WEST VIRGINIA CODE: §19-21A-8

§19-21A-8. Powers and duties of conservations districts and supervisors.

A conservation district organized under the provisions of this article and the supervisors thereof shall have the following powers and duties, in addition to others granted in other sections of this article:

(1) To hold public meetings, to conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damage, and nonpoint source water pollution, and to the conservation, development, utilization, water quality, disposal of water, 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 and works of improvement to the public: *Provided*, That in order to avoid duplication of research activities, a district may not initiate any research program or publish the results except with the approval of the state committee and in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies. The provisions of this subdivision may not be construed to affect or alter any state or federal funding to the West Virginia Conservation Agency;

(2) To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner and occupier of the lands or the necessary rights or interests in the 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, and water quality may be improved;

(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, changes in use of land; drainage, irrigation, and other agricultural water management operations, or for the control and abatement of nonpoint sources of water pollution; and the measures listed in §19-21A-2 of this code on lands owned or controlled by this state or any of its agencies with the consent and cooperation of the agency administering and having jurisdiction thereof and on any other 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, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of erosion-control and prevention operations, and operations for the control and abatement of nonpoint sources of water pollution, subject to such conditions as the supervisors may deem necessary to advance the purposes of this article;

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(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 article; 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 article;

(6) To accept and receive donations, gifts, contributions, grants, and appropriations in money, services, materials, or otherwise from the United States or any of its agencies, from the state of West Virginia, or from other sources and use or expend the money, services, materials, or other contributions in carrying out the policy and provisions of this article;

(7) To make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources, and for the prevention and control of soil erosion, and for the conservation, development, utilization, and quality of water;

(8) To develop and submit to the state committee its proposed long-range program and annual work plans related to the conservation of soil resources, and for the control and prevention of soil erosion, and for water quality improvement, or the conservation, development, and utilization of water within the district. The plans shall specify, in as much 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 occupiers of lands within the district;

(9) To take over, by purchase, lease, or otherwise, and to administer any soil-conservation, drainage, irrigation, water-management, erosion-control or erosion-prevention project, or combinations thereof, located within its boundaries, undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, drainage, irrigation, water-management, erosion-control or erosion-prevention project, or combinations thereof, within its boundaries; to act as agent for the United States or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, drainage, irrigation, water-management, erosion-control or erosion-prevention project, or combinations thereof, within its boundaries; to accept donations, gifts, contributions, and grants in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, or from any other source and to use or expend such money, 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 shall be judicially

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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; to make and, from time to time, amend and repeal rules and regulations not inconsistent with this article to carry into effect its purposes and powers;

(11) As a condition to extending any benefits under this article 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 land 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) No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder in its acquisition, operation, and disposition of property unless the Legislature shall specifically so state;

(13) Each district shall, through public meetings, publications, or other means, keep the public, agencies, and occupiers of the land within the district informed of the works and activities planned and administered by the district, of the purposes these will serve, and of the results achieved annually by the districts;

(14) By no later than July 1, 2026, each district shall convey and transfer all its ownership and sponsorship interest in any flood control dams, channels, dikes, levees, and any existing contracts or agreements related to those structures, and any property and easements associated with those flood control dams, channels, dikes, and levees, to the West Virginia Conservation Agency and thereafter may not take an ownership or sponsorship interest in, or operate or maintain, any flood control dams, channels, dikes, or levees: *Provided*, That any alteration, improvement, or agreement related to a dam owned or sponsored by the West Virginia Conservation Agency is subject solely to the authority of the Department of Environmental Protection, and as such shall fully consent as the owner or sponsor to any plan approved by the Department of Environmental Protection; and

(15) Upon the conveyance and transfer of its ownership and sponsorship interests in any flood control dams, channels, dikes, levees, and any existing contracts or agreements related to those structures, to the West Virginia Conservation Agency, and by no later than July 1, 2026, each district shall also transfer all funds and accounts associated with the construction, operation, and maintenance of those flood control dams, channels, dikes, and levees to the West Virginia Conservation Agency.

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