

RESOLUTION 25-11
DENIED

WHEREAS, Chris Schuster of Webster, South Dakota and Arlene Schuster of Eden, South Dakota, each submitted a Petition to the Game, Fish and Parks Commission, requesting that the Game, Fish and Parks Commission restrict all types of recreational access including but not limited to: fishing, ice fishing, big game hunting, small game hunting, waterfowl hunting, trapping, boating (motorized boats and non-motorized boats), motorized vehicles (including ATV's, UTV's, and snowmobiles), wading, walking and trekking on the water overlying their private property located on Cattail-Kettle Lake in Marshall County pursuant to ARSD 41:04:06:01 for the reasons more fully set out in the Petitions (hereinafter referred to as "the Petitions"); and

WHEREAS, all members of the Commission have been furnished with and have reviewed a copy of the Petitions, received and considered testimony from the Petitioners, received and considered testimony 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 laid out in SDCL 41-23-9, specifically the privacy interest, safety interest, and the financial interest of the Petitioners balanced against the lake's history of use, water quality, water quantity, and the public's interest in recreational use of the water.

NOW, THEREFORE, BE IT RESOLVED, that the Commission finds that the Petitioners have not demonstrated, by a preponderance of evidence, that there are sufficient privacy, safety, and/or financial interests that necessitate the partial closure of the lake and therefore the Petitions are denied.

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