

South Dakota Conservation Commission

The State Conservation Commission is a nine-member citizen commission appointed by the Governor to oversee the development of the State Coordinated Natural Resources Conservation Plan as per SDCL 38-7. The State Conservation Commission is the official entity as identified by SDCL 38-8 with the administrative oversight of the sixty-nine conservation districts within South Dakota. The State Conservation Commission reviews and approves loans to conservation districts from the State Revolving Loan Program. The State Conservation Commission also reviews and approves grants to conservation districts through the State Coordinated Natural Resources Conservation Grant Fund. The State Conservation Commission is also responsible for reviewing district operations and election procedures to ensure that they follow state laws and procedures.

Currently, the Conservation Commission membership consists of members with interests in natural resources conservation issues within the state. The current Conservation Commission consists of:

- Aaron Kiesz (representing the urban sector)
- Tom Glover (representing the water development districts)
- Charlie Moe and Wayne Bunge (representing the tree industry)
- Doug Hansen (an at large member)
- David Fischbach, Gerald Thaden, Alan Vedvei, and Tom Wolles, (representing past or current conservation district supervisors).

The Conservation Commission also has non-voting advisory members who provide input to the Conservation Commission on natural resources issues within South Dakota. The current advisory membership of the Conservation Commission consists of:

- Secretary of Department of Environment and Natural Resources
- Director of Cooperative Extension Service
- Director of state Agricultural Experiment Station located in Brookings
- Commissioner of School and Public Lands
- Secretary of Department of Game, Fish and Parks, or his designee, and
- State Conservationist for the USDA Natural Resources Conservation Service

History of the South Dakota Conservation Commission

The South Dakota Soil Conservation Districts Law passed by the 1937 legislature became effective on July 1, 1937. The law established a State Soil Conservation Committee composed of five members: Director of the State Extension Service (A.M. Eberle), Director of the State Agricultural Experiment Station (I.B. Johnson), State Rural Credit Department Director (Millard G. Scott), Commissioner of School and Public Lands (Ben Stroll), and US Secretary of Agriculture appointee (Ross D. Davies, State Conservationist SCS).

The original duties and powers of the State Soil Conservation Committee included:

1. Offer assistance to supervisors of soil conservation districts
2. Keep supervisors informed of the activities and experience of all other soil conservation districts and to facilitate an interchange of advice and experience between soil conservation districts
3. Coordinate programs of the soil conservation districts by advice and consultation
4. Secure the cooperation and assistance of the United States and any of its agencies
5. Disseminate information concerning activities and programs of the soil conservation districts and to encourage the formation of such soil conservation districts
6. Receive and process petitions for organization or discontinuation of soil conservation districts (issue notices and supervise hearings and referenda)
7. Appoint two supervisors to act with the three elected supervisors for each organized soil conservation district
8. Removal of supervisors (upon notice and hearing) for neglect of duty or malfeasance in office
9. Appoint members of the board of adjustment (with the advice and approval of the supervisors of the soil conservation district)

Important dates in the history of the State Conservation Commission included:

1945- The Rural Credit Department was removed as a member of the State Soil Conservation Committee and replaced with the State Secretary of Agriculture.

1949- The requirement that the governor would appoint three farmer members to the State Soil Conservation Committee was adopted. The Legislature provided direction that the farmer members of the State Committee would be appointed from a recommended list of conservation district supervisors. A special revenue loan fund was established and the State Soil Conservation Committee was authorized to make loans from that fund.

1953- The requirement was adopted specifying that all five supervisors of an existing conservation district would be elected but, for newly organized conservation districts, two supervisors would still be appointed by the State Soil Conservation Committee.

1957- The State Soil Conservation Committee was revised by making the Director of the State Extension Service, the Director of the State Agricultural Experiment Station, and the Commissioner of School-and Public Lands advisory members. The Committee was now required to invite the Secretary of Agriculture of the United States as an advisory member. Committee members now included the State Secretary of Agriculture and six farmer members appointed by the Governor.

1961- The name of the State Soil Conservation Committee was changed to the Soil and Water Conservation Committee. The Soil and Water Conservation Committee would perform certain functions and duties with respect to watershed projects.

1963- A section was added to state law requiring payment for services of the Soil and Water Conservation Committee.

1968- The name of the Soil and Water Conservation Committee was changed to the State Conservation Commission. The State Conservation Commission consisted of seven members, six of them appointed by the governor (one representing urban interests, one recommended by Conservancy Sub-Districts, and four farmer members). The Secretary of Agriculture is the seventh (ex officio) member. Funds appropriated to the State Conservation Commission were placed under the control of the South Dakota Secretary of Agriculture.

Nonvoting advisory membership was modified and included: Director of the State Extension Service; Director of the State Agricultural Experiment Station; Commissioner of School and Public Lands; Chief Engineer of the Water Resources Commission; Director of the Department of Game, Fish and Parks; and State Conservation for the US Soil Conservation Service, if approved by the US Secretary of Agriculture.

