

# Confined Animal Feeding Operations/Public Trust Doctrine: Food & Water Watch Sues Iowa Department of Natural Resources



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Food & Water Watch and Iowa Citizens for Community Improvement (collectively “Food & Water Watch”) filed a Petition for Injunctive and Declaratory Relief (“Petition”) against the Iowa Department of Natural Resources (“DNR”) alleging a violation of the Public Trust Doctrine.

The alleged violation of the Public Trust Doctrine is based on the organizations’ belief that there has been a failure to protect the Raccoon River.

The alleged violation is stated to have adversely affected the public’s drinking water and recreational use rights. The organizations are seeking through the Petition an Order:

- Requiring DNR to adopt a Raccoon River Remedial Plan with mandatory agricultural water pollution controls
- Prohibiting construction and operation of new and expanding Animal Feeding Operations in the Raccoon River Watershed
- Prohibiting DNR from taking any further action that would violate Iowa citizens’ rights under the Public Trust Doctrine and the Iowa Constitution with respect to the meandered section of the Raccoon River

The Petition alleges a:

- Failure to regulate Animal Feeding Operations
- Failure to set numeric stream and lake water quality standards

Topics/Issues addressed in the Petition include:

- Iowa Nutrient Reduction Strategy
- Public Trust Doctrine Background

The counts in the Petition include:

- Count I: Substantive Due Process/Iowa State Constitution Article I. § 9
- Count II: Public Trust Doctrine/Common Law In Equity

A copy of the Petition can be found [here](#).