

Regional Watershed Advisory Task Force -- History

2015 River Basin
Natural Resource District
Oversight Advisory Task Force

Initial Purpose

The Regional Watershed Advisory Task Force was created by SB 169 in the 2012 Legislative Session. SB 169 established the task force to operate until January 2015. The task force was directed to:

- Address issues relating to watershed management, drainage, erosion, flood control, reclamation, and environmental protection and improvement of lands, soils, and waters;
- Consider potential alternative organizational structures and entities to address such issues, including the proper role and structure for regional and local water and natural resources related to special purpose districts and local governments; and
- Review the role of special purpose districts and other state and local government entities with respect to drainage issues, including drainage management, resolution of drainage disputes, and recommendations for potential realignment of responsibilities for drainage matters.

2012 Interim

During the 2012 Interim, the task force met in Pierre on July 23 and in Brookings on September 25. At these meetings the task force:

- Heard a presentation from the U.S. Geological Survey regarding the boundaries and the mapping of watersheds in the state;
- Heard a presentation from the Natural Resources Conservation Service regarding its role in the federal regulation of drainage and wetland issues;
- Heard a presentation from the U.S. Army Corps of Engineers regarding its role in watershed management and drainage issues;
- Reviewed South Dakota's system of water and resource-related special districts; and
- Reviewed the basic legal principles relating to drainage and the state drainage laws.

2013 Legislative Session

At the September 25 meeting, the task force requested that legislation be drafted for action at the December meeting in Aberdeen. That meeting was cancelled and no legislation was introduced by the task force. However, two of the drafts were introduced by individual legislators.

The five drafts were as follows:

- SB 153 - Clarify, update, and remove inconsistencies from the current watershed district law (SDCL Chapter 46A-14). (*Passed*)
- SB 179 - Establish a uniform, statewide drainage permit application that includes a means of tracking drainage information and activity. (*Did Not Pass*)
- Establish a method of tracking drainage and drain tiling activity and permits on a statewide basis. (*Not Introduced*)
- Provide a source of technical expertise and assistance for use by local governments on drainage and watershed management issues. (*Not Introduced*)
- Authorize a drainage dispute resolution process such as the use of referees or mediation to be attempted before a dispute goes to court. (*Not Introduced*)

2013 Interim

During the 2013 Interim, the Regional Watershed Advisory Task Force met in Mitchell on April 22, Aberdeen on July 1 & 2, Webster on September 15 & 16, and in Pierre on December 2. At these meetings the task force:

- Heard presentations regarding climate and precipitation trends and drainage practices in the state;
- Heard presentations from representatives from several counties regarding experience with drainage problems and issues;
- Heard presentations and proposals by agricultural producer groups and various water and conservation organizations;

2013 Interim

- Toured affected areas in Brown and Marshall counties;
- Toured Bitter Lake and other affected areas in Day and Grant counties;
- Heard presentations reviewing the drainage and watershed laws of North Dakota, Minnesota, Iowa, and Nebraska; and
- Created four subcommittees to divide the work load for 2014.

2014 Interim

The task force met in Pierre on July 24, September 24, and November 24. The four subcommittees met prior to these meetings to formulate recommendations. The subcommittees were:

- **Water Management Entities** - The subcommittee discussed the possibility of moving from a water management system regulated by counties to a system regulated by regional basin councils based on the major river basins.
- **Standardized Disclosure of New Drainage Projects, Tracking of Drainage and Infrastructure Activity** - The subcommittee was tasked with the responsibility of looking at standardized disclosure of new drainage projects and tracking of drainage and infrastructure activity.

2014 Interim

- **Mediation and Dispute Resolution** - The subcommittee was tasked to look into mediation of drainage disputes. The subcommittee discussed a potential mediation program to be administered by the Department of Agriculture.
- **Retention Pond Pilot Project** - The subcommittee was asked to look for the possibility of a retention pond pilot project. The subcommittee tried to find a location where persistent flooding was adversely impacting a state highway and productive agriculture lands and where a retention pond could be used to mitigate those impacts.

The task force recommended two bills for consideration by the 2015 Legislature.

2015 Session

SB 2 – An Act to provide for the establishment of river basin natural resource districts.

- This bill provides for the establishment of nine river basin natural resource districts and the River Basin Natural Resource District Oversight Advisory Task Force. (Passed) (*As introduced: An Act to provide for the establishment of river basin natural resource districts and to repeal certain provisions regarding county drainage management.*)

▪ **SB 3 – An Act to provide for mediation of certain drainage disputes.**

- This bill establishes a mediation program for drainage disputes under the Department of Agriculture. (Passed)

Any Questions?