelerated soil erosion. This did not worry the early settlers because when land was no longer productive or usable, all they had to do was move to new virgin areas as long as they were available.

It has been conclusively proven that accelerated soil erosion reduces crop yields, lowers farm income, decreases profits of business and industry, impairs the health of people, and increases the damage done by floods. Accelerated soil erosion has been shown to depress man's economic, social, physical, and spiritual well being.

* Numbers in parentheses refer to numbered references in the Bibliography; those after the colon are page numbers.

Accelerated soil erosion was the number one problem in Tennessee. This had been brought on by man over the years through mismanagement in plowing and cultivating the soil up and down the slopes instead of across the slope so that the rows would help to check the soil movement by rainfall runoff, no cover crops on the land when it was not being cropped, just leaving it bare to erosion by rainfall, and very little use of fertilizer and improved varieties of crops by farmers so that his yields were very low quantity as well as quality.

Prior to the appearance of the Soil Conservation Service (SCS) on the scene, the Cooperative Extension Service of Tennessee through the local county agents had been working with farmers in trying to get them to use more fertilizer, cover crops, and improved varieties of crop. This educational work was carried on through working with individual farmers on his farms, through test demonstration farms so that all farmers could see, through farm meetings at which specialists spoke and gave demonstrations on the problems that the farmers were encountering in order that they might be better educated to deal with them, and through the educational programs of 4-H for the youths, in which boys and girls participated, for it is through them that change is brought about for the next generation of farmers and homemakers.

At this same time the Civilian Conservation Corp (CCC) was attempting to stem this tremendous erosion problem by actually entering into agreements with farmers to construct terraces on their land that would reduce the amount of soil erosion due to rainfall; these terraces also helped in showing the farmers their mistakes of plowing and planting up

and down the slope instead of across the slope; they carried out reforestation work on land that was so badly eroded that it could no longer be used as crop land by planting pine and other trees and the building of check dams and grassing of waterways for the better control of runoff rainfall.

But with all of this work going on, with the cooperation and help of all the agencies involved, it was just not able to check soil erosion at a fast enough pace. Some other method of dealing with erosion of farm land had to be developed. The method that grew out of this early work was the Soil Conservation Service in which they would supply technical assistance in the form of technicians to work with the farmer in an overall farm conservation plan for his farm. To really bring this home to the farmer some legal means had to be devised for a small enough and workable unit. The final result was legislation, at both federal and state level, that allowed the farmers to form soil conservation districts for the implication of this type of service.

Prior to the present study, no previous historical account was found available dealing with the development of soil conservation districts in Tennessee.

II. PURPOSE OF THE STUDY

The purpose of the study, then has been to record the development of the soil conservation districts in Tennessee considering problems that existed, how they were overcome, and what resulted.

III. JUSTIFICATION FOR THE STUDY

It has long been recognized that soil conservation districts were formed in Tennessee counties as a result of cooperative efforts of county Extension agents and Soil Conservation workers. Many of those persons involved in creation of the districts were, by the time of the present study, retired or deceased. Minutes of the referenda held to start local districts and other data were available in the Extension Plant and Soil Science Section and in the memories and personal files of those retired.

Since no previous effort was uncovered regarding making a permanent record of historical circumstances surrounding the origin of soil conservation districts in Tennessee, it was felt that a study of this nature might be of value to those interested.

IV. METHODS OF PROCEDURE

The methods selected for use in this study were: a historical review of records concerning the creation, growth and development of soil conservation districts in Tennessee; a review of related literature; and personal interviews with representatives of the agencies involved who were in appropriate positions during the times studied. Records were made available by the agencies, including copies of relevant legislative documents and agreements, minutes of referenda for forming districts, and selected personal and other letters.

For convenience, the study was broken into two time periods, namely: (1) the Initial Period, 1940-1949; and (2) the Final Period,

1950-1959. Further, the historical background for soil conservation districts in Tennessee is reviewed, problems encountered are identified and discussed, and solutions and results remarked upon.



CHAPTER II

HISTORICAL BACKGROUND

I. EARLY CONSERVATIONISTS

One of the early American farmers, William Boyd of Virginia, became concerned in 1685 about the seriousness of heavy rainfall runoff carrying away the topsoil of his farm.

Jared Eliot (a Connecticut minister, doctor, and parttime farmer) became interested in accelerated soil erosion when he saw that the rainfall running off from the fields was muddy, while that from the wooded areas was clear. Eliot carried out many experiments in ways to conserve the soil and improve crops. Eliot published his ideas, observations, and results in a series of essays in 1748. These were compiled to form the first American book on Agriculture (6:4).

Samuel Dean of Maine, who lived a generation later than Eliot, was the first man to attempt to control wind erosion by planting hedges as well as plantations of trees. Dean also worked out ways to overcome erosion by water and published his results in 1790.

John Lorain of Pennsylvania developed a method of plowing his hillside fields to reduce rainfall runoff. Lorain called it ridging. This ridging was the forerunner of what we know today as terracing (6:5).

Nicholas Sornby of Mississippi experimented with different methods of hillside plowing. The information gained from these experiments led to a better understanding of rainfall runoff control. In 1857, he wrote an essay on his work entitled, "Horizontal Plowing and Hillside Ditching."

John Taylor of Virginia did some of the earliest work on stream bank stabilization by the use of trees and shrubs.

Edmund Ruffin of Virginia realized that terracing, contour cultivation, and deep plowing were not enough in themselves to check erosion. In addition to those practices already in use, Ruffin advocated soil fertility practices consisting of spreading marl and lime on the land, resting and growing cover crops (6:5).

All of these men contributed to the knowledge and methods of reducing accelerated soil erosion, but it was not until H. H. Bennett's lifetime, prior to and following the turn of the 20th Century, that the seriousness of it was dramatized and the urgent need for action to stop the accelerated soil erosion in America was made clear (6:6-7).

This would lead us to consideration of the circumstances and personalities surrounding passage of early conservation legislation.

II. EARLY CONSERVATION LEGISLATION

The earliest conservation laws in the United States dealt with the nation's forests. The Forest Reserve Act in 1891 was the first legislation (2:34). The Forest Reserve Act was the basis under which almost the full scope of the national forest system (as presently known) was withdrawn from the public domain. President Theodore Roosevelt had more to do with the withdrawals of land under the Forest Reserve Act than any other president the nation has had to date. Along this same line of concern for forests, the National Park Service, including the system of parks, was created in 1916 (2:35).

The National Cooperative Extension Service was established in 1914 to further the spread of information to the farmers from the United States Department of Agriculture (USDA) and the Land Grant Colleges (2:40). A part of this information disseminated to the farmers through the Land Grant research, teaching, and extension complex dealt with conservation, but soil conservation itself still awaited a new prophet (2:40).

Evidence of a new prophet of soil conservation was found in the personal work, drive, dedication, and foresight of H. H. Bennett, the "father" of Soil Conservation in America.

Bennett (1881-1960) was born and reared on a farm in North Carolina. He was well acquainted with soil erosion for he had helped his father build terraces to keep the farm from washing away. He joined the U. S. Department of Agriculture, Bureau of Soils, in 1903 as a soil surveyor. In his work and travels as a surveyor, he took note of soil erosion and the damage it caused.

In 1928, Bennett was able to get the Department of Agriculture to publish U.S.D.A. Circular 33, "Soil Erosion, A National Menace" (6:8). This established him as a leader in the field of soil conservation work. When the first erosion station was set up in Guthrie, Oklahoma, in 1929, Bennett was put in charge of this work (6:9).

Representative James P. Buchanan of Texas, through the insistence of Bennett and others, was able to secure funds for expanded research on soil erosion by an amendment to the Agricultural Appropriations Bill for 1930 (6:9).

With the coming of the 1930's, the nation was entering into an economic depression that was to see the greatest unemployment of men that

this country had ever seen. The Great Plains of the country during this period were suffering from drought, and farmers and ranchers were abandoning their land and leaving the region.

By 1933, the unemployment in the U. S. reached eight to ten million. President Franklin D. Roosevelt was beginning his relief work projects to help eliminate part of this tremendous unemployment.

Bennett was able to secure some of these relief work funds through the help of Harold Ickes, Secretary of the Interior, and was now ready to go to work on soil erosion on a national scale (6:11).

On August 25, 1933, the Soil Erosion Service was established in the Department of Interior as a temporary organization; and on September 19, 1933, Bennett was made its director. This was the beginning that he had worked for so long (1:3).

The first Soil Erosion control project went into effect on October 6, 1933. It was the Coon Creek Project in Coon Valley, Wisconsin (1:3).

Another organization, the Civilian Conservation Corps (CCC) came into existence in the Department of Forestry in 1933. Its function was to hire unemployed and provide training in the development of natural resources by activities such as planting trees, building dams, and fighting forest fires. Later it would be included with Soil Conservation work.

The two greatest Dust Storms, May 11, 1934, and March 6, 1935, that reached from the Great Plains to Washington, D. C., and on out over the Atlantic Ocean played a large part in bringing about the transfer of the Soil Erosion Service from the Department of Interior to the Department

of Agriculture. This transfer took place March 25, 1935, by order of the Federal Emergency Administrator of Public Works and included all funds, personnel, and property (1:4).

On March 27, 1935, Secretary of Agriculture Henry A. Wallace, directed the unification of all soil erosion work under the Soil Erosion Service. There were grumblings between the Departments of Interior and Agriculture, but Bennett had finally gotten what he wanted and where he wanted it (1:5,6:13).

III. THE NATIONAL SOIL CONSERVATION SERVICE ACT OF 1935

When representative John J. Dempsey of New Mexico introduced H. R. Bill 7054, little did he realize the far reaching impact it would have on the farmers of the United States (6:16).

House of Representatives Bill 7054 became Public Law No. 46 of the 74th Congress (see Appendix A) when it was signed by President Franklin D. Roosevelt on April 27, 1935 (1:1).

This law directed the Secretary of Agriculture to set up an agency to be known as the Soil Conservation Service.

On April 27, 1935, the Secretary of Agriculture issued Departmental Memorandum 673 establishing the Soil Conservation Service in the United States Department of Agriculture and declared that the activities of the Soil Erosion Service would be a part of and carried out under the new agency.

H. H. Bennett was designated Chief of the Soil Conservation Service and W. C. Lowdermilk was designated Associate Chief (1:5).

With the implementation of this act, Congress and the President committed the national government to a policy of Soil Conservation (6:16).

The general assembly of Tennessee passed the acceptance of Federal Act in 1937 (see Appendix B) in which they adopted the policy of cooperating with the United States and the governments and agencies of other states in carrying out the policies of the National Soil Conservation Service Act.

IV. DEMONSTRATION VERSUS TECHNICAL ASSISTANCE

The Secretary of Agriculture received a report from the Committee on Soil Conservation on June 5, 1935. In the report, the Committee laid down the functions and activities of SCS in USDA, SCS's relation to other federal and state organizations, and methods of procedure in its various activities (1:5-6).

Now the wheels really began to turn, as one of the first actions affecting the SCS was the transfer of jurisdiction over 150 Civilian Conservation Corps (CCC) camps from the Forest Service to SCS.

The CCC had carried out its work through five year agreements with landowners in which the CCC supplied the labor to install erosion control devices and the farmers and ranchers then carried out the land use practices as planned.

Since this approach to Soil Conservation became a relatively slow process, it did not capture the interest and enthusiasm of most farmers and ranchers. It soon became apparent that some new approach would have to be worked out if the soil conservation program was to be effective (6:17-18).

Secretary of Agriculture Henry Wallace turned this problem over to H. H. Bennett. With the help of departmental lawyers, a study was made of existing and needed state laws to establish a local unit of government through which the program might be carried out. By October 1935, a model state act to set up soil conservation districts had been drafted. But it was not until February 1937, that President Roosevelt sent this suggested model out to the state governors and urged its adoption in a whole or modified form (6:18-19).

