

Swan Lake Boating Restriction Public Comments per
Public Hearing Minutes of the Game, Fish and Parks Commission
September 7, 2017

Darin LaQua, Watertown, SD, president of SD Sportsman Incorporated. Said he has received a fair amount of calls from people who oppose the closure of Swan Lake and feels landowners do not want to see this lake closed in the fall and thinks new legislation allows for adequate habitat.

Chris Hesla, Pierre, SD, executive director of the SD Wildlife Federation, opposed the closure of Swan Lake for many reasons. It is a nonmeandered lake in which 80 percent is public owned which was mostly purchased with sportsman dollars. The area has great boat ramp built by GFP and maintained by sportsman dollars and has been modified to provide ideal public access. With recent changes in the water access law combined with increase in nonresident waterfowl licenses access to good duck hunting has been significantly reduced and this closer would further reduce it. These restrictions will only benefits adjoining landowners and represents a loss to the public. He urged the Commission to defeat this as private land can have waterfowl refuges it doesn't have to be on public land.

Gale Paulson, Sioux Falls, SD, Swan Lake has been put in the same closure category as Reid Lake which is a waterfowl refuge. Not sure they allow boating during waterfowl season near boat dock and parking. Reid Lake boat dock is in a grassland easement which is for protection of habitat for wildlife. The easement says no traffic should be on, over or through the area. Would like someone to look into this.

Ryan Rohre, Sioux Falls, SD, if correct Swan lake is a WPA and information says there must be access to it because it is federal so if it is closed it would need to be done federally. This would be a consideration to keep the lake open.

Terry Sampson, Watertown, SD, the biggest concern is are we opening a can of worms after all the nonmeandered water issues.

Mike Meyers, M&E Land Company, Hayti, SD, petitioner who wanted to make roosting area for waterfowl and control trespassing. Swan Lake is 80 percent water, but not 80 percent of the land around the lake. This is for the benefit of everybody because if there is a roost it will provide more opportunity. If you allow boats they will chase them off. They do not want to close the lake just the waterfowl roosting area and can still allow hunting and fishing from the shoreline and ice fishing if it freezes by November 1. Just wants to restrict boats from October 20 to December 31. Doing this for the sportsman and will probably benefit as landowner. Only Meyers and Spies are landowners who hunt the area, but hunters can ask the other landowners and will probably be allow access. Boats on the lake push birds to the north of Clark County that cannot be hunted. He urged Commission to pass the petition for sportsman and better duck hunting.

Jerry LaClair, Sioux Falls, SD, 66 years old and lived in SD majority of life enjoying experiences such as hunting and trapping. Has watched it degrade year after year and therefore no long hunts. Says if you want to make this a refuge then do so or make it a roosting refuge and include a buffer zone. If you are going to privatize the lake to benefit people closest to lake then there should be a charge for example \$100 per running foot as this is meant for the public. Geese are not going to leave the water as they get used to boats. It is shooting early that causes geese to leave. People should be able to fish the lake in October as that is a good time for walleye fishing.

Ed Spies, Watertown, SD, petitioner, defined privatization which is the transfer from public to private ownership and control. Swan Lake has 10 landowners 2 are the government and 8 are private. Regardless of the decision made today the ownership remains and it will not be privatized. The water is in public domain and the state has the authority to regulate the water. GFP owns a public shooting area on the south end. Thinks the duck will fly in a 360 degree circle off the lake offering opportunity to all. Intentions are good just want to improve duck hunting. Thinks this will show a compromise and keep landowners from buoying off their waters.

Roger Meyer, speaking on behalf of sportsman. Feel there has been a conflict since Day County issue we do not want a no again. Not about duck hunting it is about the three groups getting together because otherwise landowners say no and nobody gets to hunt.

John Dagele, Watertown, SD, has land 4-5 miles away and knows if no ducks on Swan Lake there are none near his home. He and other landowners allow hunters and when ducks get blown off the lake it takes weeks for them to come back. They only have one field and other surrounding farmers have lots of fields. Says ducks need a safe roost so everyone can get a chance to hunt providing opportunity for nonlandowners.

Adam Mertz, Watertown, SD, gets to hunt almost 60 days in the fall as a guide out of Henry. Can echo what Dagele just said that if boaters are on the lake the ducks leave the lake. If you shoot the ducks off the lake they go over to the larger bodies of water. It is foolish to hunt ducks on their roost. Says there is talk about taking away the rights of sportsmen, but what about landowners who pay for the land.

