



2022 South Dakota Legislature

Senate Bill 181

Introduced by: **Senator Foster**

1 **An Act to require the Department of Agriculture and Natural Resources to assemble**
 2 **a task force to study the adoption of a watershed ecosystems management**
 3 **approach.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 **Section 1. That chapter 46A-14 be amended with a NEW SECTION:**

6 Terms used in this Act mean:

- 7 (1) "Department," the Department of Agriculture and Natural Resources;
 8 (2) "Ecosystem management," any measures or actions that promote and maintain
 9 the integrity and sustainability of each watershed ecosystem separately and
 10 integrated with other watershed ecosystems and recognizes the interdependence
 11 of ecological resources and is based on the need for integrated consideration of
 12 ecological, social, and economic factors.

13 **Section 2. That chapter 46A-14 be amended with a NEW SECTION:**

14 The department shall assemble a task force consisting of one representative from
 15 the department, one member from each of the river basin natural resource districts
 16 identified pursuant to chapter 46A-19, one representative from each Native American
 17 nation possessing water rights to one or more river basin natural resource districts, one
 18 representative from the South Dakota Water Resources Institute at South Dakota State
 19 University, and any additional persons that possess the expertise in ecosystem resource
 20 management and water law and regulation. Each task force member shall have expertise
 21 or experience in water or ecosystem management. The department shall make available
 22 department staff and resources as needed by the task force to complete its duties and
 23 complete the report required pursuant to section 4 of this Act.

24 **Section 3. That chapter 46A-14 be amended with a NEW SECTION:**

- 1 The task force shall examine the following:
- 2 (1) The quantity of surface and underground water estimated to be available for
3 domestic, agricultural, and industrial use in each watershed over the next fifty
4 years, taking into consideration the current use, and predicted growth in use,
5 climate change, and the legal rights of other states and Native American nations
6 to the water;
- 7 (2) The current quality of the surface and underground water resources in each
8 watershed, the past and existing sources of contamination to such resources, and
9 the identification and assessment of potential future sources of contamination to
10 the resources;
- 11 (3) The legal requirements pertaining to the quality of the surface and underground
12 water resources, including the interaction between state, local, federal, and Native
13 American nation laws, and those of other states and Native American nations that
14 share in the water resources;
- 15 (4) The management of each watershed using an ecosystems approach to maximize
16 the quantity and quality of surface and underground water resources for current
17 and future use;
- 18 (5) The management of each watershed using an ecosystems approach to maximize
19 the quantity and quality of surface and underground water resources for current
20 and future use;
- 21 (6) The interaction of each watershed with other watersheds, including the sharing of
22 water resources between communities, counties, the state, Native American
23 nations, and with other states and Native American nations outside of this state;
- 24 (7) The regional management of all watersheds using an ecosystems approach to
25 maximize the quantity and quality of surface and underground water resources for
26 current and future use; and
- 27 (8) Actions, including legislation and administrative regulations, to consider the
28 ecosystem management shared resources approach to protect and preserve the
29 quantity and quality of surface and underground water resources for current and
30 future users.

31 **Section 4. That chapter 46A-14 be amended with a NEW SECTION:**

32 Before June 30, 2023, the task force shall issue a report with recommendations to
33 the Legislature, the department, and the Board of Water and Natural Resources, the
34 counties and municipalities within the river basin districts identified pursuant to chapter

- 1 46A-19, and the Native American nations, of measures that can be taken to implement
- 2 an ecosystem management approach to the surface and underground water resources of
- 3 the primary watersheds of this state.