The first state to adopt this model providing for soil conservation districts was Arkansas on March 3, 1937 (1:7).

The first soil conservation district to be actually chartered was in H. H. Bennett's home state of North Carolina on August 4, 1937. It embraced parts of Anson and Union Counties and was named the "Brown Creek Soil Conservation District" (6:10,1:7).

V. THE TENNESSEE SOIL CONSERVATION DISTRICT ACT

The General Assembly of the State of Tennessee adopted House Bill No. 906 (the model Soil Conservation District Act) on March 8, 1939. It was patterned after the model plan recommended by Congress. Governor Prentice Cooper signed it into law on March 10, 1939.

In summary, this act set forth the formation, duties, and powers of the Soil Conservation District as follows (see Appendix C for complete wording):

Section 1. This act shall be known as the Soil Conservation Districts Act.

Section 2. It shall provide for the conservation of the soil and soil resources of the state.

Section 3. Terms used in the Act are defined.

Section 4. An outlined establishment of a State Soil Conservation Committee, including duties, is discussed.

Section 5. Procedures for the actual organization of the soil conservation district are presented.

Section 6. The issuance of a certificate of organization by the Secretary of State is called for.

Section 7. Rules for the election of the governing body of each district are spelled out.

Section 8. The powers granted to the governing body of each district are enumerated.

Section 9. The governing body is delegated the authority to formulate land use regulations within the district.

Section 10. The right of a landowner to recover damages resulting from violations of land use regulations by others is noted.

Section 11. The Authority of supervisors to resort to legal means to enforce land use regulations set up in the district is stated.

Section 12. The opportunity for supervision of two or more districts to cooperate is indicated and encouraged.

Section 13. The means for terminating a district are specified.

Section 14. It is stated that any part of the Act judged to be invalid will not affect the remainder of the Act.

Section 15. Declares that the Act took effect March 8, 1939, and that all laws and parts of laws in conflict with the Act were summarily repealed.

With the passage of this Tennessee Soil Conservation District Act, it became possible for each county, part of county, or geographical area to organize itself as a district. Most districts were organized on a county wide basis due to the already established boundaries that were known and recognized by all people, agencies, and government.

Now it was also possible for government technicians trained in soil erosion and farm planning work to be supplied to the district, at no cost to the people, to work with and help the people of the district that requested help with their individual soil erosion problems.

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CHAPTER III

DEVELOPMENT OF TENNESSEE SOIL CONSERVATION DISTRICTS

I. THE INITIAL PERIOD, 1940-1949

It was 18 months after "The Tennessee Soil Conservation District Act" was added to the statute laws of the State of Tennessee before the first Soil Conservation District was organized as provided for by the act.

The first Tennessee districts to be organized were in Sumner County and Lauderdale County on June 13, 1940. Sumner County is located in the North Central part of the state, while Lauderdale County is located in the Western part of the state (see Figure 1).

These first two districts, one in the Central part and one in the Western part of the state, represented the first conservation districts to be organized during the initial period, 1940-1949.

The peak of counties organizing districts during the initial period came in 1941, just before the start of World War II, when 13 counties organized districts in the Central and Western parts of the state.

After the United States entered World War II, the rate at which counties organized into districts decreased due to the scarcity of trained technicians to place in the new districts since most of them were serving their country militarily. Emphasis on wartime food production may have played a part also during this time.

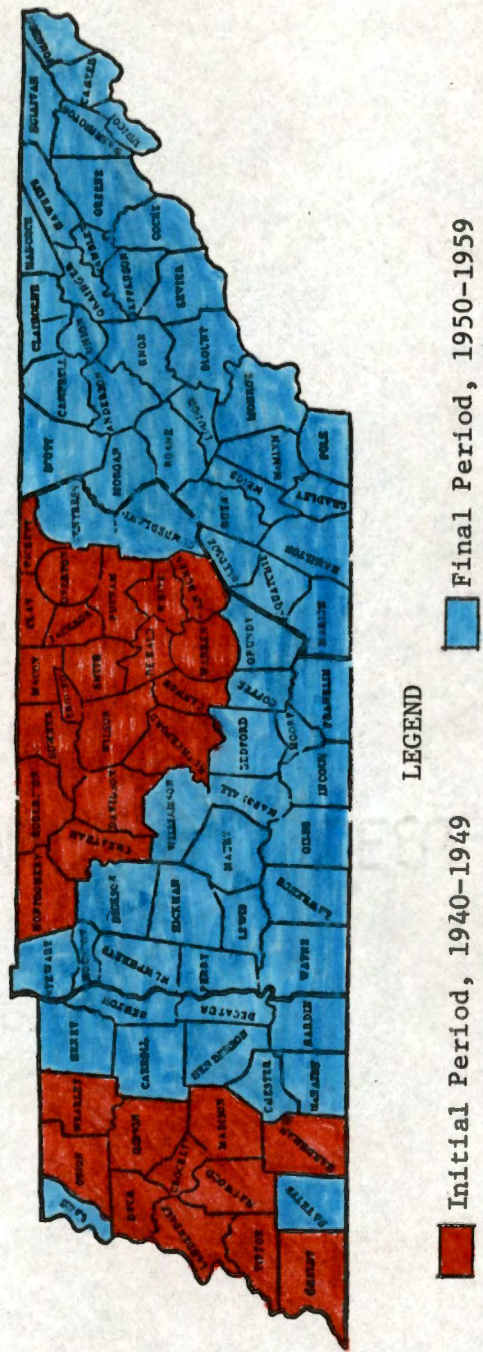


Figure 1. Counties forming Soil Conservation Districts by periods in Tennessee.

New conservation formation picked up again in 1944 and 1945, only to decrease in number each year thereafter until 1948. No new districts were formed in either 1948 or 1949.

Figure 2 shows how the soil conservation districts organized from 1940-1949 and 1950-1959 fit into the Agricultural Extension Supervisory districts of the State of Tennessee. It may be noted that early conservation districts appeared first in all but Extension Supervisory District 5 - nonvalley counties being involved.

Figure 3 shows how the soil conservation districts organized from 1940-1949 and 1950-1959 fit into the soil conservation areas of the State of Tennessee. It is seen that the first conservation districts formed in Soil Conservation Areas 1, 2, 3 and 4 - nonvalley counties.

Using Figure 4, it is possible to trace graphically the numbers of county soil conservation districts formed each year for the period 1940-1949.

Table I gives the dates, counties, and SCS order in which districts were organized during the initial period, 1940-1949. Again, it may be seen that these counties were nonvalley and that all had formed districts prior to 1948. Obion County organized in two parts: the first, north part in 1940; and the second part, the south in 1947.

II. THE FINAL PERIOD, 1950-1959

After the close of World War II and an adjustment period back to peacetime, interest was again stimulated for the formation of soil conservation districts in the counties that had not formed districts in the

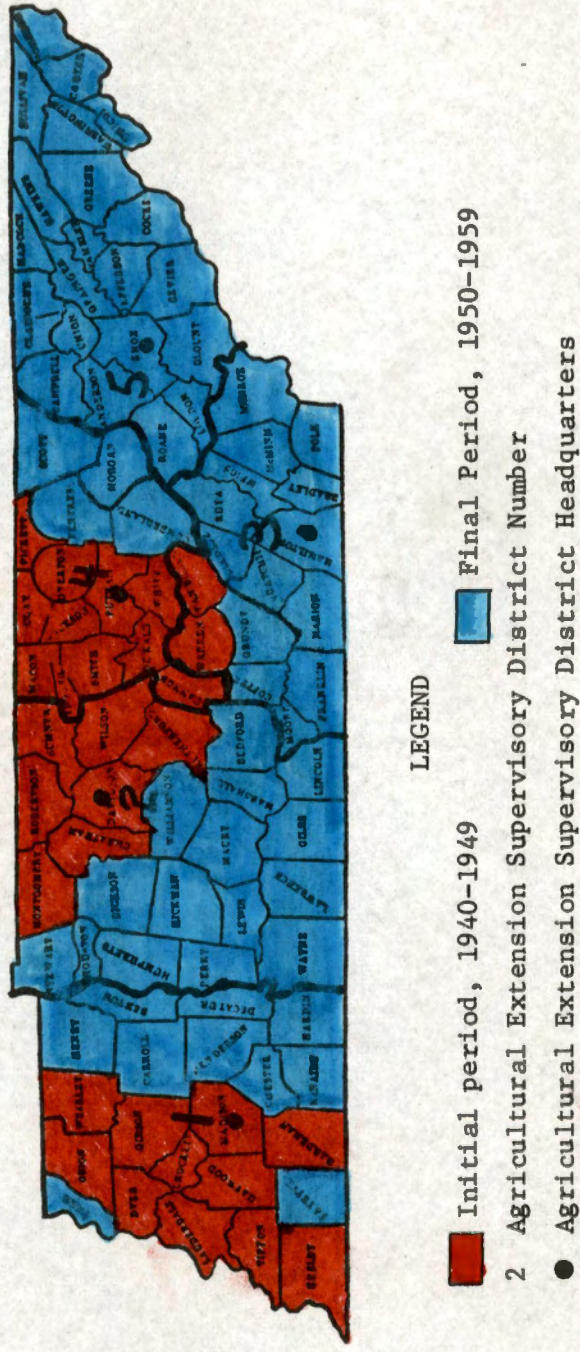


Figure 2. Counties forming Soil Conservation Districts by periods in Agricultural Extension Supervisory Districts of Tennessee.

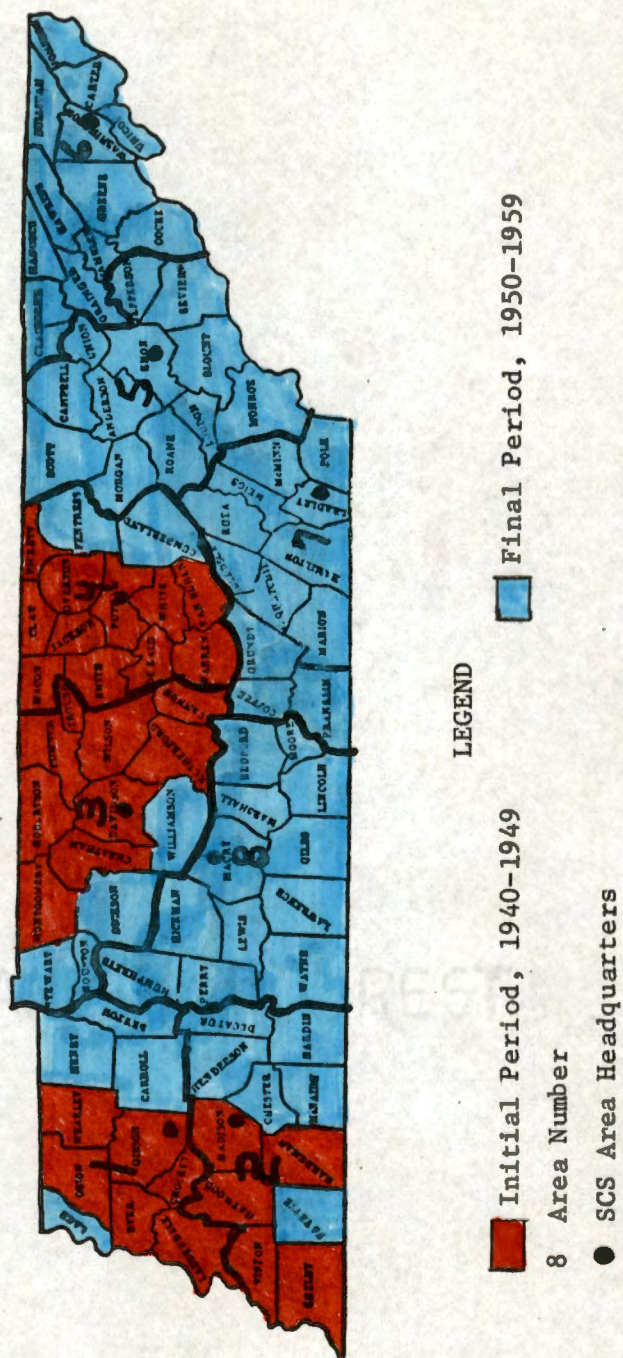


Figure 3. Counties forming Soil Conservation Districts by periods in Soil Conservation Service Areas of Tennessee.

