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Nancy Hilding
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July 3rd, 2019

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

Dear Commissioners,

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

Nancy Hilding and Prairie Hills Audubon Society of Western SD submit this petition. Nancy Hilding is a resident of Meade County, SD. Prairie Hills Audubon Society is a non-profit corporation registered in SD and as such is a person by SD law.

We submit the following 4 rules for your consideration

1. TRAPPER ID

All traps and snares set for wildlife out-of-doors must have a trapper ID displayed on traps or snares, except for landowners trapping or snaring on their own land. This ID can be their name or a number or code provided by SD Game, Fish and Parks. SD Game, Fish and Parks shall keep an individuals ID numbers/codes private from an open records search, as provided for in SDCL1-27-1.5 (16).

2. TRAP CHECK TIME

The trap and snare check time in SD, for land set wildlife traps or snares, shall be 24 hours from the time the trap/snare is set. Upon request and at their discretion, SD Game, Fish and Parks may grant extensions to the 24 hours check time, due to unanticipated complications or emergencies. Before setting traps and/or snares, it shall be the duty of persons setting a trap or snare, to study the weather reports for the next 48 hours and make a record of that data relied on. It is expected that such person will not set traps, when a reasonable person would conclude that the weather related complications would likely preclude checking traps within 24 hours. A GFP staff person may release or euthanize an animal held in a trap longer than 24 hours. Upon permission of & following the guidance from Game, Fish and Parks any person

may release or euthanize an animal in a trap longer than 24 hours. If such animal is euthanized, profits from the pelt, if any, revert back to Game, Fish and Parks. Game, Fish and Parks shall keep records on trap check time extensions and shall give an annual summary report to the Commission, showing at least, the frequency of and reasons for extensions.

3. TRAPPER REGISTRATION

All persons setting traps or snares for wildlife outdoors must be registered with SD Game, Fish and Parks as a trapper. Such registration shall include person's contact information, type of equipment likely to be used and the region(s) of GFP's regions trapping likely will occur in and what type of license that they anticipate will be used, if any. If the person anticipates that they will trap or snare on public land, they shall name the unit(s) they anticipate trapping or snaring on. SD Game, Fish and Parks, shall create a way for such registration to be updated, during the years, as needed.

4. TRAPPER REPORT

All persons setting traps or snares for wildlife outdoors on public lands and public land right-of-ways and all persons trapping or snaring outdoors on private property, not rented or owned by themselves, must turn in a trapper report at the end of the year, at a date specified annually by SD Game, Fish and Parks. This report will indicate the types and number of each species harvested, sex if known and also the non-harvested species caught and the condition of the non-harvested animals when found in the trap and if released alive, how many released had damage to them that would diminish odds of survival if animals were released alive. It will indicate time period(s) of trapping.

STATEMENT OF REASONS

1. TRAPPER ID

Currently land-set traps or snares can be left unattended on SD land for three and a partial days west river and two and a partial days east river and longer for water-sets (five and a partial days). With no identification on the traps, it becomes difficult for SD Game, Fish and Parks to enforce its' trapping law or rules. SD Game, Fish and Parks has a fiduciary responsibility to wildlife or domestic animals, that will be killed or harmed via trapping, to insure that it's rules to insure humane trapping are enforced.

Much trapping is done for commercial purpose: selling pelts, collecting bounties or protection of agricultural businesses. Asking commercial enterprise to display IDs is not unreasonable. As trappers, participate willing in an activity, where traps or snares are left unattended on the land, they should be willing to assume all the risks associated with their choice to engage in a practice, that leaves their property unattended. As a trapper will have an option to get a code or number, SD open records law shelters such codes, thus an ID code or number would give them privacy. To view open records laws that protect privacy:

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx%3FType=Statute%26Statute=1-27-1.5

Born Free USA Extended Trapping Report Card for 2017 shows forty three states had trap ID required, seven did not.

2. TRAP CHECK TIME

The current trap check time rule (41:08:02:03)

<http://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=41:08:02:03>

is very poorly written and hard to understand and at the very least needs a rewrite for sake of clarity. This petitioned rule would apply to land sets and not water sets.

A full calendar day is midnight to midnight of any day. Under current rule, in order for a west river trap check time to be limited to 72 or 48 hours, a trapper would have to set traps just before midnight. As it is unlikely trappers are doing that, but rather setting traps earlier in the day, the first partial day after the traps are set isn't counted, as it is not a full calendar day. Thus SD for land-sets really has three and a partial day and two and a partial day trap check times not 72 or 48 hours. This time is excessive.