Rob Gardner, Webster, SD, Day County landowner noticed this on the GFP website and thinks it makes sense. Doesn't own land on Swan Lake, but does near Webster. Says high water makes places inaccessible, but there is all the walk-in land everywhere. Seen where the only access to water is through his land and has had to report trespassing to GFP. You get one good hunt then it take forever for waterfowl to come back. They may only go 8 miles away, but how many fields of walk in area to they fly over on the way? Don't burn the water and you will always have a hunt then everyone will get a chance.

Brett Andrews, Aberdeen, SD, emailed, "I support the restriction of boating access on Swan Lake in Clark County from Oct 20-Dec 31. *By Oct 20 most fall fishing is done with and people have changed their focus to pheasants, deer and waterfowl. *Outboard motors can annoy and be used to harass resting and loafing waterfowl. With the restriction of boating access on the lake it could create a "refuge like body of water", where waterfowl can be less disturbed. *The public hunting land under and around Swan Lake could still be hunted by way of walk in access, if an individual or hunting party wanted to hunt the public land of Swan Lake. And it will most likely be a better hunting opportunity if boats (even waterfowl hunting boats) are not scaring the birds off the lake. I think these boating access restrictions between Oct 20-Dec 31 are great for waterfowl hunting. I wish there were more of them throughout eastern SD. Thank you."

Mike Richardson, Fort Pierre, SD, emailed,"I am very much opposed to the proposed closure of Swan Lake during the waterfowl migration. The person petitioning for the closure is nothing more than a greedy landowner wanting the waterfowl on Swan Lake for his personal hunting stock. A friend of mine has had problems with this guy before while he was hunting public land and water on Swan Lake. The landowner was very rude and tried to get him to leave. He wanted the birds on the water to be left alone claiming it was screwing up his field hunting. So we, as South Dakota waterfowl hunters, hunting public land and water, should give up our rights so one landowner can have his own private hunt club on private land? NO WAY. A lot of waterfowl hunters love hunting the water and have limited to no access to private land for field hunting."

Daniel Schneiderhan, Stanley County, SD, emailed, "I am opposed to the petitioned closure of boat traffic on Swan Lake during the fall migratory bird hunting season for the purposes of enriching M&E Land Company and its owners and clients at the expense of the general public. The continual and continuing pressure on government by one group of people to limit the freedom and opportunities of other groups is degrading to the human condition. Carried to its logical conclusion, a few groups would enjoy a fulfilling life at the expense of all of those less fortunate or less endowed by natural ability, education, success in life, or by aspiration. People who live simple lives, whether by choice or chance, have the same rights in this country as everyone else; however, they may be depended upon to be less likely to insist on those rights because they lack the personal tools, drive, and power to do so. The value of the recreational opportunities at and on Swan Lake and places like Swan Lake are not simply the value of the real activities of hunting, fishing, boating, or wildlife viewing. Perhaps the greatest and most valuable aspect of Swan Lake, and places like it, lie in their very existence and in people's knowledge and their imagination's use of the facts of existence. The lake and its potential opportunities exists in the minds and imaginations of people everywhere. These places represent wonderment, possibilities, and potentially peaceful enjoyment of creation. The Swan Lake closure petition is a perfect example of a group of well-endowed people attempting to further constrain those who, for whatever reason, feel powerless to oppose their own worsening condition in life. This is a selfish act undertaken by selfish people. If this action were simply an act of aggression against the environment, I might still be opposed, but not appalled by it. But these kinds of actions are acts directly against people and their enjoyment of a simpler

lifestyle. I understand that protecting a natural resource having great value to a large number of citizens may be an important function of government. What I don't understand or condone is a government that allows a group of people with strong personalities and personal assets to bully it into disadvantaging less aggressive citizens for the sake of political expediency. I am assuming that M&E Land Company somehow profits from revenues derived from waterfowl hunting in South Dakota, in particular the area surrounding Swan Lake. If this is correct, I can imagine that the petitioner(s) would want to lock out activities that may make the lake unattractive for a long term autumn occupancy by masses of migrating waterfowl. However by so doing, they (through the State legal process) would also be limiting the freedom of common citizens to freely recreate on public lands and waters. Under current rules, I believe that Swan Lake provides a certain level of waterfowl hunting experience for the general hunting and fishing public, a public that has some personal access to watercraft that the petitioners wish to prohibit in Swan Lake during the fall waterfowl migration as well as surrounding and extended areas of the state. If the overbearing, large, commercial hunting interests succeed in influencing rule changes that limit public hunting opportunities so that the general and landless public is locked out of access to traditional waterfowling and fishing activities, South Dakota will be providing a poorer life for its residents. This type of continuing degradation of quality of life in South Dakota will create adverse stress in an increasingly stressful state, nation, and world. In conclusion: if there is a real threat to natural, biologic, or chemical regimes in Swan Lake and/or surrounding areas that would be ameliorated by limiting boating activity on the lake for any period of time, I would not oppose the active consideration to grant the petitioner's request for rule change. However, as it appears to me that the probable motives of the petitioner(s) are commercial in nature, and therefore, I am strongly opposed to the granting of petitioner's request for rule change regarding Swan Lake."