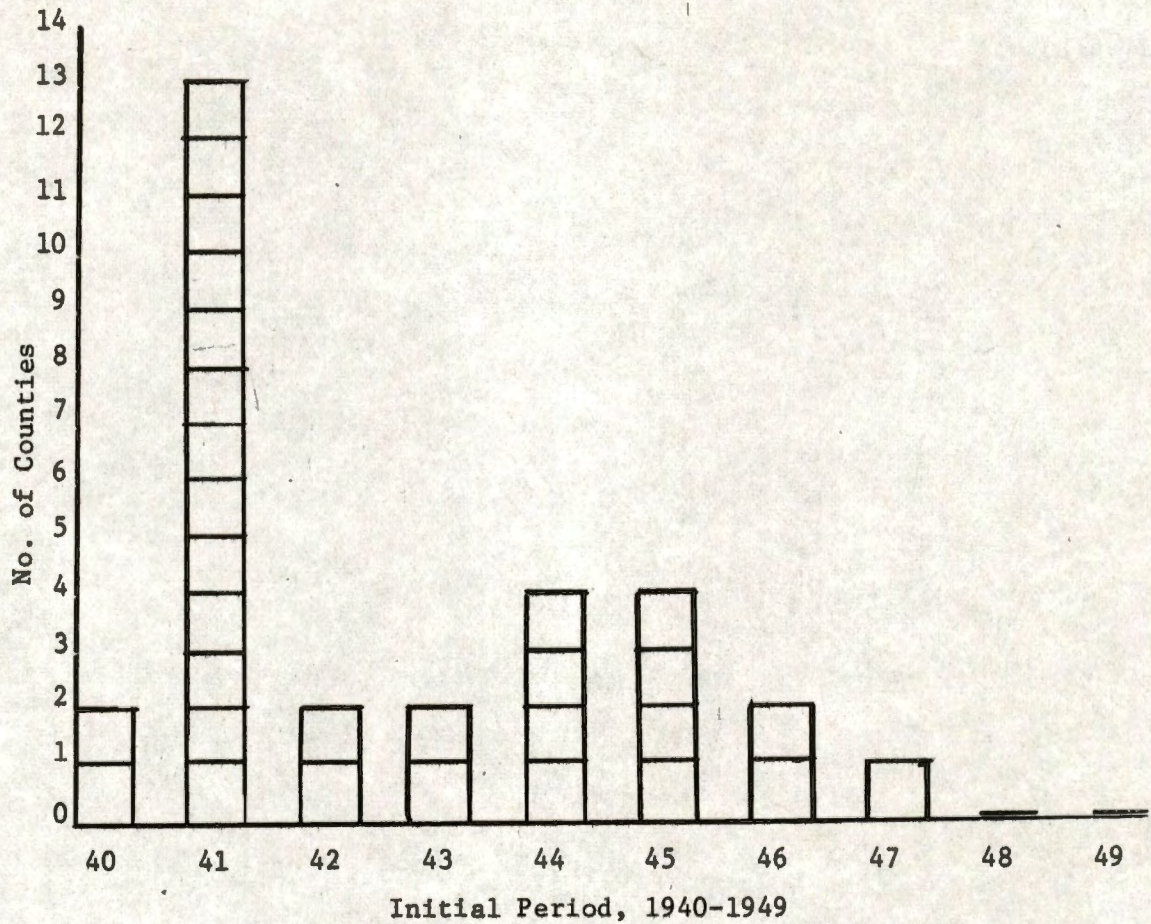


Figure 4. Numbers of counties organizing soil conservation districts by years during the Initial Period.

TABLE I

ORDER IN WHICH COUNTIES ORGANIZED SOIL CONSERVATION DISTRICTS
DURING THE INITIAL PERIOD, 1940-1949*

Date of Certificate of Organization		Name of County	SCS District Number
June	13, 1940	Sumner	1
June	13, 1940	Lauderdale	2
July	9, 1940 ^a	Obion	3
January	7, 1947		
February	19, 1941	Weakley	4
February	19, 1941	Gibson	5
February	19, 1941	Putnam	6
June	25, 1941	Robertson	7
June	25, 1941	Rutherford	8
July	10, 1941	Madison	10
August	19, 1941	DeKalb	9
August	19, 1941	Hardeman	11
September	24, 1941	Warren	12
September	24, 1941	Crockett	13
October	14, 1941	Tipton	14
October	14, 1941	Dyer	15
November	7, 1941	White	16
March	13, 1942	Haywood	17
November	24, 1942	Van Buren	18
February	24, 1943	Cannon	19
July	24, 1943	Wilson	20
August	20, 1944	Smith	21
August	20, 1944	Jackson	22
August	20, 1944	Montgomery	23
August	20, 1944	Cheatham	24
January	17, 1945	Trousdale	25
January	17, 1945	Overton	26
January	17, 1945	Clay	27
April	26, 1945	Pickett	28
January	30, 1946	Davidson	29
February	13, 1946	Macon	30
September	2, 1947	Shelby	31

*Source: Minutes of county organizational meetings, Extension Plant and Soil Science files (Knoxville, Tennessee, 1960). (Mimeographed.)

^aThe first date is when part of Obion County organized a district and the second date is when the remaining part of the county formed a district and the two parts became one.

earlier period. Also new interagency agreements were signed making cooperation possible.

Many farmers in the counties that did not have districts prior to 1950 had had a chance to study and observe the work that was being carried on in neighboring organized counties and concluded that the work that they were doing was in the best interest of farmers. As a result, they indicated their desire for the same type of assistance in their counties.

In 1950, three more counties formed districts (see Figure 1, page 16).

Farmers had seen the value of overall farm planning to combat soil erosion and increase crop production through the educational program of the Cooperative Extension Service.

The explosion in district organizing reached its high point in 1952 (see Figure 5) when 14 counties formed districts. This was the highest point in district organizations for both time periods. After 1952, there was a gradual decline in organization of districts, until all the counties in the state had completed district organization by September 9, 1959, when Lake County organized.

Table II gives the actual dates, counties, referendum votes, and order in which districts were organized during the final period, 1950-1959. These are the Tennessee Valley Counties not forming districts earlier.

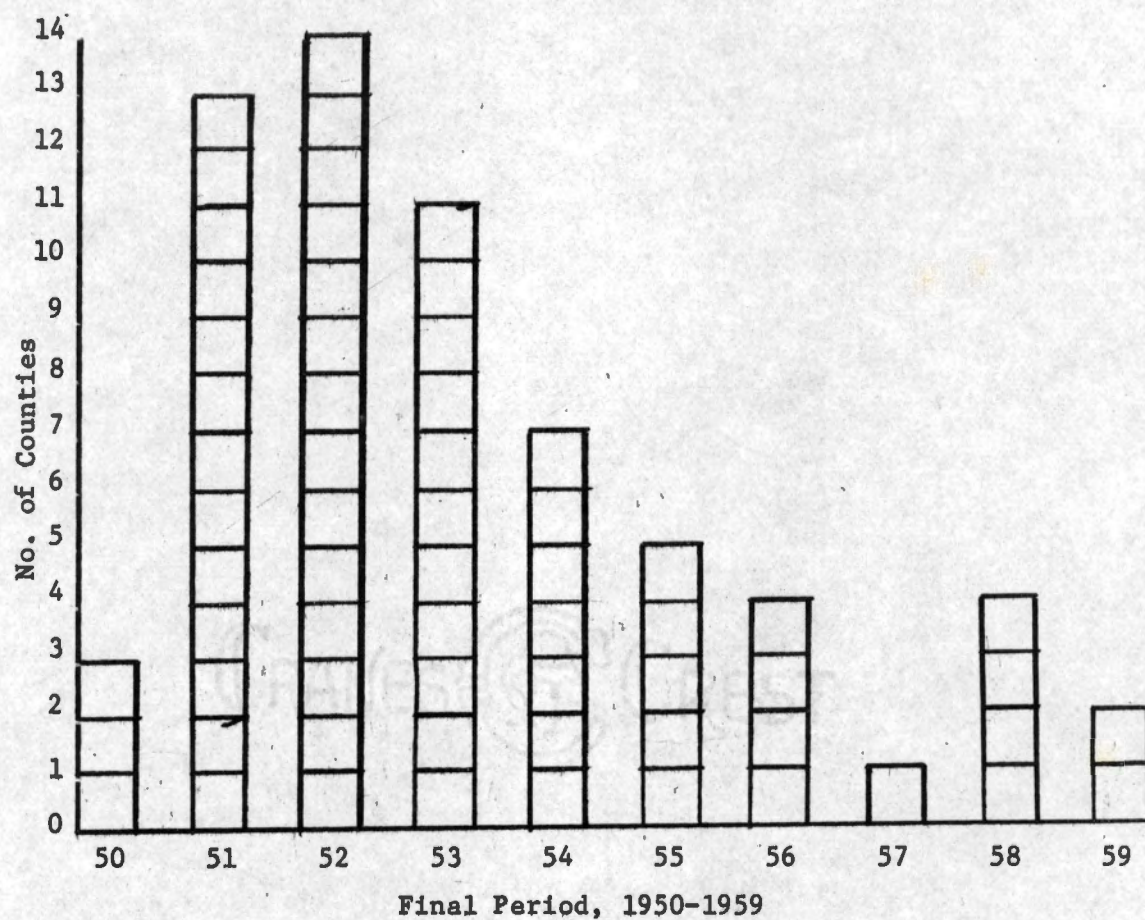


Figure 5. Numbers of counties organizing soil conservation districts by years during the Final Period.

TABLE II

ORDER IN WHICH COUNTIES ORGANIZED SOIL CONSERVATION DISTRICTS
DURING THE FINAL PERIOD, 1950-1959*

Date of Certificate of Organization		Name of County	Vote For and Against the Referendum For Organizing ^a	SCS District Number
June	29, 1950	Carroll	b	32
June	29, 1950	McNairy	b	33
October	30, 1950	Fayette	280-27	35
January	8, 1951	Williamson	368-6	34
February	17, 1951	Chester	240-8	36
April	10, 1951	Franklin	254-2	38
April	20, 1951	Henderson	393-0	37
June	28, 1951	Sequatchie	45-11	40
June	28, 1951	Hamilton	163-20	41
June	28, 1951	Marion	77-47	42
June	28, 1951	Bledsoe	284-9	43
June	28, 1951	Henry	100-2	44
June	28, 1951	Houston	69-30	45
July	2, 1951	Maury	418-1	39
July	6, 1951	Lincoln	468-3	46
July	18, 1951	Hickman	277-6	47
February	25, 1952	Meigs	170-3	49
February	25, 1952	Lawrence	1226-19	50
February	27, 1952	Dickson	445-10	48
February	27, 1952	Giles	315-1	51
March	7, 1952	Bradley	156-1	52
March	7, 1952	Rhea	147-10	53
March	7, 1952	Coffee	461-14	54
April	28, 1952	Decatur	412-3	55
May	12, 1952	Marshall	469-9	56
June	18, 1952	Hardin	276-30	58
June	20, 1952	Hawkins	405-6	57
July	7, 1952	Bedford	733-7	59
October	20, 1952	Knox	253-5	60
December	30, 1952	Morgan	247-3	61
March	13, 1953	Lewis	217-1	62
March	18, 1953	Stewart	289-1	63
May	11, 1953	Humphreys	220-7	64
June	30, 1953	Union	247-7	66
July	6, 1953	Cocke	619-2	65
August	17, 1953	Grainger	268-7	68
August	20, 1953	Sullivan	247-3	67
November	3, 1953	Grundy	78-0	70
November	6, 1953	Blount	317-7	72
November	25, 1953	Perry	295-3	69
December	16, 1953	Wayne	247-4	71

TABLE II (continued)

Date of Certificate of Organization		Name of County	Vote For and Against the Referendum, For Organizing ^a	SCS District Number
April	16, 1954	Scott	439-0	74
June	4, 1954	Moore	168-3	73
July	3, 1954	Hamblen	317-8	75
August	6, 1954	Savner	239-106	76
September	29, 1954	Johnson	738-13	77
December	28, 1954	Greene	1451-34	78
December	29, 1954	McMinn	236-9	79
February	17, 1955	Washington	661-35	80
March	10, 1955	Unicoi	145-3	81
March	24, 1955	Fentress	162-0	82
April	27, 1955	Monroe	353-2	83
October	12, 1955	Cumberland	246-4	84
January	9, 1956	Polk	178-0	85
May	1, 1956	Hancock	386-4	86
June	11, 1956	Loudon	313-1	87
June	18, 1956	Claiborne	501-4	88
December	6, 1957	Campbell	166-16	89
January	10, 1958	Benton	278-8	90
June	3, 1958	Jefferson	294-5	91
June	4, 1958	Roane	314-30	92
November	17, 1958	Anderson	398-12	93
February	4, 1959	Carter	117-31	94
September	9, 1959	Lake	91-0	95

*Source: Minutes of county organizational meetings, Extension Plant and Soil Science files (Knoxville, Tennessee, 1960). (Mimeographed.)

