

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

840D0840

HOUSE CONCURRENT RESOLUTION NO. 1017

Introduced by: Representatives Fryslie, Duenwald, Juhnke, Koskan, Weber, and Wetz and
Senators Frederick and Drake

1 A CONCURRENT RESOLUTION, Urging equitable treatment for South Dakota farm
2 producers in wetlands issues.

3 WHEREAS, the 1985 Farm Bill with the Swampbuster Act Provision was national policy
4 for all fifty states of the United States; and

5 WHEREAS, the South Dakota Natural Resource Conservation Service made its own
6 separate set of rules regarding wetland determinations in 1985 using the rationale that South
7 Dakota is unique because of its location in the prairie pothole region; and

8 WHEREAS, the fact is that the prairie pothole region of North America includes large
9 portions of Iowa, Minnesota, North Dakota, and South Dakota, and these four states all have
10 similar if not identical wetland characteristics; and

11 WHEREAS, the South Dakota Natural Resource Conservation Service finally admitted that
12 it was out of compliance with the 1985 Swampbuster Act and made procedural adjustments for
13 making wetland determinations, which were approved by the National Natural Resource
14 Conservation Service in August of 1999; and

15 WHEREAS, the National Natural Resource Conservation Service then made an out-of-court
16 settlement agreement in January 2000 with the National Wildlife Federation and other groups

1 which nullified the procedural adjustments adopted by the South Dakota Natural Resource
2 Conservation Service in August 1999; and

3 WHEREAS, the South Dakota Natural Resource Conservation Service and the South
4 Dakota farm producers had no input into the provisions of the settlement agreement. However,
5 South Dakota farm producers are directly affected by the results, and they are unable to
6 negotiate on their own behalf; and

7 WHEREAS, South Dakota farm producers are good stewards of their land and water
8 resources and understand the need to protect true wetlands and the need to protect wildlife:

9 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
10 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature
11 of the State of South Dakota:

- 12 (1) Supports efforts by the South Dakota Natural Resource Conservation Service to
13 follow national policy for making wetland determinations in compliance with the 1985
14 Farm Bill Swampbuster Act;
- 15 (2) Supports efforts by South Dakota farm producers to be treated fairly and equitably
16 by the Natural Resource Conservation Service, the United States Fish and Wildlife
17 Service, and other state and federal agencies on wetlands issues; and
- 18 (3) Supports efforts by South Dakota farm producers to demonstrate sound soil and
19 water management practices that reduce erosion, protect water quality, and provide
20 friendly wildlife habitat.