Gale Paulson, Clark, SD, emailed, "I would also strongly recommend that the public boat dock be removed and all boating stopped on Reid Lake in northern Clark County—by at least the opening of waterfowl season because this is an important Waterfowl Refuge. Reid Lake has been a very important waterfowl refuge for many years—and becomes even more important as other area sloughs dry up. If geese and ducks do not have a safe place to stay (which is the purpose of the refuge), they will not stay around. I think this boat dock should actually be removed completely because this boat dock is located on public land which is in a grassland easement. This easement states; "The purpose of this easement is to protect the habitat quality of the lands and such land shall be maintained to provide cover, especially nesting cover, and food for a varied array of aquatic, terrestrial, and avian wildlife, particularly waterfowl and threatened and endangered species." A public boat ramp and parking lot for trucks and boat trailers and vehicles coming and leaving the area throughout the day is definitely a violation of this easement contract. In the past, I have personally witnessed boats arriving early in the morning (sometimes before sun up) and chasing geese and ducks off the lake---and this happens throughout the day. I thought the purpose of the GF&P was to protect wildlife and try to enhance cover. If this public boat dock is not removed, legal action may be initiated (by a few parties)."

Jim Gruber, Estelline, SD, emailed, "Personally i am opposed to any further action pertaining to the closure of swan lake... i think we have enough trouble already with lake closures without adding this into the mix.. it only creates another hurdle for the guides and private land owners to again limit hunting and fishing and encourages fee hunting in the area around swan lake.. leave well enough alone. sounds to me like a grab to create a refuge to attract waterfowl and create excellent private hunting and leasing of the land around the lake for personal gain... i am against the closure of swan lake. in my opinion it only creates a self interest issue which will only be duplicated by more who want their own private pay for play hunting establishment.. many of us like to fish in late october, it is only a lease for profit opportunity for a few.. we had a refuge here at dry lake by lake poinsett for years, and finally game and fish removed the status as it offered no benefit. so, why now create another one when we just removed one? makes no sense..... havent we gone through enough with the lake closure issue already without adding this to the mix... leave well enough alone.. then add in early ice fishing,, how is that going to work, are we going to restrict people from walking onto the ice, or using atvs til dec. 31st. enough"

Larry Baumgarn, Webster, SD, emailed, "My family owns part of Swan Lake and I see no reasopn to close this lake for boating, some of the best fishing occurs while some hunters are trying to shoot ducks and geese. Some of the land owners on swan lake want it closed so they can charge to guide hunts on their private land that surrounds swan lake, they have even gotten permission to hunt on private land they do not own saying it will be just a couple brothers hunting and then show up with 15 paid to guide hunts. Long lake is a few miles to the west and has been closed all along and plenty of waterfowl rest on that body of water, the only problem is M&E land co has no private land surrounding that body of water and no access to guided private hunts. I feel by closing this it gives unfair advantage to those hunters who want to shoot diver ducks from a boat under cover and public access to this outdoor activity, therefore I would like to see this petition declined as they already have Reid Lake and Long Lake for sanctuary for waterfowl, eventually they will want them all closed, please leave some water for those who do not have big money to close water and have land next to closed water for their personal and friends gain. Waterfowl is enjoyed by all residents of SD and should remain that way. M&E land does own all the water on swan Lake and therefore should not be able to petition to close it to those who own a portion and not be able to recreate on our own property."

Doug Butala, Watertown, SD, emailed, "I am strongly against the boating closure Petition for Swan Lake on the dates of October 20th thru December 31st. For the reason this time in the fall is some of the best fishing on Swan Lake for Large walleyes. I as a Licensed South Dakota Sportsman do not want to give up the right to fish that body of water with my boat. As far as the Migratory Ducks and Geese go there is more than enough (hundreds) of area sloughs and large private pot holes for these birds to congregate on and not get harassed. Please vote against this closing for us fisherman in South Dakota that love to fish with our boats in the fall. Thank you"

Doug Christensen, Watertown, SD, emailed, "Please do not allow this petition to be passed! There are far too many reasons not to allow this to pass, the main one being it is a backdoor to try and shut public waters down to the public! Please do not allow this to pass!"