^aThe first number refers to the votes in favor of referendum for organizing and the second number refers to the votes against referendum for organizing.

^bThe votes for or against the referendum for organizing are not available for these dates or any previous dates.

III. PROBLEMS ENCOUNTERED, SOLUTIONS, AND RESULTS

Due to a formal agreement entered into by Tennessee Valley Authority, United States Department of Agriculture, and the Land Grant Colleges prior to 1942, no soil conservation districts were to be organized in counties where soil erosion control work was under the supervision of the Tennessee Valley Authority (TVA).

This stand on soil erosion control, according to Thorpe, was based on the following statement in the agreement:

That the Soil Conservation Service not undertake erosion control work in the area under the jurisdiction of the Tennessee Valley Authority except TVA coordinating committee of three representing the Department (USDA), the Tennessee Valley Authority, and the seven states in the Tennessee River Basin. This TVA committee has been established to provide coordination of all agricultural activities conducted within that area (9:162).

The procedures set up in this agreement excluded the Soil Conservation Service from soil conservation work in any county in the Tennessee Valley. In 1942, the original agreement was terminated and replaced with a new one.

The new memorandum of understanding changed the formation of soil conservation districts within the Tennessee Valley as follows:

It is understood that neither this memorandum of understanding nor the Correlating Committee provided for herein, has administrative jurisdiction which would prevent any signatory agency or institution from carrying out the provisions of legislation for which said signatory is responsible (9:163).

This change, then, cleared the way for organization of soil conservation districts in the Tennessee Valley counties, but no valley counties were organized until 1950. World War II also undoubtedly had a retarding effect.

Only nonvalley counties organized soil conservation districts during the Initial Period, 1940-1949, apparently due to the influence of the formal agreement mentioned above.

During the early period of district organizations, in the nonvalley counties, another problem that often came up when The Tennessee Soil Conservation District Act was explained to those present at county hearings held in regard to organizing soil conservation districts was the land use regulation section of the Act (see Appendix C).

Many of those present at hearings objected to this section because they thought or had been advised that if they organized a soil conservation district they would be told just how they could or could not use their land. It was hard to convince them that this was just for their own protection. For example, if some practice of land use was being carried out that was harmful to all of them, that practice could be stopped under this section. The intent was not to control practices used by individuals on their own land.

E. C. McReynolds, Associate Director, Agricultural Extension Service, noted that the land use regulations had not been put in force in any organized district in Tennessee and that it had only been resorted to in one or two districts in the entire United States (i.e., Colorado districts related to water rights) (3).

So with the passage of time and through nonuse any problem created by the above cited section of the Act gradually disappeared.

During the Final Period, 1950-1959, when all of the valley counties organized districts, a Plan for Coordinated action in the Soil and

Water Conservation Phase of the State Agricultural Program was developed through the cooperation of all agencies involved in soil and water conservation work in the state and signed by all agencies excepting TVA (see Appendix D).

To implement the plan during the final organizational period, 1950-1959, J. H. Robinson, Extension Soil Conservationist, was employed jointly (i.e., 50 percent each) by the SCS and the Tennessee Agricultural Extension Service to help districts organize (4).

The plan provided a basis for interagency communication and actions necessary for the most effective and economical development of the soil conservation interests of districts and agencies with responsibilities in this area of work. Extension was further involved in that the professional county agent in each county assisted in district organization (e.g., circulation of petitions, opening meetings).

It was of help in solving the differences that existed among the agencies in Tennessee, but at the time of the present study, was largely inactive.

Another memorandum of agreement made during the Final Period, 1950-1959, between J. R. Sasser, State Conservationist, Soil Conservation Service, and J. H. McLeod, Dean and Director, Agricultural Extension Service, brought these two agencies closer together (see Appendix E).

Areas of mutual interest, means of coordinating the efforts of all personnel concerned, and guideposts for local use have been delineated.

This has resulted at the county level in better cooperation, less duplication of effort, and more services to the clientele served by both the Extension Leader of the Extension Service and the Work Unit Conservationist of the Soil Conservation Service.

With time and cooperation most of the problems that have appeared during the time it took all (nonvalley and valley) counties to organize soil conservation districts have been eliminated or agreements have been reached on methods used in solving.

Due to this improved cooperation we find that, according to the Tennessee Soil and Water Conservation Needs Inventory, 19,733,600 million acres of 24,226,000 million acres in Tennessee in 1958 needed some type of conservation treatment (7:1-86). Using the same type of inventory, only 17,799,000 million acres of 23,585,800 million acres in Tennessee in 1967 needed some type of conservation treatment (8:1-128). In other words, 1,934,600 million acres had had some type of conservation treatment as a result of the cooperative work of the Federal and State agencies and other organizations with soil and water resource responsibilities and interest.

IV. FUTURE DIRECTIONS

If the soil conservation district is to be as effective in the future, as it was in the fields of soil erosion and farm planning in the past, it may have to alter its image. In respect to this J. R. Sasser has suggested among other things, that Soil Conservation Districts expand their horizons to include assistance to their clientele in the

fields of conservation (e.g., pollution control and ecology) as well as continuing the program for conserving and improving the soils of our nation (5).

In the future, Sasser suggests, districts should assist in the field of land use planning by working more closely with city planners, local zoning boards, and other similar groups interested in the orderly growth and development of land so that it can meet the needs of the increasing population for new housing, new industries, and new recreational areas.

Sasser believes that districts must work harder in the future with nonfarm members of the clientele, on problems of controlling air and water pollution from farm land runoff in the form of waste pesticides and fertilizers used in crop and forest production, helping improve present sewage and garbage disposal systems, slowing the filling up of water reservoirs with sediments from erosion carried by streams and rivers that supply water for life, reducing the amount of sediments carried out to sea, and establishing priorities for the proper distribution of scarce resources that are used by more than one user group (e.g., land for new construction and water for all uses). Other areas of concern to be considered are the restoration of land that has been stripmined, the replanting of forest where needed to insure a future supply of forest products, and the conservation of wildlife so that nature will be in proper balance with the land.

CHAPTER IV

SUMMARY

Man's struggle to control soil erosion is as old as recorded history. It is still being written about today and estimates have been made as to the relatively small amount of land that will be available per person by the year 2300 A.D.

It has been verified that accelerated soil erosion depresses man's economic, social, physical, and spiritual well being through reduced crop yields, lower incomes, impaired health, and increased damage from floods.

The purpose of the study, then, has been to record the historical development of soil conservation districts in Tennessee with particular attention to problems that existed, ways in which they were overcome, and what resulted.

The study was historical in nature and made use of related literature, existing records, and personal interviews with selected parties involved through the years. It was felt that a study of this nature would be of value to those interested in the development of Tennessee soil conservation work and/or similar movements involving interagency work.

A review of related literature disclosed that American farmers became concerned with the problem of soil erosion as early as 1615 when William Boyd of Virginia saw the topsoil of his farm being carried away by heavy rainfall.

The writings, observations and experiments conducted by such men as Jared Eliot of Connecticut, Samuel Dean of Maine, John Lorain of Pennsylvania, Nicholas Sornby of Mississippi and others, indicated that the problem of soil erosion was neither unique to any one geographical area nor limited to a single type of farming operation.

Much information was exchanged at Agricultural Society Meetings where farmers came together to talk about common farming problems and determining possible solutions to the problems. These early meetings were the forerunners of what was to culminate in the passage of the Smith-Lever Act of 1914, which provided for the creation of the Cooperative Extension Service. This organization is still functional through educational programs to help farmers and homemakers learn to solve their problems better.

The earliest conservation law was the Forest Reserve Act of 1891. This Act elevated the issue of conservation of natural resources and soil erosion to the national level.

It was not until the coming of H. H. Bennett, known since as the father of soil conservation, that soil erosion control work truly gained national prominence as a program of vital import to the nation. The great dust storms of the 1930's helped to convince the American people of the value and need for soil erosion control.

Through the mutual efforts of President Franklin D. Roosevelt, Bennett, and Congress, a national law was passed and signed that established the Soil Conservation Service as a national agency to work on soil erosion.

Due to the economic depression gripping the nation at the time, the first work carried out under the act was demonstrational in nature. It was designed to utilize the unemployed of the nation in soil erosion control work. It soon became apparent that this approach was not doing the job as quickly and efficiently as expected. Therefore, a new approach was worked out to organize farms into districts. Technical assistance was to be furnished by the Soil Conservation Service.

All states passed soil conservation district acts to allow the districts to become local unit based. This proved successful because it established procedures for organizing districts and gave needed power to the districts to promote and carry out soil erosion control practices on the lands within their jurisdiction through agreements with local landowners.

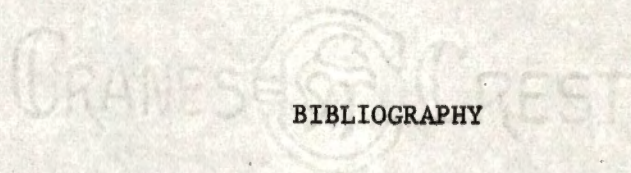
In Tennessee, the spread of the district movement to valley counties followed the signing of an agreement in 1942 between The Tennessee Valley Authority and other agencies involved, thus permitting soil conservation work to be conducted through districts. Only the nonvalley counties were found to have formed districts in the Initial Period, 1940-1949. World War II influences also were noted.

With the coming of the 1950's, the district movement in Tennessee speeded up due to the signing of more effective agreements between the interested agencies in regard to purposes, organization, and methods of operation. One of the most helpful agreements was the Plan for Coordinated Action in the Soil and Water Conservation Phase of the State Agricultural Program made effective September 19, 1950. Other suitable

agreements paved the way for counties in TVA counties to organize soil conservation districts. Extension agents assisted in the work and one state specialist was appointed jointly by SCS and the Extension Service to get the job done,

All counties in the state had operating soil conservation districts by September 9, 1959. However, it was noted, it required 20 years, 1940-1959, for this to become possible.

Still-living retired state leaders responsible for early development of the soil conservation districts predict that the work will continue to become more effective in the future. They point to the advantage of interagency cooperation and the need to include the fields of conservation (e.g., pollution control and ecology) along with their continued now-traditional work in soil and water erosion control.



