



## South Dakota River Basin Natural Resource District Oversight Advisory Task Force

Position Statement: 21 November 2016

**Task Force Members:** Thank you for your diligent work on the Task Force over the last two years on the important issue of water management. Prior to and following the introduction of SB169 in 2012, the boards and members of the two producer organizations listed above have been active participants in legislative and task force discussions regarding water management. After years of discussion, some background is helpful:

1. **2012: SB169.** This current discussion started with a desire of the proponents of SB169 in 2012 to "do something" for landowners in the Northeast part of South Dakota who suffered from flooded private lands.
2. **2013: Regional Watershed Task Force.** Working with two other groups, we formally suggested the concept of Water Management Districts to the legislatively created Regional Watershed Task Force on July 1, 2013.
3. **2015: River Basin Task Force.** After two years of meetings and passage of legislation that we supported, we agreed to formally continue the discussion of the watershed management district concept with the establishment of this River Basin Natural Resource District Task Force by the Legislature in 2015 with SB2.<sup>1</sup>
4. **Pilot Project in Statute.** Our support of SB2 in 2015 was based on the "pilot project" concept to be located in the Red River and Minnesota River Basin Natural Resource District (where the problem of flooded private lands was most severe). The last sentence of Section 13 in SB2 reflects this requirement:

The task force shall work with the local governments in the Red River and Minnesota River Basin Natural Resource District to establish a pilot water management plan for the district that could be used as a guide for a water management plan in each of the remaining river basin natural resource districts.
5. **Pilot Project is Foundational.** The pilot project would have allowed the 33,000+ farm and ranch families an opportunity to evaluate the proposed operations of the contemplated water management districts, the extent of the desired regulatory and taxing authority, how competing governmental structures would be repealed, and whether these districts could serve as a substitute for the current regulatory powers vested in the counties.
6. **No Pilot; No Details.** In the absence of the essential information that would have been collected and debated during the pilot project, the November 2016 bill drafts create a statewide network of elected bureaucrats with no defined regulatory or taxing authority.

From the discussions leading up to this final 2016 meeting of the Task Force, together with current text of the bills in draft form, it's clear the concept of a "pilot project" has now been abandoned by the Task Force in favor of a total statewide rollout of river basin natural resource districts with elections proposed in 2018.

While we understand the concerns members of the Task Force have expressed, we share the following positions:

- A. **Oppose** the proposals that abandon the pilot project and roll out an additional layer of statewide regulation.
- B. **Oppose** electing 54 new council members without defined roles or specific statutory limits on their authority.
- C. **Oppose** placing the cart before the horse and rushing to have elections in 2018.
- D. **Support** the repeal of SB2 and the conclusion of the work of this Task Force.

**Bottom line:** The current proposals by the Task Force are too much, too fast and do not have the benefit of the experience and knowledge that would have been collected from a pilot project. The time has come to conclude these discussions and repeal SB2.

<sup>1</sup> The final version of SB2 did not contain the proposed language for elections to occur 2018 (it was removed from SB2 on March 11, 2015).