



Natural Resources Conservation Service
Denver Federal Center
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COLORADO BULLETIN NO.: CO-180-13-7

June 7, 2013

SUBJECT: CPA – Soil Erosion – Dust Blowing - 1954 Act

TO: All Area and District Conservationists

PURPOSE: To provide reference material for District Conservationists regarding dust blowing complaints.

EXPIRATION DATE: September 30, 2013

The state of Colorado recognizes that soil erosion and damage caused by windstorms and blowing soil are injurious or destructive to property and natural resources of the state and a menace to the safety of the citizens of the state.

The Colorado Soil Erosion – Dust Blowing Act of 1954, Colorado Revised Statutes (CRS) 35-72-101 to 35-72-107, provides county commissioners with a legal framework and mechanism to address soil-blowing complaints for any land within their county.

When a board of county commissioners receives a dust-blowing complaint, the board is responsible to notify the owner or occupier of the land from which the soil is blowing, and inspect, or cause to be inspected such land.

If the board of county commissioners finds, after consultation with a member or members of the local conservation district board, the state conservation board, or with local owners or occupiers including the owner or occupiers of the land from which soil is blowing, that soil is blowing in sufficient quantity to be injurious to private or public property, the board shall determine what, if anything, can be done to prevent or materially lessen such blowing of soil from such land.

If the board of county commissioners determines, after such consultation, that the complaint lodged with it falls under the provisions of CRS 35-72-3.5, Nuisance Liability of Agricultural Operations, the board shall take no further action. If the board of county commissioners finds, after such consultation, that an emergency exists, that such blowing is occurring, that it can be prevented or materially lessened by treatment of the soil, and that property damage appears to be resulting therefrom, such board of county commissioners shall issue a citation to the owner as listed upon the records of the county assessor and to the occupier, if known by such board, specifying the nature of the treatment required and the extent thereof and the date by which such treatment is to be commenced and the date it is to be completed (CRS 35-72-103).



Implications for NRCS

The Natural Resources Conservation Service (NRCS) does not have regulatory responsibility regarding the Colorado Soil Erosion – Dust Blowing Act. Enforcement responsibilities belong to the local boards of county commissioners. However, NRCS is responsible to provide technical assistance to cooperators and local conservation district boards to assess wind erosion potential and to plan and implement conservation practices to control wind erosion on agricultural lands.

Colorado Revised Statutes are available to the public through Colorado Legal Resources provided by LexisNexis at <http://www.lexisnexis.com/hottopics/colorado/>.

For questions regarding the content of this bulletin, contact Eugene Backhaus, State Resource Conservationist, at 720-544-2868, or eugene.backhaus@co.usda.gov.

/s/

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