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BIBLIOGRAPHY

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APPENDIXES

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APPENDIX A

PUBLIC LAW No. 46--74th CONGRESS
(H. R. 7054)

AN ACT

To provide for the protection of land resources against soil erosion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized, from time to time --

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this Act; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act.

Sec. 2. The acts authorized in section 1 (1) and (2) may be performed --

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

Sec. 3. As a condition to the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require --

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

Sec. 4. For the purposes of this Act, the Secretary of Agriculture may --

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from the date of this enactment, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this Act on a basis to be determined by the Civil Service Commission; and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this Act.

Sec. 5. The Secretary of Agriculture shall establish an agency to be known as the "Soil Conservation Service," to exercise the powers conferred on him by this Act and may utilize the organization heretofore established for the purpose of administering those provisions of sections 202 and 203 of the National Industrial Recovery Act which relate to the prevention of soil erosion, together with such personnel thereof as the Secretary of Agriculture may determine, and all unexpended balances of funds heretofore allotted to said organization shall be available until June 30, 1937, and the Secretary of Agriculture shall assume all obligations incurred by said organization prior to transfer to the Department of Agriculture. Funds provided in H. J. Res. 117, "An Act making appropriation for relief purposes" (for soil erosion) shall be available for expenditure under the provisions of this Act; and in order that there may be proper coordination of erosion-control activities the Secretary

of Agriculture may transfer to the agency created under this Act such functions, funds, personnel, and property of other agencies in the Department of Agriculture as he may from time to time determine.

Sec. 6. There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Approved, April 27, 1935.



APPENDIX B

CHAPTER 14*

SOIL CONSERVATION GENERALLY--ACCEPTANCE OF FEDERAL ACT

SECTION.

43-1401. Assent of general assembly to
federal act--Policy of state
--Duties of trustees of uni-
versity.

43-1401. Assent of general assembly to federal act--Policy of state--Duties of trustees of university.--The assent of the general assembly of the state of Tennessee is given to the provisions and requirements of the "Soil Conservation and Domestic Allotment Act" (Public No. 46, 74th Congress, approved April 27, 1935, as amended); and the general assembly adopts as the policy of the state of Tennessee, the policy of cooperating with the governments and agencies of other states and of the United States in carrying out the policy and purposes, specified in section 7 (a) of said act of congress, and in order to effectuate such policy the trustees of the University of Tennessee are hereby authorized and empowered: (1) to formulate, with the assistance of the agricultural extension service and the agricultural experiment station, pursuant to the standards therefor set forth in section 7 (a) of said act of congress, agricultural plans for this state for each calendar year, and from time to time, to make such revisions in such plans as may be necessary to effectuate such purposes; (2) to prescribe such rules and regulations with reference to the administration of such plans (including provision for participation in the administration of such plans by county and community committees, or associations of agricultural producers, organized for such purpose) as may be necessary or expedient for the effective administration of such plans; (3) to provide in such plans for their administration by the trustees of the University of Tennessee, who are designated and authorized as the state agency of the state of Tennessee to administer such plans; (4) to submit such state plans to the secretary of agriculture of the United States, prior to such time and in such manner and form as the secretary may prescribe; (5) to receive on behalf of the state of Tennessee any grants made pursuant to section 7 of said act of congress, and to utilize and expend such grants in accordance with the provisions of such state agricultural plans as may have been approved by said secretary of agriculture; (6) to utilize such available services and assistance of other state agencies of this state, including the agricultural experiment station and the agricultural extension service of the University of Tennessee, and to exercise such powers and

authorities, as may be necessary or proper to the performance of their duties and functions hereunder: (7) to provide for the submission to said secretary of agriculture of such reports as may be required to ascertain whether such plans are being carried out according to their terms and to assure the correctness, and make possible verification, of such reports; and (8) to submit to the governor an annual report for each year covering the administration and operation of such program. [Acts 1937, ch. 44, § 1; C. Supp. 1950, § 552.1 (Williams, § 552.30).]

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Ark. Stat. 1947, § 77-1501.

Ill. Rev. Stat. 1961, ch. 5, §§ 138a-138g.

Mo. Rev. Stat. 1959, §§ 278.010-278.050.

Collateral References. 3 Am. Jur. (2d), Agriculture, §§ 16, 19, 21-30, 32, 33.

3 C. J. S., Agriculture, § 10.

*Tennessee Code Annotated, Vol. 8, 1971 Replacement.

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APPENDIX C

CHAPTER 15*

SOIL CONSERVATION DISTRICTS

SECTION.		SECTION.	
43-1501.	Short title.	43-1512.	Naming proposed district upon determination of practicability--
43-1502.	Definitions.		Appointment and election of supervisors--
43-1503.	State soil conservation committee--Membership--Terms--Vacancy--Records--Seal--Hearings and regulations.		Application, form and contents--Statement of soil conservation committee--Issuance of certificate--Boundaries--Fee.
43-1504.	Employment of officers, agents and employees--Duties--Compensation.	43-1513.	Subsequent petitions after determination of nonpracticability.
43-1505.	Organization of committee--Quorum--Expenses--Bonds of employees--Records--Annual audit.	43-1514.	Additional territory--Petition to include--Form and contents.
43-1506.	Duties and powers of committee.	43-1515.	Proper establishment of district proved in action by admission of certificate.
43-1507.	Land owners petitioning for organization of soil conservation district--Consolidation of petitions.	43-1516.	Election of three supervisors for each district.
43-1508.	Hearing--Notice--Right of interested parties to be heard--Determination by committee of question of need of district.	43-1517.	Governing body of district--Qualifications and terms of supervisors--Quorum--Compensation and expenses--Employees--Program and policy.
43-1509.	Determination of administrative practicability and feasibility--Referendum.	43-1518.	Powers of districts and supervisors.
43-1510.	Committee supervising hearings and referenda and paying expenses--Informalities, effect.	43-1519.	Land-use regulations--Adoption--Amendment or repeal--Provisions.
43-1511.	Result of referendum published--Determination whether operation of district administratively practicable.	43-1520.	Damages for violation of land-use regulations--Determining observance.

SECTION.

- 43-1521. Nonobservance of regulations basis of court action--Petition--Hearing--Enforcement of observance.
- 43-1522. Cooperation between districts.

- 43-1523. Discontinuance of districts--Petition--Notice--Hearing--Referendum--Determination by committee--Termination of affairs--Certificate of dissolution.

43-1501. Short title.--This chapter may be known as the "Soil Conservation Districts Law." [Acts 1939, ch. 197, § 1; C. Supp. 1950, § 552.2 (Williams, § 552.31).]

Cross-References. County appropriations for soil conservation purposes, § 5-923.

Comparative Legislation. Soil conservation districts:

- Ala. Code 1958, tit. 2, §§ 658-670.
- Ark. Stat. 1947, §§ 9-901-9-917.

Ga. Code Ann., §§ 5-1901-5-1927.

Ill. Rev. Stat. 1961, ch. 5, §§ 106-138.2.

Miss. Code 1942, §§ 4940-4958.5.

Mo. Rev. Stat. 1959, §§ 278.060-278.150.

N. Car. Gen. Stat., §§ 139-1-139-15.

Va. Code 1950, §§ 21-1-21-112.

43-1502. Definitions.--Wherever used in this chapter, unless a different meaning clearly appears from the context:

(1) "District" or "soil conservation district" means a subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of this chapter, for the purpose, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this chapter.

(3) "Committee" means the agency created in § 43-1505.

(4) "Petition" means a petition filed under the provisions of § 45-1507 for the creation of a district.

(5) "Nominating petition" means a petition filed under the provisions of § 43-1516 to nominate candidates for the office of supervisor of a soil conservation district.

(6) "State" means the state of Tennessee.

(7) "Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

(8) "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

SECTION.

43-1521. Nonobservance of regulations basis of court action--Petition--Hearing--Enforcement of observance.

43-1522. Cooperation between districts.

43-1523. Discontinuance of districts--Petition--Notice--Hearing--Referendum--Determination by committee--Termination of affairs--Certificate of dissolution.

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(6) "State" means the state of Tennessee.

(7) "Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

(8) "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(9) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise of either of them.

(10) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a district organized under the provisions of this chapter.

(11) "Land occupier" or "occupier of land" includes any person, firm or corporation, other than the owner who shall be in possession of any lands lying within a district organized under the provisions of this chapter whether as lessee, renter, tenant or otherwise.

(12) "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held, pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates. [Acts 1939, ch. 197, § 3; C. Supp. 1950, § 552.3 (Williams, § 552.33).]

Collateral References. What is as to posting of notices. 90 A.
a "public place" within requirements L. R. (2d) 1210.

43-1503. State soil conservation committee--Membership--Terms--Vacancy--Records--Seal--Hearings and regulations.--There is hereby established a state soil conservation committee to perform the functions conferred upon it in this chapter. The committee shall consist of seven (7) representatives: one (1) farmer and one (1) supervisor from East Tennessee; one (1) farmer and one (1) supervisor from Middle Tennessee; one (1) farmer and one (1) supervisor from West Tennessee; one (1) supervisor from the state at large, and three (3) ex officio members. The following shall serve as ex officio members of the committee: The dean of the college of agriculture of the University of Tennessee, located at Knoxville, Tennessee; the commissioner of the state department of agriculture, located at Nashville, Tennessee; and the commissioner of the state department of conservation, located at Nashville, Tennessee. An ex officio member of the committee shall hold office so long as he shall retain the office by virtue of which he shall be serving on the committee. The first appointees shall serve as follows: West Tennessee, the supervisor member shall serve for a term of one (1) year and the farmer member shall serve for two (2) years; Middle Tennessee, the supervisor shall serve for two (2) years and the farmer member shall serve for three (3) years; East Tennessee, the supervisor member shall serve for three (3) years and the farmer member shall serve for one (1) year. The supervisor from the state at large shall serve for three (3) years and, at the expiration of the first term of office, all members thereafter shall

serve for a term of three (3) years. The governor shall appoint all farmer and all supervisor members, and shall fill all vacancies by appointment as these occur. A duly appointed supervisor member of the committee, who ceases to hold the position of soil conservation district supervisor, will continue to serve on the committee until the normal expiration of his term. The committee shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter. [Acts 1939, ch. 197, § 4; C. Supp. 1950, § 552.4 (Williams, § 552.34); Acts 1957, ch. 158, § 1.]

43-1504. Employment of officers, agents and employees--Duties--Compensation.--The state soil conservation committee may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The committee may call upon the attorney general of the state for such legal services as it may require. It shall have authority to delegate to its chairman, to one (1) or more of its members, or to one (1) or more agents or employees, such powers and duties as it may deem proper. [Acts 1939, ch. 197, § 4; C. Supp. 1950, § 552.4 (Williams, § 552.34); Acts 1957, ch. 158, § 1.]

43-1505. Organization of committee--Quorum--Expenses--Bonds of employees--Records--Annual audit.--The committee shall designate one (1) of the farmer-supervisor members as its chairman, and may, from time to time, change such designation. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The chairman and members of the committee shall receive no compensation for their services on the committee, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. [Acts 1939, ch. 1194, § 4; C. Supp. 1950, § 552.4 (Williams, § 552.34); Acts 1957, ch. 158, § 1.]

Section to Section Reference.
This section is referred to in § 43-1502.

43-1506. Duties and powers of committee.--In addition to the duties and powers hereinafter conferred upon the state soil conservation committee, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of soil conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.

(2) To keep supervisors of each of the several districts organized under the provisions of this chapter informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them, and to publish an annual report.

(3) To coordinate the programs of the several soil conservation districts organized hereunder so far as they may be done by advice and consultation.

(4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of watershed districts and soil conservation districts.

(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts and watershed districts, and to encourage and facilitate the formation of such districts in areas where their organization is desirable.