Bob Marquardt, Watertown, SD, emailed, "I am writing this is response to the request by John C Wiles for the M&E Land Company to close Swan Lake for boating from Oct 20 to Dec 31. I would like to go on record in opposition to this request and to remind the commission that they are representative of all the people of South Dakota not just one land owner. Swan Lake has far more acres of land that is owned by the residence of South Dakota than the land that is owned my one Mike Meyer. The public, owners of this land and water should have there rights to use this water and land for hunting and fishing not restricted by the desires of one owner of a small portion of this lake for his own use. By the new law that was passed in the summer of 2017 Mike Meyer can petition to close his property if he so desires. I will also address the reasons for petition: 1. The Exhibit A was not attached with the notice from CF&P so I can only say in response to the majority of land owners lying contiguous to Swan Lake supporting this petition is of no value. The majority of land lying contiguous to the lake are the residences of the State of South Dakota(State of South Dakota and USA land) and why would the public want to give up any more rights to use our own land. 2. Precedence on boat restricted is out dated. These waters should be open for use in the fall with boats. When these waters had restrictions placed on them there was a lot less bodies of water in the NE part of South Dakota and they served a purpose, however the water use by water fowl has changed due many more options. Also at the time of closure passage these bodies did not have fish in them. 3. I do not know what the urgent need to change this status to a rest area because it was not need in the past. I have hunted this lake many times during the 70's and we still have ducks today. 4. Closure of this lake to boats does nothing the enhance the state owned game production areas but makes it more difficult to use this area by limiting access due to minimum maintenance roads that are very often not usable. 5. How does this benefit residence and non-residence fishing opportunity? 7. There is no compromise with this action only another loss to the residence of South Dakota to serve the interest of one individual. In closing I would once again go on record in opposition to this petition, and I would like to remind the commission that the State of South Dakota has a very large vested interest in this body of water and I think it is your duty to protect this interest not that on one individual. Remember lets not privatize public property and resources, and set a bad precedence."

Bill Koupal, Pierre, SD, emailed, "I oppose the restriction of over-the-water access to Swan Lake or in any location in South Dakota. Creating refuges concentrates the waterfowl population. The concentration creates the perfect opportunity for commercial operators. They lease the surrounding fields, exclude ordinary hunters and make profits from the resource. There is no data to show that hunting over water drives birds south. There is, however, data to show that it may move birds to different sloughs or lakes. That's bad for commercial operators with leased fields and customers, but good for hunters who can't or are unwilling to pay. I urge you to vote no on this petition."

Robert Kroell, Aberdeen, SD, emailed, "I think ducks would have a really good lake to rest and recuperate on if no waterfowl hunting was allowed on or around Swan Lake during this time period also. Let's give them a really nice rest."

Terry Amy, Watertown SD, emailed, "I am strongly against the proposal to stop boating on Swan Lake from Oct. 20 to Dec 31 for several reasons. There are plenty of lakes and sloughs in the area for waterfowl to rest on. You have Hegg slough and Long Lake(day county) nearby with little or no boat traffic on them. Also with the migration being later and later each year, Swan does not hold a large amount of waterfowl on it till much later in the year. I hunt and also fish Swan during this time of year and it is more like Nov 15th before decent amounts of waterfowl use this as a roost. This is an obvious attempt by this land company to try and limit access for hunting and fishing for citizens so they can charge more money for people to hunt on their land. Please stop this attempt to limit sportsmans recreation for private interest."

Colton Wientjes, Watertown, SD, emailed, "in regards to the "no boating proposal on swan lake". I fully believe in the refuge programs for waterfowl but this is nothing close to that, Meyers own land and rent land on the west side of the lake and run a waterfowl guide service. They looking to close a natural resource for two months for self-gain. I don't think it's right that the public can't use this body water because they want better waterfowl hunting for their guide service. I love to fish also, swan lake is a very productive fishery for perch and walleyes. We all know fall fishing is some of the best fishing of the year! This is yet another privilege the public would be stripped off, if this passes. Personally, I'm against this proposal. Please vote No"

Ed Nelson, Erwin, SD, emailed, "Dear Sirs: I'm very much opposed on closing ANY South Dakota lake for ANY reason after the fiasco of The Non-Meandering Lake issue last Spring. The water in this State belongs to everyone. As a Fisherman and a Sportsman, I'm opposed to closing a Public Water for ANY reason, private or Landowner. Don't you think the Fisherman have lost too much already?"

Mark Koupal, Mitchell, SD, emailed, "I oppose the proposal to restrict boat access on Swan Lake or any location in SD during a waterfowl hunting season. I have hunted waterfowl and FISHED Swan Lake many times in October and November. The majority of the land around the lake is open to public hunting. This restriction would prevent ethical retrieval of downed waterfowl and once again remove sportsman's access. I see this as another attempt to commercialize hunting and fishing in SD. Please vote no to this proposal!"