Animals in land-set traps or snares for extended times can die of exposure, starvation, shock and thirst. In high heat, an animal in a "live trap" can die in half a day. In winter they can get frostbite. Traps or snares can damage their bodies or they can break teeth and or chew off legs, harming themselves in an effort to escape. Predators can attack them while stuck in trap. During times they are raising their young, dependent young can die while a non-target mother languishes for days in a trap. Non-target animals can include domestic animals or endangered, threatened or rare species.

SD trap times are excessively long. If you want to teach children to trap and connect with nature via trapping, you should have a more humane trap check time rules to teach them about.

This rule is written to allow for trappers to get an extension for valid causes, thus allowing for emergencies and contingencies.

Born Free USA Extended Trapping Report Card for 2017 shows that thirty-seven states had 24 hour trap check time and thirteen states did not.

3. TRAPPER REGISTRATION

While persons who purchased furbearers licenses will be registered with SD GFP and that list represents a likely pool of persons trapping and snaring in SD, it is not exhaustive. Persons under 16 and landowners trapping on their own land can all trap without having a license.

Some animals are listed as both furbearers and predator varmints. Fur-bearers are: opossum, muskrat, beaver, mink, marten, river otter, fisher, blackfooted ferret, skunks (all species), raccoon, badger, red, grey and swift fox, coyote, bobcat, lynx, weasel, and jackrabbit. Predator/Varmints are: coyote, wolf, gray fox, red fox, skunk, gopher, ground squirrel, chipmunk, jackrabbit, marmot, opossum, porcupine, crow, and prairie dog. Predator/Varmints can be killed via many licenses including a predator-varmint license: SDCL 41-6-80:

https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=41-6-80

The prairie grey fox and plains spotted skunk (both SD predator varminths) are petitioned for listing as threatened or endangered with the USFWS. Prairie dogs provide habitat & prey for the black-footed ferret, one of the most endangered mammals in the world.

Also animals could be trapped under small game license - such as cottontail rabbit or gopher.

The following species have 365-day "seasons" in SD: red fox, striped skunk, badger, opossum, and raccoon. West river muskrat, grey fox, spotted skunk, jackrabbit, coyote, ground squirrel, gopher, porcupine, marmot.

Thus your list of persons with a furbearer license is not a complete list of persons trapping.

We believe that the Commission has three times in the past rejected rule proposals to have trapper ID. We hope they won't reject trapper ID this time, but if you do, having a trapper registration rule, which asks people which public lands they may trap on, may help SD Game, Fish and Parks to identify who owns traps set on public land without IDs. It will help Game, Fish and Parks know the extent of trapping occurring outside of the furbearer animals.

SD has laws to protect person's privacy in some instances, that trappers might be able use to shelter personal or professional information from public open records access:
http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx%3FType=Statute%26Statute=1-27-1.5

Born Free USA Extended Trapping Report Card for 2017 shows that all states, including SD, require licenses to trap, but Born Free is wrong about SD, as it missed the fact that some folks don't need licenses. The trapper registration insures that GFP knows all people who are trapping - even those without licenses.

4. TRAPPER REPORT


Game, Fish and Parks calculates the trapping/snaring harvest from sending out voluntary surveys to furbearer licensees. Surveys were returned in 2017 at 59% and 53% of resident and non-resident trappers respectively and then Game, Fish and Parks extrapolated & created estimates of trapping from those voluntary surveys. The 2017 version of the annual report is called - "2017 Annual Report FURBEARER HARVEST PROJECTIONS".

We don't believe those surveys are sent to folks who are not using a furbearer license, thus surveys don't sample all types of trappers. They don't ask questions about all species that could be legally trapped in SD - just the furbearer species. They don't collect data on death or harm to non-target animals, Especially of concern is the impact of trapping to SD's endangered or threatened or rare species and SD's domestic animals. GFP is not learning which trapped animals are caught occurring the times when young nursing or dependent on mothers. More

information is needed to understand impact of trapping on many other species, especially threatened, endangered or rare animals or domestic animals. We believe additional rules will be needed to protect domestic animals from accidental take via trapping, and hope to create and submit in the future.

Born Free USA Extended Trapping Report Card for 2017 shows 13 states require a trapper report and 14 have voluntary reports or mandatory reports that are limited to some species.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Hilding". The signature is fluid and cursive, with a small flourish at the end.

Nancy Hilding
President
Prairie Hills Audubon Society
and for Self

1 attachment
Born Free USA Extended Trapping Report Card for 2017