(6) To constitute the committee as the state agency having the sole responsibility to administer and approve watershed districts and programs under acts of congress now in effect or hereafter enacted. [Acts 1939, ch. 197, § 4; C. Supp. 1950, § 552.4 (Williams, § 552.34); Acts 1957, ch. 158, § 1; 1959, ch. 164, § 1.]

43-1507. Land owners petitioning for organization of soil conservation district--Consolidation of petitions.--Any twenty-five (25) owners of land lying within the limits of the territory proposed to be organized into a district may file a petition with the state soil conservation committee asking that a soil conservation district be organized to function in the territory described in the petition. The description shall not be required to be given by metes and bounds or by legal subdivision, but shall be deemed sufficient if generally accurate.

Where more than one (1) petition is filed covering parts of the same territory, the state soil conservation committee may consolidate all or any such petitions. [Acts 1939, ch. 197, § 5; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

Section to Section Reference.

This section is referred to in § 43-1502.

43-1508. Hearing--Notice--Right of interested parties to be heard--Determination by committee of question of need of district.--Within sixty (60) days after such a petition has been filed with the state soil conservation committee, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of such districts, upon the question of the appropriate boundaries to be assigned to such districts, upon the propriety of the petition and other proceedings taken under this chapter, and upon all questions relevant to such inquiries. All owners and occupiers of land within the limits of the territory described in the petition, and of lands within any territory

considered for addition to such described territory, and all other interested parties, shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include, within the proposed district, territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held.

If the committee shall determine, after such hearing, that, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, there is need, in the interest of the public health, safety, and welfare, for a soil conservation district to function in the territory considered at the hearing, it shall make and record such determination, and shall define, by metes and bounds or by legal subdivision, the boundaries of such districts. In making such determination and in defining such boundaries, the committee shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other soil conservation districts already organized or proposed for organization under the provisions of this chapter, and such other physical, geographical and economic factors as are relevant. The territory to be included within such boundaries need not be contiguous. If the committee shall determine after such hearing, and after due consideration of the said relevant facts, that there is no need for a soil conservation district to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition. After six (6) months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon. [Acts 1939, ch. 197, § 5; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

43-1509. Determination of administrative practicability and feasibility--Referendum.--After the committee has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries, with the powers conferred upon soil conservation districts in this chapter, is administratively practicable and feasible.

To assist the committee in the determination of such administrative practicability and feasibility, it shall be the duty of the committee, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof, to hold a referendum within the proposed

district upon the proposition of the creation of the district, and to cause due notice of such referendum to be given. All owners of lands lying within the boundaries of the territory, as determined by the state soil conservation committee, shall be eligible to vote in such referendum. Only such land owners shall be eligible to vote. [Acts 1939, ch. 197, § 5; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

Law Reviews. An Examination Procedure (George Street Boone),
of the Tennessee Law of Administrative 1 Vand. L. Rev. 339.

43-1510. Committee supervising hearings and referenda and paying expenses--Informalities, effect.--The committee shall pay all expenses for the issuance of such notices and the conduct of such hearings and referenda, and shall supervise the conduct of such hearings and referenda. It shall issue appropriate regulations governing the conduct of such hearings and referenda, and providing for the registration, prior to the date of the referendum, of all eligible voters, or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum. No informalities in the conduct of such referendum or in any matter relating thereto shall invalidate said referendum or the result thereof, if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted. [Acts 1939, ch. 197, § 5; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

43-1511. Result of referendum published--Determination whether operation of district administratively practicable.--The committee shall publish the result of such referendum and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the committee shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the committee shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner hereinafter provided. In making such determination the committee shall give due regard and weight to the attitudes of the owners and occupiers of lands lying within the defined boundaries, the number of landowners eligible to vote in such referendum who shall have voted, the proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the land owners and occupiers of the proposed district, the probable expense of carrying on erosion-control operations within such district, and such other economic and social factors as may be relevant to such determination; provided, however, that the committee shall not have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, unless at least a majority of the votes cast in the referendum upon the proposition of creation of the district shall have been cast in favor of the creation of such district. [Acts 1939, ch. 197, § 5; mod. C. Supp. 1950, § 552.5 (Williams, § 552.35).]

43-1512. Naming proposed district upon determination of practicability--Appointment and election of supervisors--Application, form and contents--Statement of soil conservation committee--Issuance of certificate--Boundaries--Fee.--If the committee shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall name the district and shall appoint two (2) supervisors to act, with the three (3) supervisors elected as provided hereinafter, as the governing body of the district.

The two (2) appointed supervisors shall present to the secretary of state an application signed by them, which shall set forth (and such application need contain no detail other than the mere recitals): (1) that a petition for the creation of the district was filed with the state soil conservation committee pursuant to the provisions of this chapter, and that the proceedings specified in this chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district; and that the committee has appointed them as supervisors; (2) the name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office; (3) the term of office of each of the supervisors; (4) the name which is proposed for the district; and (5) the location of the principal office of the supervisors of the district. The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by the laws of this state to take and certify oaths. The application shall be accompanied by a statement by the state soil conservation committee, which shall certify (and such statement need contain no detail other than the mere recitals) that a petition was filed, notice issued, and hearing held as aforesaid; that the committee did duly determine that there is need, in the interest of the public health, safety, and welfare, for a soil conservation district to function in the proposed territory and did define the boundaries thereof; that notice was given and a referendum held on the question of the creation of such district, and that the result of such referendum showed a majority of the votes cast in such referendum to be in favor of the creation of the district; and that thereafter the committee did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the committee.

When the application and statement have been made, filed, and recorded in the office of the secretary of state, the district shall constitute a subdivision of this state and a public body corporate and politic. The secretary of state shall make and issue to the said supervisors a certificate, under the seal of the state, of the due organization of the said district, and shall record such certificates with the application and statement. The boundaries of such district shall include the territory as determined by the state soil conservation committee as aforesaid, but in no event shall they include any area included within the boundaries of another soil conservation district organized under the provisions of this chapter.

There shall be paid, to the secretary of state, at the time said certificate is issued, the sum of five dollars (\$5.00), which shall be in lieu of all other fees. [Acts 1939, ch. 197, § 5; 1941, ch. 83, § 1; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

43-1513. Subsequent petitions after determination of nonpracticability.--After six (6) months shall have expired from the date of entry of a determination by the state soil conservation committee that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed as aforesaid and action taken thereon in accordance with the provisions of this chapter. [Acts 1939, ch. 197, § 5; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

43-1514. Additional territory--Petition to include--Form and contents.--Petitions for including additional territory within an existing district may be filed with the state soil conservation committee, and the proceedings herein provided for in the case of petition to organize a district shall be observed in the case of petitions for such inclusion. The committee shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this chapter for petitions to organize a district. Where the total number of landowners in the area proposed for inclusion shall be less than twenty-five (25) the petition may be filed when signed by a majority of the owners of such area, and in such case no referendum need be held. In referenda upon petitions for such inclusion, all owners of land lying within the proposed additional area shall be eligible to vote. [Acts 1939, ch. 197, § 5; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

43-1515. Proper establishment of district proved in action by admission of certificate.--In any suit, action or proceeding involving the validity or enforcement, of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established in accordance with the provisions of this chapter upon proof of the issuance of the aforesaid certificate by the secretary of state. A copy of such certificate duly certified by the secretary of state shall be admissible in evidence in any suit, action, or proceeding and shall be proof of the filing and contents thereof. [Acts 1939, ch. 197, § 5; C. Supp. 1950, § 552.5 (Williams, § 552.35).]

43-1516. Election of three supervisors for each district.--Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil conservation committee to nominate candidates for supervisors of such district. The committee shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the committee, unless it shall be subscribed to by twenty-five (25) or more owners of lands lying within the boundaries of such districts. Landowners

may sign more than one (1) such nominating petition to nominate more than one (1) candidate for supervisor. The committee shall give due notice of an election to be held for the election of three (3) supervisors for the district. All owners of lands lying within the district shall be eligible to vote in such election. Only such landowners shall be eligible to vote. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The committee shall pay all the expenses of such election, shall supervise the conduct thereof, shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof. [Acts 1939, ch. 197, § 6; C. Supp. 1950, § 552.6 (Williams, § 552.36).]

Section to Section Reference.

This section is referred to in § 43-1502.

43-1517. Governing body of district--Qualifications and terms of supervisors--Quorum--Compensation and expenses--Employees--Program and policy.--The governing body of the district shall consist of five (5) supervisors, elected or appointed, as provided hereinabove. The two (2) supervisors appointed by the committee shall be persons who are, by training and experience, qualified to perform the specialized skilled service which will be required of them in the performance of their duties hereunder.

The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be three (3) years, but the terms of office of the two (2) supervisors who are appointed by the committee shall not expire concurrently. A supervisor shall hold office until his successor has been elected or appointed and has qualified. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term, shall be made in the same manner in which the retiring supervisors shall, respectively, have been selected. A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for his services, but he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties.

The supervisors may employ a secretary, technical experts and such other officers, agents and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney-general of the state for such legal services as they may require. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to one (1) or more agents or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the state soil conservation committee, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt

or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. Any supervisor may be removed by the state soil conservation committee upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

The supervisors may invite the legislative body of any municipality or county, located near the territory comprised within the district, to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county. [Acts 1939, ch. 197, § 7; C. Supp. 1950, § 552.7 (Williams, § 552.37).]

43-1518. Powers of districts and supervisors.--A soil conservation district organized under the provisions of this chapter, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this chapter:

(1) To conduct surveys, investigations and research relating to the character of soil erosion and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the state experiment station and the agricultural extension service of the University of Tennessee, or with the United States or any of its agencies;

(2) To conduct demonstrational projects within the district, upon obtaining the consent of the owner and occupier of such lands, or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil washing may be prevented and controlled;

(3) To carry out preventive and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land on any lands within the district, upon obtaining the consent of the owner and occupier of such lands or the necessary rights or interests in such lands;

(4) To cooperate, or enter into agreements, with any owner and occupier of lands within the district in the carrying on of erosion control and prevention operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter;

(5) To obtain options upon, and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease or otherwise dispose of any of its property, or interests therein, in furtherance of the purposes and the provisions of this chapter;

(6) To make available, on such terms as it shall prescribe, to landowners and occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, except that all forest tree seedlings shall be obtained, insofar as available, from the nurseries of the state department of conservation, forestry division, operated by the forestry division in cooperation with the United States forest service of the United States department of agriculture, and such other material or equipment as will assist such landowners and occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

(7) To construct, improve and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

(8) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans shall specify, in such detail as may be possible, the acts, procedures, performances and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices and changes in use of land, and to publish such plans and information and bring them to the attention of owners and occupiers of lands within the district;

(9) To take over and to administer any soil conservation, erosion control or erosion prevention project, located within its boundaries, undertaken by the United States of any of its agencies, as agent of the United States or any of its agencies; to act as agent for the United States or any of its agencies; to accept donations, gifts and contributions in money, services, materials or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials or other contributions in carrying on its operations;

(10) To sue and be sued in the name of the district, to have a seal, which seal shall be judicially noticed; to have perpetual succession, unless terminated as hereinafter provided, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; and to make, and from time to time amend and repeal, rules and regulations not inconsistent with this chapter, to carry into effect its purposes and powers;

(11) As a condition to extending any benefit under this chapter to, or the performance of work upon, any lands, the supervisors may

require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require landowners and occupiers to enter into and perform such agreements or covenants, as to the permanent use of such lands, as will tend to prevent or control erosion thereon.

(12) To carry out, maintain and operate works of improvement for flood prevention and agricultural phases of conservation development, utilization, and disposal of water. [Acts 1939, ch. 197, § 8; C. Supp. 1950, § 552.8 (Williams, § 552.38); Acts 1955, ch. 132, § 1.]