Mike Reilly, Huron, SD, emailed, "I see there is a proposal to designate Swan lake in Clark County as a "no boating zone" from Oct. 20 to Dec. 31 at their upcoming meeting in September. At a point in time when there is more water in Clark Country than the land owners know what to do with, this make little to no sense at all. There are all kinds of pot holes for the waterfowl to rest on without restricting Swan Lake. Some of the best fishing takes place during this fall time period, please do not restrict this water."

Bruce Magee, Watertown, SD, emailed, "The boating closure on Swan Lake should not be granted. The lake has been open to boating since well before M and E

purchased the land. The only hunting opportunity M and E wish to enhance is their own.”

Charles Bot, Brookings SD, emailed, “I am opposed to restricting boating priveledges on swan lake during the waterfowl season. This will set a precedence that cannot be undone. If this passes we will see more people petition to close lakes during the waterfowl season to improve their personal hunting situation. If the state wants to use swan lake as a refuge it should be designated as such and hunting should not be allowed within 1 mile of it's shores.”

Kelly Duncan, Tea, SD, emailed, “In response to: “M&E Land Company of Watertown filed a formal petition to the GFP Commission on July 20, 2017, to amend its existing rule for public water safety zones in Clark County. The petition was filed primarily to restrict boating access on Swan Lake to provide a protected rest area for migrating waterfowl during the low plains duck hunting season.” This petition will benefit only a privileged few. It is simply another thinly veiled attempt to restrict hunting access by landowners for their own benefit. Surely we have seen enough of this with the “structuring” of certain counties for out of state license draws. Obviously we must also question why this petition addresses the issue of boating safety only during dates that coincide with the bulk of the waterfowl season. The entire thing becomes a bit much for anyone to take seriously. With both Sand Lake and Waubay in such close proximity, has anyone questioned why the petitioners feel the need for more “resting areas”? Flowery statements about boat “safety” and the benefits to waterfowl & hunters alike are poor camouflage indeed for more self-serving intensions. I don’t do very well with politically correct statements or verbiage engineered by lawyers to hide true intensions. The issue is simple... private landowners are seeking to increase their harvest of this natural resource with a deceptive petition. They mean to do so by restricting public access to this lake in order augment the “build up” of waterfowl adjacent to their private properties. Even more simply put...they want to shoot more, at the expense of my son and I shooting less. Unless, of course, we pay for the lofty privilege to access their fields. There is a bigger issue at work here. I have friends that have simply quit hunting over the 15 years. Worse yet, they have decided not to introduce their children to the sport. The reason is always the same: Access and cost. A polite request is not enough anymore...money is the bottom line and many simply cannot afford it. Let us not confuse the issue, however. Some landowners insist on payment to access their land. It is their land after all, but that discussion has no place with the issue at hand. However, when hunters of today are not introducing their children to the sport due to cost...our hunting heritage is in danger. Our sport is regularly under siege...not to mention our guns rights. Only support at the ballet box will keep hunting alive. Landowners would do well to remember that they will receive very little support at the polls from former hunters that have nowhere to hunt or that have been priced out of the sport. Why should they show support for a privileged few. Especially with efforts like this to restrict the few public opportunities they can enjoy. Likewise, the support for the more popular conservation groups will also dry up. I can go on...nothing good comes of this. Supporting this petition is just speeding up this issue. I cannot see where anyone would believe it a good thing to restrict access to public hunting opportunities. Even more so when it is done only to enhance the value of hunts conducted on private lands. This

would be a slap in the face of the average South Dakota sportsman of average ways and means. They cannot afford lawyers to support them. They simply quit hunting. Do not support this petition. Thank you for your consideration.”

Randy Hoff, Watertown, SD, emailed, “I am glad to see that the commission is considering the closure of boating on Swan Lake during the waterfowl season. I am in full support of the closure to boating on Swan lake during the waterfowl season and reopening after the closure of the waterfowl season. I am sure you are aware of the benefits of this boat closure! Some that come to mind are: A. Enhanced field hunting due to birds having a safe place to roost. B. The birds should stay in the area longer due to having the above mentioned safe place. C. The birds will migrate naturally due to weather conditions and other natural phenomenons. They will not get forced out of the area due to boat pressure. D. It is also my belief that the slough hunting will be enhanced because of more birds in the area. As the wind blows hard some of the birds will move off the big lake and move onto smaller more protected sloughs . I am an outdoors person and enjoy fishing as much as waterfowl hunting. The fact of the matter is, I spend much more time fishing than I do waterfowl hunting. This proposed change to Swan Lake boating is a fair proposal to both the Waterfowl Hunter and the Angler. These type of boating restrictions are already working well on some of the local area lakes and should be implemented on Swan Lake as well.”

