

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

608D0828

## SENATE CONCURRENT RESOLUTION NO. 7

Introduced by: Senators Kloucek, Dennert, Duxbury, Hutmacher, Lawler, Symens, and Valandra and Representatives Kazmerzak, Burg, Chicoine, Fryslie, Hanson, Konold, Lintz, Lockner, Sutton (Daniel), and Weber

1 A CONCURRENT RESOLUTION, Supporting the efforts of the South Dakota National  
2 Resources Conservation Service and of South Dakota farm producers regarding wetland  
3 issues.

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

6 WHEREAS, the South Dakota Natural Resources Conservation Service made its own  
7 separate set of rules regarding wetland determinations in 1985 because they said that South  
8 Dakota was unique in that the state was in the Prairie Pothole Region; and

9 WHEREAS, the fact is that the Prairie Pothole Region of North America includes large  
10 portions of the four states of Iowa, Minnesota, North Dakota, and South Dakota, and these four  
11 states all have similar if not identical wetland characteristics; and

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

16 WHEREAS, the National Natural Resources Conservation Service then made an out-of-  
17 court settlement agreement in January 2000 with the National Wildlife Federation and other  
18 groups which nullified the procedural adjustments adopted by the South Dakota Natural

1 Resources Conservation Service in August 1999; and

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

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

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

11 (1) Supports efforts by the South Dakota Natural Resources Conservation Service to  
12 follow national policy for making wetland determinations in compliance with the 1985  
13 Farm Bill Swampbuster Act;

14 (2) Supports efforts by South Dakota farm producers to be treated fairly and equitably  
15 by the Natural Resources Conservation Service, United States Fish and Wildlife  
16 Service, and other state and federal agencies on wetlands issues; and

17 (3) Supports efforts by South Dakota farm producers to demonstrate sound soil and  
18 water management practices which reduce erosion, protect water quality, and provide  
19 friendly wildlife habitat.