43-1519. Land-use regulations--Adoption--Amendment or repeal--Provisions.--The supervisors of any district shall have authority to formulate regulations governing the use of lands within the district, in the interest of conserving soil and soil resources and preventing and controlling soil erosion. The supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work. The supervisors shall not have authority to enact land-use regulations, until after they shall have caused due notice to be given of their intention to conduct a referendum for submission of such regulations to the owners of lands lying within the boundaries of the district, for their indication of approval or disapproval of such proposed regulations, and until after the supervisors have considered the result of such referendum. The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum. The notices of the referendum shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance may be examined. The supervisors shall supervise such referendum, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof. All owners of lands within the district shall be eligible to vote in such referendum. Only landowners shall be eligible to vote. No informalities in the conduct of such referendum or in any matter relating thereto shall invalidate said referendum or the result thereof, if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted.

The supervisors shall not have authority to enact such proposed ordinance, unless at least two-thirds (2/3) of the votes, cast in such referendum, of the landowners shall have been cast for approval of the said proposed ordinance. The approval of the proposed ordinance by two-thirds (2/3) of the votes cast in such referendum shall not be deemed to require the supervisors to enact such proposed ordinance into law. Land-use regulations prescribed in ordinances adopted, pursuant to the provisions of this section, by the supervisors of any district shall have the force and effect of law in the said district and shall be binding and obligatory upon all owners and occupiers of lands within such district.

Any owner of land within such district may at any time file a petition with the supervisors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the supervisors under the provisions of this section shall be amended, supplemented or repealed. Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this section shall not be amended, supplemented or repealed, except in accordance with the procedure prescribed in this section for adoption of land-use regulations. Referenda on adoption, amendment, supplementation or repeal of land-use regulations shall not be held more often than once in six (6) months.

The regulations to be adopted by the supervisors under the provisions of this section may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches and other necessary structures;
2. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation and reforestation;
3. Specifications of cropping programs and tillage practices to be observed;
4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;
5. Provisions for such other means, measures, operations and programs as may assist conservation of soil resources and prevent or control soil erosion in the district.

The regulations shall be uniform throughout the territory comprised within the district, except that the supervisors may classify the lands within the district with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this section shall be printed and made available to all owners and occupiers of lands lying within the district. [Acts 1939, ch. 197, § 9; C. Supp. 1950, § 552.9 (Williams, § 552.39).]

Cross-References. Destruction of culvert or watergate, misdemeanor, § 39-4805.

Law Reviews. An Examination of the Tennessee Law of Administrative Procedure (George Street Boone), 1 Vand. L. Rev. 339.

43-1520. Damages for violation of land-use regulations--Determining observance.--Any landowner in the district, who shall sustain damages to his land as a result of violation of any land-use regulation by any other landowner in the district, may recover damages at law from such other landowner for such violation.

The supervisors shall have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of § 43-1519 are being observed. [Acts 1939, ch. 197, § 10; C. Supp. 1950, § 552.10 (Williams, § 552.40).]

43-1521. Nonobservance of regulations basis of court action--Petition--Hearing--Enforcement of observance.--Where the supervisors of any district shall find that any of the provisions of land-use regulations, prescribed in an ordinance adopted in accordance with the provisions of § 43-1519 are not being observed on particular lands, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may present to the circuit court or chancery court, for the county in which the defendant's land may lie, a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant landowner or occupier to observe such regulation, and to perform particular work, operations, or avoidances as required thereby, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, and praying the court to require the defendant to perform the work, operations, or avoidances within a reasonable time, and to order that, if the defendant shall fail so to perform, the supervisors may go on the land, perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the defendant. Upon the presentation of such petition, the court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may dismiss the petition; or it may require the defendant to perform the work, operations, or avoidances, and may provide that, upon the failure of the defendant to initiate such performance within the time specified in the order of the court, and to prosecute the same to completion with reasonable diligence, the supervisors may enter upon the lands involved and perform the work or operations or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, with interest at the rate of five per cent (5%) per annum, from the defendant. In all cases where the person in possession of lands, who shall fail to perform such work, operations, or avoidances, shall not be the owner, the owner of such lands shall be joined as party defendant.

The court shall retain jurisdiction of the case until after the work has been completed. Upon completion of such work, pursuant to such order of the court, the supervisors may file a petition with the court, a copy of which shall be served upon the defendant in the case, stating

the costs and expenses sustained by them in the performance of the work and praying judgment, therefor with interest. The court shall have jurisdiction to enter judgment for the amount of such costs and expenses, with interest at the rate of five per cent (5%) per annum until paid, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court. [Acts 1939, ch. 197, § 11; C. Supp. 1950, § 552.11 (Williams, § 552.41).]

43-1522. Cooperation between districts.--The supervisors of any two (2) or more districts organized under the provisions of this chapter may cooperate with one another in the exercise of any or all powers conferred in this chapter. [Acts 1939, ch. 197, § 12; C. Supp. 1950, § 552.12 (Williams, § 552.42).]

43-1523. Discontinuance of districts--Petition--Notice--Hearing--Referendum--Determination by committee--Termination of affairs--Certificate of dissolution.--At any time after five (5) years after the organization of a district under the provisions of this chapter, any twenty-five (25) owners of land, lying within the boundaries of such district, may file a petition with the state soil conservation committee praying that the operations of the district be terminated and the existence of the district discontinued. The committee may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such a petition has been received by the committee, it shall give due notice of the holding of a referendum, and shall supervise such referendum, and issue appropriate regulations governing the conduct thereof. All owners of land lying within the boundaries of the district shall be eligible to vote in such referendum. Only such landowners shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the results thereof, if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted.

The committee shall publish the results of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the committee shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the committee shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the committee shall give due regard and weight to the attitudes of the owners and occupiers of lands lying within the district, the number of landowners eligible to vote in such referendum who shall have voted, the proportion of the votes cast in such referendum in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth

and income of the landowners and occupiers of the district, the probable expense of carrying on erosion control operations within such district, and such other economic and social factors as may be relevant to such determination; provided, however, that the committee shall not have authority to determine that the continued operation of the district is administratively practicable and feasible, unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district.

Upon receipt from the state soil conservation committee of a certification that the committee has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly verified, with the secretary of state for the discontinuance of such district, and shall transmit with such application the certificate of the state soil conservation committee, setting forth the determination of the committee that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over, as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The state soil conservation committee shall be substituted for the district or supervisors as party to such contracts. The committee shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of § 43-1521, nor the pendency of any action instituted under the provision of such section, and the committee shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

The state soil conservation committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this chapter, more often than once in five (5) years. [Acts 1939, ch. 197, § 13; C. Supp. 1950, § 552.13 (Williams, § 552.43).]

APPENDIX D

PLAN FOR COORDINATED ACTION IN THE SOIL AND WATER CONSERVATION PHASE OF THE STATE AGRICULTURAL PROGRAM

Continued development and maintenance of sound, profitable and permanent systems of farming is a matter of general public interest, and vital to the welfare of the nation, and to all national groups of farm and urban people.

National, state and local recognition of this interest has resulted in establishing various agencies and groups with responsibilities and authorizations contributing to or related to development and maintenance of a sound agriculture.

Voluntary or legal groups of farmers working together as organized entities and through their leaders may contribute to agricultural development. These farmer groups may utilize the assistance of various agencies or groups in facilitating such agricultural development. Examples of such legal or voluntary groups are West Tennessee Flood Control and Soil Conservation District Commissioners, Production and Marketing Administration Associations, Soil Conservation District Supervisors, County Erosion Control Associations, Community Improvement Clubs, County Community Councils and Planning Committees and others, all with legally prescribed or voluntarily adopted functions for contributing to improvement of farm and home conditions.

Organized groups of farm people have an opportunity to obtain and use the services, contributions and other means of assistance from local, state, and Federal agencies and other groups in effectuating their programs. Such joint action offers each agency or group added opportunity and greater assistance in more effectively discharging their responsibility.

Soil Conservation Districts organized under the Soil Conservation Districts Act of 1939 are authorized to prevent erosion and silting of streams and reservoirs in the interest of health, safety and public welfare. Such Districts are created by the State Soil Conservation Committee, and have certain powers, authorizations, and responsibilities, among which is the privilege of securing assistance and cooperation from Federal, State or local agencies or groups.

The State Soil Conservation Committee has recognized the opportunity and need for a better understanding and coordinated efforts between the agencies or groups working with Soil Conservation Districts. Representatives of the various agencies and groups of the state having responsibilities in this field were invited to meet and arrange for working out

a program for most effectively and economically developing the soil and water conservation phase of the State Agricultural Program.

This meeting, held on March 20, 1950, was attended by representatives of the following agencies or organizations: Agricultural Extension Service, Soil Conservation Service, State Department of Agriculture, State Department of Conservation, State Department of Vocational Agriculture, West Tennessee Flood Control and Soil Conservation District, Production and Marketing Administration, State Soil Conservation Committee, Farmers Home Administration, Tennessee Valley Authority, and Tennessee Farm Bureau Federation.

Those in attendance were unanimously of the opinion that a coordinated program was desirable, and necessary for most effectively and economically developing the soil conservation interests of the districts and of the agencies with responsibilities in this field. After lengthy discussion of the question, a committee was designated to consider the principles outlined, and develop program proposals based on these principles.

The committee, composed of E. C. McReynolds, Agricultural Extension Service; Carl Fry, Production and Marketing Administration; and W. M. Hardy, Soil Conservation Service, at subsequent meetings have outlined certain proposals and suggestions. In considering these proposals, it is suggested that the following important factors should be kept in mind:

1. The program for actual application of soil and water conservation effort must be determined and formulated by local leadership on a county basis.
2. There must be an over-all county agricultural program, within which the District Supervisors and other agencies or groups may develop plans to carry out their respective phases of the broad program.
3. Program determination and administrative integrity of all agencies or groups must be maintained with reference to the field covered by each agency or group.

Appropriate representatives of State and Federal agencies and other groups working with farm people in Tennessee agree to the following principles as a guide to more effective development of the soil and water conservation program of the State:

I. PUBLIC APPROACH

1. Develop a better understanding of agricultural problems, and their relationship to general public interest and the importance of the soil and water conservation phase of the county agricultural program.

2. Assist farm people in studying land use practices, and in developing appropriate soil and water conservation methods and practices to facilitate needed adjustments and assure permanency of production within the whole farm management system.
3. Assist non-farm people to understand and become interested in a prosperous agriculture and realize their long-time dependence on soil and water resources, and the public's responsibility for same.
4. Teach young people the importance of a productive and permanent agriculture to insure and improve the future agricultural economy. This teaching to show how they may play their part in a balanced system of farming that provides for sound land use and the conservation of soil and water resources.
5. Provide educational and civic leadership with information as to the importance of a satisfactory system of agriculture, proper land use and the importance of soil and water conservation as related to our over-all economy.

II. FARMER APPROACH

1. Assist in studying present systems of land use, determining needed improvements in land use, considering sources of available assistance in improving such land use systems, and insuring more efficient conservation of the soil and water resources.
2. Review the possibilities of more efficient use of assistance provided by agencies and organized groups already established, and possibility of additional assistance provided through organization of additional legally or voluntarily established entities.
3. Assist with the organization of additional legal or voluntary entities when the farm leadership has determined such procedure is desirable and needed. These entities will be orderly developed through the medium of such committee or agency direction as is responsible in the particular field.

III. LEADERSHIP TRAINING

1. Develop procedures for leadership training whereby such leaders as Production and Marketing Administration Committeemen, Soil Conservation District Supervisors, Directors of Erosion Control Associations, Program Planning Committee members, farm organization leaders, and others may study and evaluate (1) balanced farming systems and accomplishments, (2) the place and responsibilities of each group in such systems, and (3) the relationships of the various groups in accomplishment of the entire job.

2. Provide farmer members of directing boards of committees of each group information defining and analyzing their individual responsibilities, and develop an understanding of the work of each specific group and its relationship to other groups.

