

## South Dakota State Wetland Program Summary



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### **Section A. Quick View**

#### **Description of State's Wetlands**

Wetlands in South Dakota include potholes, dugouts, reservoirs, and natural lakes. These wetlands compose approximately four percent of the South Dakota's land area, including a vital portion of the remaining prairie pothole habitat. In the eastern prairie pothole region of the state, wetlands occupy 9.8 percent of the landscape. Most of western South Dakota's wetlands are found along stream and river corridors and associated riparian areas.

#### **State Definition of Wetlands**

State surface water quality regulations define "wetlands" as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas."

#### **Historic Wetland Loss/Gain**

<b>Original Wetland Acreage</b>	<b>Remaining Wetland Acreage</b>	<b>Acreage Lost</b>	<b>% Lost</b>
2,735,100	1,780,000	955,100	35%

#### **Primary State Wetlands Webpage**

South Dakota Department of Environment and Natural Resources

<https://denr.sd.gov/dfta/wp/wp.aspx>

#### **State Wetland Program Plan**

South Dakota does not currently have a state wetland program plan.

#### **No Net Loss/Net Gain Goal**

Georgia as a state does not have a formal net loss goal; however, the South Dakota Department of Transportation has a formal no net loss goal:

<http://www.fhwa.dot.gov/agreements/divisions/sddiv03agr.htm>

**State Resources for Wetland Work**

State Name	Core element #1: Regulation	Core Element #2: Monitoring and Assessment	Core Element #3: Wetland Water Quality Standards	Core Element #4: Voluntary Wetland Restoration
Agency	SD-DENR	SD-DENR	Information not available	Information not available
Source(s)	General funds, federal funds (from EPA primarily)	Information not available	Information not available	Information not available
Amount	Information not available	Information not available	Information not available	Information not available
Staffing	1 FTE	Information not available	Information not available	Information not available

**State Permitting Fees**

State Permitting Fee	State Name
Yes/No	NO
Amount (range)	N/A
Agency	N/A

**Note:** The state does have discharge permits

**Innovative Features**

None.

**Models and Templates**

None.

**Section B. Regulation**

**How are Wetlands Regulated in South Dakota?**

South Dakota regulates wetlands primarily through §401 certification under the Clean Water Act (CWA), which is overseen by the South Dakota Department of Environment and Natural Resources (SDDENR). SDDENR’s Surface Water Discharge Permit Program also issues permits for the discharge of pollutants from a point source into a wetland. Because most of South Dakota’s wetlands are embedded in an agricultural landscape, the Swampbuster conservation provisions in the federal Farm Bill provide some of the most important protection for South Dakota’s wetlands. The state’s resource agencies are also active in non-regulatory wetland management and conservation efforts.

Fish and Wildlife Recreational and Stock Waters Section 9 offers protections to certain wetlands as well. These include limits for alkalinity, conductivity, nitrates, pH, total dissolved solids, petroleum HC and grease. While filling is still allowed for Section 9 wetlands, if they are under federal jurisdiction,

mitigation is required by the Corps (and state issues §401 water quality certification) and if non-federal jurisdictional, the state has specific water quality standards that apply.

SD DENR’s Surface Water Discharge Permit Program issues permits under the state’s National Pollutant Discharge Elimination System (NPDES) program. Any discharge of pollutants from a point source into a wetland requires a Surface Water Discharge Permit. The state does not track wetland-specific permits.

**Wetland Delineation**

<b>Delineation Guidance</b>	<b>Yes</b>	<b>No</b>	<b>Detail</b>
Use State’s Own Method		X	
Use Corps’ 87 Manual and Regional Supplement	X		The Corps does delineations in South Dakota.
Other (Please describe)		X	

**Evaluation Methodology**

The state works at NWI maps. Regardless of size or type, all discharges require a NPDES permit. Also dewatering permits.

**Exempted Activities**

All surface water discharge permits are subject to an antidegradation review before their renewal unless the facility is operating at or below design flows and pollutant loadings; the existing effluent quality is in compliance with all the discharge permit limits; the discharge has not degraded the water quality from its status on March 27, 1973; the permittee has upgraded or erected a new facility since March 27, 1973; or the discharge is made for the beneficial use of wildlife propagation, stock watering, and irrigation and the discharge is not expected to contain toxic pollutants. If discharge is to a Section 9, then the state allows no exemptions.