Jeffery Liudahl, MD, Grenville, SD, emailed, “I have read the petition submitted by M&E land company(Mike Meyer and Ed Spies) to repeal and replace ARSD 41:04:02:12 to create a no boating zone on Swan Lake,Clark County,SD from Oct.20-Dec.31.This petition basically will establish a waterfowl refuge on Swan Lake that will benefit cornfield mallard hunters like M&E land company and their cronies.It will exclude diver duck hunters,like myself,along with late season fisherman.I have hunted diver ducks on Swan Lake for over 50 years.I note that this petition was filed with reasons listed including enhancing hunting opportunities on game production areas and public lands surrounding Swan Lake.Maybe I am missing something,but I don't see how that enhances my diver duck hunting and that of other hunters.Does the SDGFP plant corn on these public areas or game production areas for late season mallard hunting by the public?? I would encourage the SDGFP Commission to reject this petition as it is not in the publics best interest.Thank you”

Scott Hillesheim, Springfield, MN, emailed, “As a non-resident waterfowl hunter last season our group struggled to find ducks near where we usually hunt which is west of Aberdeen. The sloughs that normally hold numbers of birds had all but dried up, which is what I also suspect this season. We found a great bunch of ducks in the Webster area but it is all but impossible to obtain permission to hunt the land in that area. We thought we found an awesome niche in hunting Swan Lake. We load the boat with decoys and drive that to the hunting spot while the others walk to it. The boat aids in setting decoys and picking up birds that were shot. Seeing this possible ban really made us feel dejected. Our thought was Reetz lake, just down the road, was a lake the birds could use a resting area. What if we compromised and allowed boats to ONLY set up decoys and retrieve downed birds? The boats would help get every single duck shot

into our bag. If we shoot one and don't retrieve it, it counts as our limit and the meat would not go into the freezer."

Tim Amy, Watertown, SD, emailed, "I am writing to say I am against the closing of Swan Lake as of October 20th . This is lake is mostly public (own by people of SD) and gives us regular folks an opportunity to hunt ducks, geese and to fall fish. The birds have plenty of water to rest on in the area. Hegg lake is to the EAST, Long Lake to the NW. If you let this happen you are letting BIG MONEY win again. Please say no to this."

Tom Fuller, Sioux Falls, SD, emailed, "I strongly encourage you to reject the petition to close boating access on Swan Lake in Clark County during the prime late season fishing season and duck hunting season. While I totally respect the petition process M&E Land company is legally following, it saddens me that valuable Commission time will be consumed with deciding something that makes absolutely no sense for the broader fishing and hunting public that you so well serve, and is totally a move to benefit an extremely small group that is privilege enough to field hunt areas close to Swan Lake. I, like many of my friends, am an avid fisherman and hunter that truly enjoy living in South Dakota and enjoying our great public resources. I have had the opportunity to enjoy both great late season fishing and duck hunting on Swan Lake by completely following the rules and regulations of South Dakota and by using my boat. I can only assume it is the same group of local field hunters that have put this petition together that regularly monitors the boat landing at Swan Lake and routinely intimidates and trash talks anyone who tries to legally access Swan Lake by boat in the fall. Clearly this is illegal and allowing this petition only solidifies their poor behavior. There are only so many places average guys like me with limited resources can access to hunt. That generally includes our public hunting areas like Swan Lake. There are great access points and an island owned by the State of South Dakota, that are best utilized by boat and this restriction would eliminate one great place to hunt, let along stop any late season fisherman from utilizing this great public resource. Please vote to keep Swan Lake open to the general public."

William Meyer, Watertown, SD, emailed, "I am for the closure of Swan Lake from October 20 to December 31. This will create a safe haven for waterfowl and improve the waterfowl hunting for everybody that hunts the area." George Vandell, Pierre, SD, emailed, "I am opposed to the proposed petition to restrict fall boating on Swan Lake for the following reasons: 1) Swan Lake is a non-meandered lake of which some 80% is publically owned – much of it by our Wildlife Division as a GPA. 2) GPAs were purchased with sportsmen (women) funds, are managed and maintained with these funds and the annual property taxes are paid by sportsmen. 3) This water has been historically used by both hunters and anglers, especially lately with the high water levels. 4) This area has a good boat ramp. It has been modified to provide ideal public access to an area open to public access. 5) Good public access, especially to waters with good duck hunting and fall fishing is very limited in SD. Wildlife Division staff work hard and spend significant funds to secure and develop this type of access. 6) With recent changes to state water access law combined with increases in nonresident waterfowl licenses, access to good duck hunting has been significantly reduced this year. 7) These proposed boating restrictions will eliminate both good hunting and good

fishing at a time when access is at a premium. 8) This restriction closes access on public water to only benefit an adjoining private landowner. This may be a win for the adjoining landowner but it represents a great loss to the public – on an area they currently have good access to and one they bought, paid for, manage and pay taxes on. In summary this proposal sets a horrible precedent – restricting hunting access on a GPA only to exclusively benefit an adjoining private landowner. It is a bad idea and needs to be killed. I urge you to vote no on this bad petition.”

