

Nancy Hilding  
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Prairie Hills Audubon Society  
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April 30th, 2020

Dear Game, Fish and Parks Commission  
Joe Foss Building  
523 East Capitol Avenue  
Pierre, SD 57501  
C/o Jon Kotilnek <Jon.Kotilnek@state.sd.us>

Dear Commissioners,

PETITION FOR RULEMAKING Submitted pursuant to SDCL 1-26-13.

Prairie Hills Audubon Society of Western SD, Nancy Hilding, Susan Braunstein, Kathleen and Wolfgang Schmidt submit this petition. Nancy Hilding is a resident of Black Hawk, in Meade County. Susan Braunstein is a resident of Rapid City in Pennington County. Kathleen and Wolfgang Schmidt are residents of Nemo, SD in Lawrence County. Prairie Hills Audubon Society is a non-profit corporation registered in SD. Corporations are persons by SD law, and as such have standing to file rulemaking petitions.

We request the amendment of the following rule:

"41:08:02:13. Traps to be rendered inoperable -- Removal of trapping devices. All traps shall be rendered inoperable and all snares shall be closed to their permanent stop, or closed to less than two and one-half inches if the snare is not equipped with a permanent stop, if the person responsible for checking the traps or snares is not actively trapping and checking them within the time frames as provided in § 41:08:02:03. All traps and snares (set or unset), stakes, cables, chains, wires, or other devices used for the purpose of attaching a trap or snare shall be removed from public lands and improved road rights-of-way prior to May 1 of each year. However, live traps may remain or be placed on public lands and improved road rights-of-way beyond May 1 but shall be removed by September 1 of each year."

Source: 30 SDR 21, effective August 25, 2003; 41 SDR 7, effective July 30, 2014; 45 SDR 155, effective June 24, 2019.

General Authority: SDCL 41-2-18(14), 41-8-20.  
Law Implemented: SDCL 41-2-18(14), 41-8-20.

Web Link:  
<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=41:08:02:13>

We ask that the last sentence of the rule be amended, changing the date September 1st to July 1st.

*"However, live traps may remain or be placed on public lands and improved road rights-of-way beyond May 1 but shall be removed by July 1 of each year.*

## STATEMENT OF REASONS

We request changing the live trap removal date from September 1st to July 1st in order to match the 2020 Nest Predator Bounty Program (NPBP) time frame. A rule change was originally made in 2019 and instead of requiring removal of live traps on May 1st, it allowed live traps to be left on public land and right-of-ways from May 1st to September first. The change was to accommodate the 2019 Nest Predator Bounty Program (NPBP) time frame. That time frame has been shortened in March 2020.

The trap check times allowed in South Dakota are too long. Leaving target and non-target species in traps for three and a partial days west river and two and a partial days east river, is animal cruelty. In high heat or bitter cold, an animal in a box can die in half a day. Animals in boxes or leg-hold traps can freak out and damage their bodies and/or teeth & thus not survive even if released. Dead or confined animals in boxes or traps can't feed their dependent young. Even via a "live trap" non-target species adults and their dependent young will die, in addition to target species. However it is especially cruel to confine mother animals with dependent young that their instincts drive them to return to.

While the Department and the Commission may want to make Governor Noem happy by having another year of the Nest Predator Bounty Program (NPBP), the NPBP ends on July 1st and two more months of suffering of animals is not warranted.