**Special Provisions for Agriculture and Forestry**

Comparable to federal provisions.

**Penalties and Enforcement**

SD DENR’ Division of Environmental Services is responsible for wetland enforcement actions as part of the §401 water quality certification program. Violations of §404 permits are generally elevated to the Corps, unless they specifically violate state water quality standards. Violations of water quality standards in South Dakota may result in both civil and criminal penalties.

**Permit Tracking**

The state does not track permits, but the Corps does.

**State General Permit (statewide vs. regional coverage)**

Permit Coverage	Yes	No	Detail (Type of Permit)
Regional General Permit		X	
Statewide General Permit		X	

**Assumption of §404 Powers**

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption		X	

**Joint permitting**

The state does not have a joint permit with the Corps; however, South Dakota standards require joint public notice with the Corps.

**Special Area Management Plans and Advanced Identification Plans**

None.

**Buffer Protections**

South Dakota DENR’s Division of Financial and Technical Administration handles buffer protections. The Division works with landowners to develop and protect buffers on the Big Souix River and other waterbodies. For more information, contact Peter Jahraus at 773-4254. For restoration work related buffers, SD GF&P will provide up to 75% cost share to create a riparian pasture that is managed to improve woody vegetation regeneration and stabilize stream banks while increasing forage production.

**Mitigation Policy**

Wetland mitigation is conducted by the Corps. South Dakota has no formal guidelines, policies, or legislation (beyond what is required under CWA §404) for compensatory mitigation for permitted impacts to wetlands or streams. SDDENR and SDGFP do review and comment on mitigation during the §401 certification process and often informally comment on mitigation projects for SDDOT.

**Mitigation Database**

South Dakota DENR does not have a mitigation database. The Corps uses the RIBITS database and the SD DOT tracks funding projects.

**Section C. Monitoring and Assessment**

**Agency Responsible for Wetland Monitoring and Assessment**

South Dakota does not have a monitoring and assessment program specific to wetlands. Wetlands are not included in the state’s water resource monitoring activities, which does provide ongoing sampling at regular sites. However, the state is required to review any “9” or “9/10” waterbody every five years.

South Dakota State University researchers, in cooperation with SDGFP and EPA, have developed a *wetland rapid assessment protocol for eastern South Dakota*. The protocol uses a scoring convention to quantify the condition of six wetland variables: wildlife utilization, wetland cover-story/shrub canopy, wetland vegetative ground cover, adjacent upland/wetland buffer, field indicators of wetland hydrology, and water quality input and treatment systems. The protocol is used by SDGFP’s Natural Heritage and Wildlife Habitat Programs to identify reference wetlands, monitor randomly selected sites, and evaluate wetland restoration efforts.

**Mapping/Inventory**

NWI mapping is completed for the state of South Dakota.

**State Wetland Mapping Public Portal**

None.

**Wetland Classification and Assessment**

South Dakota does not use a specific wetland classification or assessment method. The state uses NWI maps to identify wetlands. This results in an approach that “a wetland is a wetland” regardless of type.

**Statewide Wetland Monitoring Plan**

None.

**Overall Wetland Gain and Loss Tracking System**

None.

**Wetland Monitoring and Assessment Characteristics**

Level	None	Level 1	Level 2	Level 3
<i>South Dakota</i>	X			

Type	None	IBI	Condition	Functional
<i>South Dakota</i>	X		Unknown	

Frequency	None	Project Specific	Ongoing
<i>South Dakota</i>	X		

**Description:** The state does not conduct monitoring and assessment wetlands. The Corps does monitoring and assessment on a project basis for permits.