Tim Brown, Watertown, SD, emailed, “I agree with the proposed closure to give migrating waterfowl a place to rest on Swan lake. Thanks for your time.”

Jerry Larsen, Sisseton, SD, emailed, “I would like your careful consideration before adopting a policy for temporary closure of any public waters. You will be opening up another can of worms that will be a nightmare for the GFP as well as anyone who has land away from the closed areas that normally draws ducks or geese in the fall. I am sure everyone who has private land around a public water would love to have their own temporary refuge, even if they don’t hunt Or fish!!”

Glen Ekeren, Volin, SD, emailed, “I am totally opposed to the closing of public access to Swan Lake or any other public lake for that matter. Thank you for your time!”

Reg Lindholm, Webster, SD, emailed, “I would ask that you vote for non-approval of the current petition by the adjoining land owners on Swan Lake that would restrict public access by eliminating boating access from October thru December to establish a waterfowl sanctuary. My reasoning for this request is as follows: 1) Swan Lake is a non-meandered lake of which approximately 80% is publically owned – much of it by our Wildlife Division as a GPA. 2) GPAs were purchased, managed and maintained with sportsmen funds. In addition, it is my understanding that the annual property taxes are also paid with sportsmen’s funds. 3) Historically, Swan Lake has been used by both hunters and anglers. 4) Swan Lake has a serviceable boat ramp located off Highway 25 allowing ideal public access to an area open to the public. 5) Good Quality public access, especially to waters with fall waterfowl hunting and fishing is limited in South Dakota. Wildlife Division staff expended significant human and financial resources to secure and develop the access on Swan Lake. 6) With recent changes approved by the South Dakota Legislature to state water access law, combined with increases in nonresident waterfowl licenses, access to waterfowl hunting has been significantly reduced this year. 7) These proposed boating restrictions will eliminate both public hunting hunting and fishing on Swan Lake at a time when access to such waters is at a premium. 8) This petition request appears to close access on public water to primarily benefit adjoining private landowners. Thank you for your consideration of my views.”

Doug Block, Watertown, SD, emailed, “I note that the commission is requesting public comment on the petition to close boating on Swan Lake during the low plains duck season. The representation by the GF&P in the notice to the public is worded as such to strategically suggest approval of the adjoining landowners petition somehow will provide a benefit to the public waterfowl when in fact absolutely no evidence is even attempted to support that representation. That GF&P language is, “To provide a protected rest area for migratory waterfowl during the low plains duck season”. This is

nothing more than yet another example of landowners of adjoining nonmeandered bodies of public water attempting to legitimize their personal control over not only the public water, but with the petition, their control and private benefit of public waterfowl. While certainly the public has affirmed hunting as an important and legitimate tradition, not all SD residents view it is necessary to kill the waterfowl to find value in their existence. I for one have a long history of both hunting waterfowl and as I age, much more enjoy quietly canoeing among them during the peak of their annual migration. I can very much appreciate that at times power boats under the control of less than scrupulous operators can and do needlessly harass the waterfowl on the water much to the disdain of the adjoining landowners attempting to kill the very birds they are supposedly petitioning to “protect”. If the petitioning landowners and the GF&P are truly so interested in providing a “protected rest area” for the waterfowl in this specific area than perhaps they should concurrently agree not to hunt the adjoining lands. If powerboaters are indeed harassing the waterfowl, than certainly they should be prosecuted. However, as with most such examples, it is a very few minority that are causing the problem yet the knee jerk reaction is to penalize the vast majority of the public that otherwise enjoy the public resource in harmony with the law, the landowners and frankly the waterfowl. Further, if the commission approves this thinly veiled petition, precedence will be set and one can only expect many further such petitions to legitimize control of a public resource solely for the benefit of the landowners. (residents or otherwise) I encourage you to deny the petition as drafted, change the misleading representation by the GF&P in the petition notice and also to consider that the petition is incomplete in that it incorporates an Exhibit A therein as a listing of the majority of the adjoining landowners when in fact it does not include that listing or even who exactly are the stakeholders behind the petition. I am formally hereby requesting a copy of said referenced landowners and as available, who exactly are the stakeholders of the petitioner. Thanks for your consideration”

Michael Schaefer, Pierre, SD, emailed, “I support the Swan Lake boat closure petition”

Jeff Clow, Harrisburg, SD, emailed, “Please vote NO on this petition. Swan Lake is largely publicly owned and closing this lake will not benefit most residents of South Dakota only a few land owners. Fall is a great time in South Dakota to enjoy boat fishing and on-the-water waterfowl hunting.”