We once again give you the link to the Public Opinion Survey commissioned by the Humane Society of the United States. It interviewed more people than your public opinion survey on the NPBP, it provides more metrics and came to very different conclusions about the popularity in SD of the Nest Predator Bounty Program than the survey you funded. Link to HSUS funded report:

<https://www.humanesociety.org/sites/default/files/docs/South-Dakota-General-Election-Survey.pdf?fbclid=IwAR0TzQSvscZeSc-C1dgSxBjt0sCzgSSX5jxks-wOtFMdjFHv4FgSQCvHKBI>

Sincerely



Nancy Hilding  
President  
Prairie Hills Audubon Society

Signing for the below people:

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605-787-6466

Wolfgang and Kathleen Schmidt,  
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1 attachment

Born Free USA Extended Trapping Report Card for 2017

# BORN FREE USA - EXTENDED TRAPPING REPORT CARD

State	Born Free's 2017 Grade	Trap Types and Killing						Trapper Requirements					Trap Check Times		Species Restrictions			
		Leghold Trap Prohibited	Conibear Trap Prohibited		Snares Prohibited	Bait Prohibited	Restrictions on How Trapped Animal can be Killed	Trapper License Required	Trapper Report Required	Trap ID Required	Trapper Education Required	Restriction on Number of Traps	24-Hour or Daily Trap Check Time – Landsets	24-Hour or Daily Trap Check Time – Watersets	Are Non-Target Animals Reported?	Bobcat Trapping Prohibited	Bear Trapping Prohibited	Otter Trapping Prohibited
			Full Ban	Only on Land														
Alabama	B-	No <sup>1,2</sup>	No	No <sup>2</sup>	Yes	No <sup>3</sup>	Yes	Yes	Yes	Yes	Yes	Yes	No <sup>8</sup>	Yes	No <sup>9</sup>	Yes	No <sup>9</sup>	
Alaska	F	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No	No	No	Yes	No <sup>4</sup>	No	Yes	No	No	No <sup>5</sup>	Yes	Yes	No <sup>9</sup>	
Arizona	B+	No <sup>1,2</sup>	No <sup>2</sup>	No <sup>2</sup>	Yes	No <sup>3</sup>	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No <sup>9,10</sup>	Yes	
Arkansas	F	No <sup>1,2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No	Yes	No	No	Yes	No <sup>8</sup>	No	No <sup>9</sup>	Yes	
California	A+	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No <sup>5</sup>	Yes	Yes	Yes
Colorado	A-	Yes	Yes	N/A	Yes	No <sup>3</sup>	No	Yes	No <sup>4</sup>	Yes	Yes	No	Yes	Yes	No	No <sup>9</sup>	Yes	Yes
Connecticut	B-	No <sup>1,2</sup>	No <sup>2</sup>	Yes	Yes	No	No	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No <sup>9,11</sup>
Delaware	B-	No <sup>1,2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	Yes	Yes	No <sup>5</sup>	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No <sup>9</sup>
Florida	D-	Yes	Yes	N/A	No	No	No	Yes	No	No	No	No	Yes	Yes	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Georgia	D	No <sup>2</sup>	No	No <sup>2</sup>	No	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Hawaii	A+	No Commercial or Recreational Trapping Allowed On Public Land.																
Idaho	F	No <sup>2</sup>	No	No	No <sup>2</sup>	No <sup>3</sup>	No	Yes	Yes	Yes	No	No	No <sup>8</sup>	No <sup>8</sup>	Yes	No <sup>9</sup>	Yes	No <sup>9,11</sup>