**Participation in National Wetland Condition Assessment**

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

***Detail:*** NWCA work in South Dakota was not done by state staff.

**Section D. Water Quality Standards**

**Wetland and Water Quality Standards**

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
<i>Wetland-specific Designated Uses</i>		X			
<i>Narrative criteria in the standards to protect designated wetland uses</i>		X			
<i>Numeric criteria in the standards based on wetland type and location to protect the designated uses</i>		X			
<i>Anti-degradation policy includes wetlands</i>		X			

**Description:** South Dakota’s water quality standards do not identify criteria specific to wetlands. However, there are special considerations for waters classified as “9s,” including wetlands. Surface water quality standards, applicable to all “waters of the state,” are applicable wetlands. The state surface water quality standards are narrative and numeric in nature and include criteria related to conductivity, nitrogen, pH, total dissolved solids, hydrocarbons, and grease. Wetlands are designated the beneficial uses of fish and wildlife propagation, recreation, and stock watering. Anti-degradation standards are not specifically identified for wetlands, so the provisions that apply to all “waters of the state” apply to wetlands

**Section E. Voluntary Wetland Restoration**

**Types of Wetland Restoration Work Funded by the State:**

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		Sportsman license funds
Private Land Restoration	X		SD-DGFP
Public Land Restoration	X		SD-DGFP
Technical Assistance	X		Dept. of Ag, USFWS, NRCS
Tax Incentives		X	
Other	X		SDGFP voluntary incentive program for landowners interested in restoring wetland hydrology on previously drained non-cropped wetlands.

**Description:** South Dakota does not have a formal statewide voluntary wetland restoration program. However, there are a number of state projects and programs that operate to deliver voluntary restoration activities.

- South Dakota Department of Game, Fish, and Parks (SDGF) partners with various state and federal agencies, private landowners, and other organizations on wetland management and restoration. SDGFP’s Wildlife Division conducts some restoration-related activities for wetlands as they relate to habitat protection and provides information to landowners on restoration programs available in South Dakota. Approximately 80 percent of South Dakota’s land is privately-owned, so SDGFP conducts most of its *wetland restoration efforts on private land*.
- SDGFP also owns and manages approximately 51,000 acres of wetlands and *wetland restoration on public lands* is conducted as opportunities arise, particularly when SDGFP acquires new land.
- SDGFP’s *Wetland/Grassland Habitat Program* encourages willing landowners to protect, restore, and enhance wetland and grassland habitats in South Dakota. The program provides technical and financial assistance for wetland restoration, creation, and enhancement and upland restoration and enhancement. For some wetland restoration projects, the program provides up to 100 percent of the cost share. SDGFP may also provide up to two-thirds of the cost of wetland creation and enhancement projects. The wetland creation program is designed to assist landowners in developing livestock water, while providing shallow water areas for wildlife such as breeding waterfowl.
- In 2006, SDGFP established a *voluntary incentive program for landowners* interested in restoring wetland hydrology on previously drained non-cropped wetlands. Landowners benefit from additional livestock water and forage production, and the restored habitat provides substantial benefits to wildlife.
- SDGFP is also an active member of the *Prairie Pothole Joint Venture*, a joint venture formally recognized under the North American Waterfowl Management Plan whose goal is permanent protection of 1.4 million acres of high priority, at-risk wetlands.
- Regarding buffers, SD GF&P will provide up to 75% cost share to create a riparian pasture that is managed to improve woody vegetation regeneration and stabilize stream banks while increasing forage production. Alternative water sources will also be eligible for 50% cost-share, up to \$5,000, if the riparian area was the main source of water. Priority will be given to projects were the landowner is interested in managed grazing on the adjacent uplands as well. Cooperating landowners are responsible for the installation and maintenance of fencing projects and agree to develop a managed grazing system with SD GFP using USDA-NRCS stocking rate guidelines - See more at: <http://gfp.sd.gov/wildlife/private-land/riparian-pasture.aspx#sthash.1TI6yiG6.dpuf>
- SDDENR also helps local sponsors find funding for restoration projects.

**Voluntary Wetland Restoration Program Components**

Wetland Restoration Efforts	Nothing in the Works	Planning	In Progress	Mature/ Complete
Program has a set of restoration goals	N/A			
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes	N/A			

Developed multi-agency body to coordinate restoration/ protection efforts	N/A			
Set restoration goals based on agency objectives and available information	N/A			

**Goals for Restoration Projects**

Goal	Yes	No	Description
No Net Loss			
Reverse Loss/Net Gain			
Nonpoint Source Pollution (NPS)/WQ			
Total Maximum Daily Load (TMDLs)			
Habitat	X		
Coastal Protection			
Floodwater Protection			
Groundwater			
Other (please describe)			

**Landowner Guides and Handbooks to Assist with Voluntary Wetland Restoration Efforts**

None.