1971- The Conservation Commission Range Resource Program was implemented to improve SD's 25 million acres of grassland.

1973- The State Conservation Commission was transferred to the Department of Environmental Protection. Generally in the 1970s, the State Conservation Commission dealt with a large number of surface mining permit/bond and irrigation permit requests. They also acted on a large number of conservation district revolving loan applications.

1974- The state legislature added two State Conservation Commission members, bringing the membership to nine. The two members were required to be engaged in the surface mining industry. No more than five members could be from one political party. Finally, the legislature added two sections of law, 38-8 (Conservation Districts) and 45-6A (Mining Land Reclamation) as functions performed by the State Conservation Commission.

1975- The Division of Conservation was created within the South Dakota Department of Agriculture. The director of the division was nominated by the State Conservation Commission. All the functions of the Department of Environmental Protection provided for in chapters 38-7, 38-8 and 45-6A were transferred to the Division of Conservation. The State Conservation Commission was also transferred from the South Dakota Department of Environmental Protection to the South Dakota Department of Agriculture. The State Conservation Commission shall be administered under the direction and supervision of the Division of Conservation of the Department of Agriculture. The legislature also removed the Secretary of Agriculture as an ex officio member of the

commission and inserted the state secretary of environmental protection as ex officio (previously called Secretary of Natural Resource Development as non-voting member). The legislature amended 38-7-13 to require an annual financial report of the commission and each of the conservation districts.

1976- The legislature determined that the “commission shall develop comprehensive state erosion and sediment control guidelines within 12 months of this act.” Those guidelines would include recommended soil loss limits and suggested conservation practices. The conservation districts would, within 12 months of those guidelines, develop proposed district conservation standards and submit them for review by the commission. State mining issues (approving or disapproving surface mining and reclamation permits) were added to the commission responsibilities in 1974 or 1976 and removed in 1983.

1979- The State Conservation Commission was reorganized to the extent that the Secretary of Environmental Protection would be replaced as a member by the Secretary of Water and Natural Resources (department name change that included combining the previous Departments of Natural Resource Development and Department of Environmental Protection into the renamed Department of Water and Natural Resources).

1981- The State Conservation Commission was reorganized to the extent that the Secretary of Water and Natural Resources would no longer be an ex officio voting member of the commission but would be a non-voting member.

1985- The state legislature revised the State Conservation Commission membership. It clarified replacing a member recommended by the directors of the “conservancy sub-districts” with “water development districts”. It removed the two members engaged in the “surface mining industry” and replaced them with two members “engaged in the tree industry”. It added that commission member appointments shall be made on or before the first day of October. The soil and water compatibility program was established in 1985 and the State Conservation Commission was responsible for approving or disapproving applications for irrigation permits. This program was repealed in 1994.

1989- The state legislature changed the date that commission member appointments shall be made to “on or before the first day of December” (from October).

1991- The State Conservation Commission, the Division of Conservation and its partners developed the first Coordinated Soil and Water Conservation Plan.

1992- The state legislature created a special fund known as the “conservation commission grant fund” dedicated for conservation districts for cropland, grassland and water quality improvement projects. The funding source was unclaimed tax refunds from

the sale of motor fuel for non-highway agricultural uses. The State Conservation Commission was tasked by the state legislature to promulgate rules for the program.

1993- The State Conservation Commission approved the first set of 18 grants to 18 conservation districts for natural resource improvement projects statewide.

1994- The legislature established the coordinated soil and water conservation program and directed the Division of Conservation to administer the fund. The legislature changed the name of the “conservation commission grant fund” to the “coordinated soil and water conservation fund”. The legislature also removed the dedicated projects listing (cropland, grassland, and water quality) and instead referenced the purposes “identified in the South Dakota coordinated soil and water conservation plan”.

1995- The Division of Resource Conservation and Forestry was established by order of Governor Janklow by combining the Division of Conservation with the Division of Forestry.

1997- The legislature required that conservation districts file an itemized annual report with the State Conservation Commission noting the number and nature of violations related to soil erosion and sediment damage (Chapter 38-8A).

2007- The legislature changed the name of the “Coordinated Soil and Water Conservation Fund” to the “Coordinated Natural Resources Conservation Fund”. The “Coordinated Soil and Water Conservation Plan” changed to the “Coordinated Plan for Natural Resources Conservation”. The legislature approved the revision for the current coordinated plan.

2008- The legislature created the Soil Conservation Award program. The State Conservation Commission was directed to promulgate rules and the legislature appropriated \$5,000 from Coordinated Natural Resource Conservation Fund for the program. The legislature also established a two-year pesticide registration fee for deposit into the commission grant funds to provide additional funds to the Coordinated Natural Resource Conservation Fund.

2011- The legislature ended the off-road gas tax refund provision and established a flat \$500,000 annual appropriation to fund the Coordinated Natural Resources Conservation grants.