IV. ASSISTANCE TO INDIVIDUAL AND GROUPS OF FARMERS

1. Use existing farm-home demonstrations and such additional demonstrations as may be practical and desirable to develop, and other information to show the value of balanced systems of farming, and as guides to widespread application of practices involved in such systems.
2. Representatives of various agencies or groups will make their appropriate contributions to working out plans for specific application of the phases of the balanced farming and sound land use systems to which they may contribute in keeping with agency or group policies. Examples of such assistance are soil conservation plans, plans for application of Production and Marketing Administration assistance through practice payments or grants, desirable crop and livestock programs, etc.
3. General information and guidance will be furnished farmers for the common methods entering into land use and balanced farming practices.
4. Assistance on technical practices requiring professional judgment and ability will be furnished in keeping with availability of personnel as may be provided through contract or request of groups responsible in fields in which such assistance is needed.
5. Continued efforts will be made to assist farmers in maintaining and improving land use practices, which will assure the most satisfactory farm income and soil and water conservation.
6. Inform farmers as to credit facilities available to meet their needs.
7. Keep farmers currently informed as to available materials, conservation practice aids, and payments for materials and practices that may be used by him in making adjustments and developing sound land use plans.
8. Assist farmers in studying their soils and evaluating problem areas, in order that they may adjust their land use plans to meet the problems and adapt necessary practices to problem areas.

V. ADJUSTMENTS

1. Continue assistance to farmers in studying present and probable farm management situations growing out of economic trends and land use

adjustments. Provide information on crop and livestock production, marketing facilities and utilization problems that will provide basis for sound farmer decisions on plans to meet economic and land use problems.

2. Assist farm leadership in studying and evaluating situations developing from economic trends and land use adjustments, and provide for meeting these problems through farmer understanding of adjustments of programs and work plans of various farm groups. Program and work plan adjustments will be in keeping with availability and policies of respective agencies.
3. Furnish guidance, and/or materials or payments for planting, fertilizing, harvesting, dirt moving, etc., not commonly available to local groups.
4. In keeping with needs and requests, assist in developing organizational efforts among farmers to make more effective available assistance.

VI. COUNTY ADVISORY COMMITTEE ON AGRICULTURAL PROGRAMS

One farmer member from each of the following groups: County Court, County Program Committee, Production and Marketing Administration Committee, Soil Conservation District Supervisors, Soil Erosion Control Association Directors, Farmers Home Administration Advisory Committee, Vocational Agriculture Advisory Committee, and any other farmer groups, and in addition representative of the county banks will be requested to serve on a County Advisory Committee on agricultural programs. An individual shall represent only one group. In West Tennessee Counties, these committees should be the same as the advisory committees to the West Tennessee Flood Control and Soil Conservation District Commission. These committees will be requested to assist with the following activities:

1. In Soil Conservation District Counties the State Soil Conservation Committee will request the County Advisory Committee to assist and represent the State Soil Conservation Committee in the disposition of the committees' responsibilities which require local attention and cannot be appropriately assigned to district supervisors or agency representation.
2. With advice and assistance of agency representatives define and recommend to the various agencies an over-all soil and water conservation program for the county from which each agency or group may develop plans for application of its appropriate phase of the over-all program.
3. To assist with plans for land problems that need specific attention.
4. To evaluate the results of the whole soil and water conservation program, and with agency representatives develop an over-all report of

the combined contributions and accomplishments of all agencies and groups in soil and water conservation. Publicity material from this report should be used to reflect the work of all agencies involved.

VII. PLAN OF COOPERATIVE ACTION BY AGENCIES IN COUNTIES

The representatives of State and Federal agencies working with farmers in this County recognize our opportunities and obligations to assist farm people with their land use problems, and the need for coordinated and concerted efforts in attacking these problems.

There are set forth below guiding principles approved by our services that will form a basis for concerted action.

1. The County Advisory Committee on agricultural problems, with advice and assistance of agency representatives, will define and recommend to the various agencies an over-all soil and water conservation program for the county from which each agency or group may develop plans for application of its appropriate phase of the over-all program.
2. Soil and water conservation measures will be predicated on results of the Tennessee Experiment Station or other experimental results validated by the Tennessee Station, or demonstrated by good farming experience. Such recommendations will be applied in relation to the capability of the land and the needs of the people farming the land.
3. The responsibility of all agencies, groups or entities for various phases of soil and water conservation as may be established legally, or provided through voluntary agreement is recognized. Responsibilities of an agency or group may be assumed by other groups only through contract or agreement between the agencies or groups.
4. The integrity of farm plans, field tests and demonstrations established as part of an agency's functions will be recognized and maintained. Such educational, financial or technical assistance as is rendered to farmers carrying on such activities shall be in harmony with the purposes of these plans, tests, or demonstrations.
5. Appropriate personnel will serve as advisers to the County Advisory Committee as set forth in Section VI of the State Plan.
6. Soil and water conservation is a basic part of the county's agricultural program, and cannot be treated separate and apart from the whole farm management program, and use of land must be considered in the light of needs and abilities of the farm and home operation.
7. Agency representatives will meet periodically for the purpose of considering the whole county job, understanding activities of each

agency, developing teamwork and evaluating accomplishments. These studies, plans and evaluations may include the following:

- a. Review of the basic functions of each agency for the purpose of better working relations.
- b. Study land use problems needing immediate attention. In approaching such problems, economic conditions of farmers in such areas, resources and understanding of the people and capability of the land will be considered in determining information to be presented and plans to be recommended.
- c. Evaluate work being done in land use and develop ways of more effectively and rapidly meeting needs of farmers of the county.
- d. Consider timely problems, develop teamwork solutions and agree on recommended practices.
- e. The County Agent, in keeping with his responsibility to all farm people of the county, will assume the leadership in arranging for meetings of agency workers as set forth in Section 7 above and County Advisory Committee as set forth in Section VI of the State Plan.

VIII. GETTING THE PLAN ACTIVATED

State Directors of each agency will present work proposals to each administrative level, and arrange for periodic follow-up to assure current understanding and promote better working relationships. Directors will arrange for joint meetings of personnel at district and county levels for coordinated presentation of these plans.

IX. APPROVAL

Unanimous approval was given to a motion made by L. J. Strickland and seconded by Tom J. Hitch that this program be approved as edited.

X. COMMITTEE TO FACILITATE THE PLAN

Upon motion by Tom J. Hitch and seconded by R. W. Moore, a committee composed of E. C. McReynolds, Agricultural Extension Service; Carl Fry, Production and Marketing Administration; and W. M. Hardy, Soil Conservation Service, was appointed to facilitate putting the above proposals into operation and to keep the signatories advised of progress being made.

APPROVED:

<u>9/5/50</u> Date	<u>(Sig.) J. H. MCLEOD</u> Director, Agricultural Extension Service	<u>8/21/50</u> Date	<u>(Sig.) W. M. HARDY</u> State Conservationist, Soil Conservation Service
<u>8/22/50</u> Date	<u>(Sig.) EDWARD JONES</u> Commissioner, State Department of Agriculture	<u>9/19/50</u> Date	<u>(Sig.) C. P. SWAN</u> Commissioner, State Department of Conservation
<u>8/22/50</u> Date	<u>(Sig.) G. E. FREEMAN</u> Director, Vocational Education	<u>9/14/50</u> Date	<u>(Sig.) L. J. STRICKLAND</u> Executive Secretary, West Tennessee Flood Control & Soil Conservation District
<u>8/21/50</u> Date	<u>(Sig.) CARL FRY</u> Director, Production & Marketing Adm.	<u>9/5/50</u> Date	<u>(Sig.) J. HOWARD HORNSBY</u> Chairman, State Soil Conservation Comm.
<u>8/21/50</u> Date	<u>(Sig.) E. S. BEASLEY</u> Director, Farmers Home Administration	<u>9/14/50</u> Date	<u>(Sig.) TOM J. HITCH</u> President, Tennessee Farm Bureau
<u>8/21/50</u> Date	<u>(Sig.) JOHN D. FINDLAY</u> Director, State Game and Fish Commission		

APPENDIX E

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE
561 U. S. Court House
Nashville 3, Tennessee

THE UNIVERSITY OF TENNESSEE
AGRICULTURAL EXTENSION SERVICE
P. O. Box 1071
Knoxville, Tennessee

November 2, 1954

TO WORK UNIT CONSERVATIONISTS
AND OTHER SCS PERSONNEL

TO COUNTY AGRICULTURAL AGENTS
AND OTHER EXTENSION PERSONNEL

Dear Co-Workers:

The problems of agriculture in Tennessee are varied and complex. Solutions to many of these problems are primarily dependent upon close coordination of the efforts of agencies serving farm people. Cooperative and effective working relations between the Agricultural Extension Service and the Soil Conservation Service in areas of mutual interest can make outstanding contributions toward solving many difficult problems confronting farmers in the State.

In recognition of these facts and in order to create proper administrative arrangements for a continuation and improvement of coordinated efforts of both agencies, two State-level joint meetings of Soil Conservation Service and Agricultural Extension Service Administrative and Supervisory personnel have been held in recent months. The purpose of these meetings was to define areas of mutual interest and devise means of coordinating the efforts of all personnel concerned. The most pressing problem in this connection, at the present time, appears to be in connection with farm and home planning activities of the Soil Conservation Service.

It was recognized that clear-cut lines of demarcation between these planning activities are difficult to establish; however, certain general areas of responsibility have been delineated and are herewith presented as guideposts for local use:

1. The economic phases of farming are important aspects of farm conservation planning. Economics is a field in which the Extension Service is most competent and has major responsibility. The Soil Conservation Service will rely on the Extension Service for guidance and assistance in this field.
2. Farm and home planning should be based on a sound soil conservation plan. Farm conservation planning is a field in which the Soil Conservation Service has most competence and major responsibility. The Extension Service will rely on the Soil Conservation Service for guidance and assistance in this field.
3. On farms where conservation plans do not presently exist, and a complete farm and home plan is anticipated, each agency should exercise responsibilities as indicated above.
4. On farms where complete farm and home plans are not presently anticipated, the Soil Conservation Service should proceed in its usual manner.
5. On farms where conservation plans are not in existence, Soil Conservation Service representatives will assist Extension Service representatives in obtaining copies of farm conservation plans and interpreting them for use in farm and home planning.
6. On farms where conservation plans now in existence need revision to be useful in farm and home planning, the Soil Conservation Service representatives will assume such responsibility.
7. Both Services will look to State Experiment Stations and to the Agricultural Research Service of the U. S. Department of Agriculture for improved technology to help local people in developing and carrying out their plans.

It is our sincere desire that a wholehearted effort be made at all levels to work cooperatively and effectively, keeping uppermost in mind the common objective of rendering the best possible service to the public, the farmer and his family.

Very truly yours,

SOIL CONSERVATION SERVICE

/S/

J. R. Sasser,
State Conservationist.

AGRICULTURAL EXTENSION SERVICE

/s/

J. H. McLeod,
Dean and Director.

JHM:OW



VITA

Thomas Cochran Mathews was born in Williston, Florida, on March 31, 1928. He attended elementary and graduated from Reddick High School, Reddick, Florida in June 1946. From March 1946 to September 1947 was spent in U. S. Army stationed at Fort Eustis, Virginia. September 1947 he entered University of Florida and received a B.S.A. degree February 1952. He was employed at Firestone Tire and Rubber Company from July 1954 to July 1958. From July 1958 to August 1969 he was Assistant Professor in the Soils Department at the University of Florida doing soil survey work. He attended Michigan State University at East Lansing, Michigan, March 1962 to August 1963 doing graduate soils work. September 1969 he entered Graduate School at University of Tennessee and received M.S. in June 1972. He is a member of Soil and Crop Society of Florida, Alpha Gamma Rho, Phi Sigma Society and Mason.

He is married to the former Edna Jane Shanley of Gainesville, Florida, and has a daughter, Elizabeth Jane Mathews, born August 20, 1958.