**Section F. Innovative and/or Highly Effective Education and Outreach**

None.

**Section G. Climate Change and Wetlands**

The state wetland program does not work on climate change issues. While climate change is not denied at the state level, this work is also not being pursued currently. The state’s congressional representatives are currently largely active climate deniers.

**Section H. Integration**

Entity/Program Area	Yes/No	Description of the Connection
NPDES/Stormwater	YES	Very active with stormwater staff; review SW permits closely regarding wetland impacts; Any §401 certification reviews must also be submitted to stormwater staff
303(d)	NO	
305(b) reporting on wetlands	Unknown	
Total Maximum Daily Load (TMDLs)	NO	(Mostly focused on ammonia)
Climate Change/ Resiliency	NO	
Land Use /Watershed planning	NO	Only related to mitigation banking

Flood/Hazard Mitigation	YES	Floodplain connections; septic tanks cannot be installed in a wetland
Coastal Work	N/A	
Wildlife Action Plan	NO	May include wetlands, but do not involve wetland staff
Statewide Comprehensive Outdoor Recreation Plan (SCORP)	NO	May include wetlands, but do not involve wetland staff
Other – Transportation	YES	Coordinate with DOT – wetland staff review and comment on all DOT projects
Other – Groundwater Permitting	YES	Collaborate on groundwater permits

### State Wetland Program Contact and Other Relevant Contacts

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## State Wetland Program Development Continuum

Continuum Stage		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Mature Stage	High	401 Certification + "9" regulations			X
Initial Implementation Stage	↑				
Development Stage				X (have "9" to protect wetlands as other resources)	
Early Stage			Low	X	

### Section J. Useful Websites

#### State Government Programs

1. Game, Fish & Parks
  - a) Wetland And Grassland Habitat Program  
<http://gfp.sd.gov/wildlife/private-land/wetland-grassland.aspx>
  - b) Wetland Restoration  
<http://gfp.sd.gov/wildlife/private-land/wetland-restoration.aspx>
  - c) Wetland Creation & Enhancement  
<http://gfp.sd.gov/wildlife/private-land/wetland-creation-enhancement.aspx>
  - d) Non-Cropped Wetland Restoration Initiative  
<http://gfp.sd.gov/wildlife/private-land/non-crop-wetland-initiative.aspx>
  - e) Conservation Reserve Enhancement Program  
<http://gfp.sd.gov/wildlife/private-land/crep.aspx>
2. Department of Transportation
  - a) Wetland Mitigation Banking Program  
<http://www.sddot.com/transportation/highways/environmental/wetland/Default.aspx>
3. Department of Environment & Natural Resources
  - a) Ground Water Quality Program  
<http://denr.sd.gov/des/gw/groundprg.aspx>
  - b) Nonpoint Source - Water Quality Information  
<http://denr.sd.gov/dfta/wp/wqinfo.aspx>

- c) Storm Water Permitting  
<http://denr.sd.gov/des/sw/stormwater.aspx>
  - d) Surface Water Quality  
<http://denr.sd.gov/des/sw/surfacewaterquality.aspx>
  - e) 401 Certification  
<http://denr.sd.gov/des/sw/401.aspx>
  - f) Water Quality Monitoring Network  
<http://denr.sd.gov/des/sw/wqmonitoring.aspx>
  - g) Watershed Protection  
<http://denr.sd.gov/dfta/wp/wp.aspx>
4. Department of Agriculture
- a) Conservation & Forestry  
<http://sdda.sd.gov/conservation-forestry/mission-responsibilities/>

#### **Federal Government Programs**

- 1. Huron Wetland Management District  
<http://www.fws.gov/huronwetlands/>
- 2. USDA Natural Resources Conservation Service  
Wetlands Reserve Program  
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/sd/programs/easements/wetlands/>
- 3. US Fish & Wildlife Service  
Madison Wetland Management District  
<http://www.fws.gov/refuges/profiles/index.cfm?id=64560>

#### **Other Organization Wetland Programs**

- 1. South Dakota Association of Conservation Districts  
<http://sdconservation.site-ym.com/>