

RESOLUTION 17-15

WHEREAS, Cattail Land and Cattle Company, LLC, of Langford, South Dakota, submitted a Petition to the Game, Fish, & Parks Commission (Commission) dated August 16, 2017, requesting that the Game, Fish, & Parks Commission restrict all types of recreational access on waters of Cattail-Kettle lake that overly their private property, and subsequently, the Petitioner submitted an amended petition dated October 31, 2017, requesting the Game, Fish, & Parks Commission to restrict, at Petitioner's discretion, all types of public recreational access to waters within 100 yards from the shoreline of its overall property and to restrict access to the South slough of Kettle Lake for reasons more fully set out in their amended petition and their testimony presented during the contested case hearing; and

WHEREAS, all members of the Commission who heard the contested case hearing on November 2, 2017, have been furnished with and reviewed a copy of the Petition and the amended Petition, received and considered testimony and evidence from the Petitioner, received and considered testimony and evidence from all intervenors, and considered all relevant evidence that was presented; and

WHEREAS, the Commission has weighed all the evidence presented as it relates to the criteria set forth in SDCL 41-23-9, specifically the privacy interest, safety interest, and the financial interest of the Petitioner balanced against the lake's history of use, water quality, water quantity, and the public's interest in recreational use of the water; and

WHEREAS, the Commission recognizes that those who appeared in support of the Petition were sincere in the concerns which they expressed, but also recognized that the Commission's duty is governed by the specific factors set forth in SDCL 41-23-9.

NOW, THEREFORE, BE IT RESOLVED, that the Commission finds that the Petitioner has not demonstrated by a preponderance of evidence, that there are sufficient privacy, safety, and financial interests that necessitate the partial closure of the lake as requested in the Amended Petition, and therefore the Amended Petition is denied.

BE IT FURTHER RESOLVED that the Commission's decision will be memorialized in a statement of findings of fact and conclusions of law, and will be delivered to the Petitioner and made available to the public once it has been completed.