Illinois	B	No <sup>1,2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No <sup>9,10,11</sup>	Yes	No <sup>9,10,11</sup>
Indiana	D+	No <sup>1,2</sup>	No	No <sup>2</sup>	No <sup>2</sup>	No	No	Yes	No <sup>5</sup>	No	No	No	Yes	Yes	No <sup>5</sup>	Yes	Yes	No <sup>9,11</sup>
Iowa	F	No <sup>1,2</sup>	No	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No	Yes	No	No	Yes	No	No	No <sup>9,11</sup>	Yes	No <sup>9,11</sup>
Kansas	D+	No <sup>1,2</sup>	No	No <sup>2</sup>	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	No <sup>9</sup>	Yes	No <sup>11</sup>
Kentucky	C-	No <sup>2</sup>	No	No <sup>2</sup>	No	No	No	Yes	No <sup>5</sup>	Yes	Yes	No	Yes	Yes	No <sup>5</sup>	No <sup>9,11</sup>	Yes	No <sup>9,11</sup>
Louisiana	F	No <sup>1</sup>	No	No	No	No	No	Yes	No	No	No	No	Yes	Yes	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Maine	D-	No <sup>1</sup>	No	No <sup>2</sup>	No	No <sup>3</sup>	No	Yes	No <sup>5</sup>	Yes	Yes	No	Yes	No <sup>8</sup>	No <sup>5</sup>	No <sup>9</sup>	No <sup>10,11</sup>	No <sup>9</sup>
Maryland	D+	No <sup>1,2</sup>	No	Yes	Yes	No	No	Yes	No	No	Yes	No	Yes	No <sup>7</sup>	No	Yes	Yes	No <sup>9</sup>
Massachusetts	B-	Yes	Yes	N/A	Yes	No	No	Yes	No <sup>5</sup>	Yes	Yes	No	Yes	Yes	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Michigan	D+	No <sup>1,2</sup>	No	No	Yes	No	Yes	Yes	No <sup>5</sup>	Yes	No	No	Yes	Yes	No	No <sup>9,11</sup>	Yes	No <sup>9,11</sup>
Minnesota	D+	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No	Yes	Yes	No	Yes	No <sup>8</sup>	No <sup>5</sup>	No <sup>9,11</sup>	Yes	No <sup>9,11</sup>
Mississippi	D-	No	No	No <sup>2</sup>	No	No <sup>3</sup>	No	Yes	Yes	Yes	No	No	No <sup>6</sup>	No <sup>6</sup>	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Missouri	F	No <sup>1</sup>	No	No <sup>2</sup>	No <sup>2</sup>	No	No	Yes	No	Yes	No	No	Yes	No <sup>7</sup>	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Montana	F	No	No	No	No	No <sup>3</sup>	No	Yes	No <sup>5</sup>	Yes	No	No	No <sup>7</sup>	No <sup>7</sup>	No <sup>5</sup>	No <sup>9,11</sup>	Yes	No <sup>9</sup>
Nebraska	D-	No <sup>1</sup>	No	No <sup>2</sup>	No	No <sup>3</sup>	No	Yes	No	Yes	No	No	Yes	No <sup>7</sup>	No	No <sup>9</sup>	Yes	Yes
Nevada	F	No	No	No	No	No <sup>3</sup>	No	Yes	Yes	Yes	No	No	No <sup>8</sup>	No	Yes	No <sup>9</sup>	Yes	No
New Hampshire	C	No <sup>1,2</sup>	No	No <sup>2</sup>	No	No <sup>3</sup>	No	Yes	Yes	Yes	Yes	No	Yes	No <sup>8</sup>	No <sup>5</sup>	Yes	Yes	No <sup>9</sup>
New Jersey	B	Yes	No <sup>2</sup>	Yes	No <sup>2</sup>	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No <sup>5</sup>	Yes	Yes	No <sup>9,10,11</sup>
New Mexico	C+	No <sup>1,2</sup>	No	No <sup>2</sup>	No	No <sup>3</sup>	No	Yes	Yes	Yes	No	No	Yes	Yes	No <sup>5</sup>	No <sup>9</sup>	Yes	Yes
New York	C+	No <sup>1,2</sup>	No	No <sup>2</sup>	Yes	No <sup>3</sup>	No	Yes	No	Yes	Yes	No	Yes	Yes	No <sup>5</sup>	No <sup>9,10</sup>	Yes	No <sup>9</sup>
North Carolina	F	No <sup>1,2</sup>	No <sup>2</sup>	No <sup>2</sup>	No	No	No	Yes	No	Yes	No	No	Yes	No <sup>8</sup>	No	No <sup>9</sup>	Yes	No <sup>9</sup>
North Dakota	F	No	No	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No <sup>5</sup>	Yes	No	No	No	No	No <sup>5</sup>	No <sup>9</sup>	Yes	Yes
Ohio	B	No <sup>1,2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No	Yes	Yes	No	Yes	Yes	No <sup>5</sup>	Yes	Yes	No <sup>9,11</sup>
Oklahoma	C	No <sup>1,2</sup>	Yes	N/A	Yes	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No <sup>9,11</sup>	Yes	No <sup>9,11</sup>
Oregon	D+	No <sup>1,2</sup>	No	No <sup>2</sup>	No	No <sup>3</sup>	No	Yes	Yes	Yes	Yes	No	No <sup>7</sup>	No <sup>7</sup>	No	No <sup>9,10</sup>	Yes	No <sup>9,10</sup>
Pennsylvania	C	No <sup>1,2</sup>	No	Yes	No <sup>2</sup>	No <sup>3</sup>	Yes	Yes	No	Yes	Yes	No	No <sup>6</sup>	No <sup>6</sup>	No <sup>5</sup>	No <sup>9,10,11</sup>	Yes	No <sup>9,10,11</sup>
Rhode Island	B+	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes
South Carolina	D	No <sup>1,2</sup>	No	Yes	No	No <sup>3</sup>	No	Yes	Yes	Yes	No	No	Yes	No <sup>7</sup>	No	No <sup>9</sup>	Yes	No <sup>9</sup>
South Dakota	F	No	No	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No <sup>4</sup>	No	No	No	No <sup>7</sup>	No	No <sup>5</sup>	No <sup>9</sup>	Yes	Yes
Tennessee	D	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	Yes	No	Yes	No	Yes	No	No	No <sup>6</sup>	No <sup>6</sup>	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Texas	F	No	No	No <sup>2</sup>	No	No	No	Yes	No	No	No	No	No <sup>6</sup>	No <sup>6</sup>	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Utah	D+	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	Yes	Yes	No <sup>4</sup>	Yes	Yes	No	No <sup>7</sup>	No	No <sup>5</sup>	No <sup>9,10,11</sup>	Yes	Yes
Vermont	D	No <sup>1</sup>	No	No <sup>2</sup>	Yes	No	No	Yes	No <sup>4</sup>	Yes	Yes	No	Yes	No <sup>8</sup>	No	No <sup>9</sup>	Yes	No <sup>9</sup>
Virginia	F	No <sup>1,2</sup>	No	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No	Yes	No	No	Yes	No <sup>8</sup>	No	No <sup>9</sup>	Yes	No <sup>9,11</sup>
Washington	A	Yes	Yes	N/A	Yes	No <sup>3</sup>	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No <sup>9</sup>	Yes	No <sup>9</sup>
West Virginia	C	No <sup>1,2</sup>	No	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No <sup>4</sup>	Yes	Yes	No	Yes	Yes	No	No <sup>9,11</sup>	Yes	No <sup>9,11</sup>
Wisconsin	D	No <sup>2</sup>	No	No <sup>2</sup>	No <sup>2</sup>	No <sup>3</sup>	No	Yes	No <sup>5</sup>	Yes	Yes	No	Yes	No	No	No <sup>9,10,11</sup>	Yes	No <sup>9,10,11</sup>
Wyoming	F	No	No	No <sup>2</sup>	No <sup>2</sup>	No	No	Yes	No	Yes	No	No	No <sup>8</sup>	No <sup>8</sup>	No	No <sup>9</sup>	Yes	Yes

- FOOTNOTES:**
- 1 – No teeth/serrated edges allowed
  - 2 – Size restrictions (at least on land)
  - 3 – Restrictions on bait type, placement, whether or not the bait is covered, and/or what type of trap it can be used with
  - 4 – Voluntary survey
  - 5 – Only for certain species
  - 6 – 36 hours trap check time
  - 7 – 48 hours trap check time
  - 8 – 72 hours rap check time
  - 9 – Must get pelt tagged/sealed
  - 10 – Must have special permit
  - 11 – Bag limit or quota