Steven Horning, Henry, SD, emailed, “I am a farmland owner who hunts and fishes on Swan Lake. I do not have land on Swan Lake, but own land 2 Yi miles from Swan Lake. I have had numerous conversations on this subject including talking to the petitioners. Besides the petitioners, only two of approximately 90 people that I have spoken with are in favor of this proposal. On the south side of Swan Lake some duck hunters use their duck boats to put out decoys in the water. Since the water is too deep to use waders they go to the land to hunt the blue bills. If this proposal is accepted I predict that the land owners on the north end will have most of the ducks come to them. This would be very good for the land owners. I can envision the non hunting land owners leasing their land out if the ducks go as the petitioner's request. This leaves me to the non land owning duck hunters. The ducks will go to the private land and since

there is a lot of public land on Swan Lake, they would be the big losers. We need non land owning duck hunters. Please do not privatize Swan Lake.”

James Horning, Watertown, SD, emailed, “The closing of Swan Lake to the public is an outright ego trip. This would open up the lake to a potential commercial adventure limiting hunting or fishing to those willing to pay. This would also violate the rules re the stocking of fish which has been done in Swan Lake both in 2006 and 2007 as stocking is restricted to bodies of water that are open to the public. This might have a domino effect on some of the other lakes in SD. All of this makes the situation worse due to the nonmeandered water issues. I urge you to deny the request to close Swan Lake for the sportsmen and sportswomen of SD. I thank you for your time.”

Kelly Cotton, Rapid City, SD, emailed, “Finally, some common sense to enhance waterfowl hunting in the glacier lake area. I was born and raised on a farm in that area and have always hunted waterfowl in that area. I have never understood why the GF&P has not restricted boat traffic on certain lakes during waterfowl season. I have always thought that having boat restrictions on certain “staging” lakes in the area would enhance waterfowl hunting greatly. Common sense tells you that waterfowl need a body of water to rest on. Having boats harassing waterfowl while they are trying to rest just drives them out of the area. I have to thank these gentlemen for giving their time and money to bring this issue to the GF&P commission’s attention. It’s a start, but in my opinion more lakes need to be restricted in that area. Let’s make hunting for the majority a better experience and stop catering to a handful who want to chase waterfowl in a boat. Please vote in favor of this petition.”

Scott Hed, DeSmet, SD, Dawn Pesicka, Sioux Falls, SD, Jon Duesterhoeft, Sioux Falls, SD, Zach Pawlowski, Alcester, SD, Jesse Kurtenbach, Deadwood, SD, Kevin Wilmes, Sioux City, IA, Ashley Kurtenbach, Deadwood, SD, Jon Deruyter, Tea, SD, Michael McKnight, Sioux Falls, SD, Paul Ritten, Spearfish, SD, Kait West, Brighton, UT, Clint Hay, Brookings, SD, Derek Garner, Sioux Falls, SD, Daniel Buresh, Madison, SD, James Zeck, Sioux Falls, SD, Jay Hotchkiss, Brookings, SD, Adam Nichols, Sioux Falls, SD, Kyle Kaskie, Aurora, SD, Mark Miller, Rapid City, SD, Brian Bashore, Sioux Falls, SD, Doug Nelson, Chamberlain, SD, Randall Schleuter, Dell Rapids, SD, Jake Worthington, Spearfish, SD, Thomas Novak, Sioux Falls, SD, Terry Lee, Madison, SD, Sean Fahey, Rapid City, SD, emailed, “Dear South Dakota Game, Fish & Parks Commission: South Dakota sportsmen urge you to stand with us in maintaining traditional public access to Swan Lake by voting no on the proposed seasonal closure, which would set a dangerous precedent of allowing neighboring private landowners to create a private hunting refuge on public waters. 1) Swan Lake is a phenomenal public waterfowl hunting and fishing destination that has been enjoyed by generations of sportsmen. Approving this petition would allow a few neighboring private landowners to rob this public opportunity from future generations of sportsmen. 2) Through sportsmen-generated funds, Game, Fish and Parks has purchased more than 75% of Swan Lake, which it manages as a Game Production Area. Allowing private individuals to privatize access on publicly financed waters is both legally questionable and socially wrong. 3) Game, Fish & Parks has made incredible investments to facilitate hunting and fishing access on this lake, though the installation of a boat ramp and purchase of property

around the lake. Limiting public access during peak migration is not in line with the original intent of these investments or traditional management goals. 4) Game, Fish & Parks has an obligation to manage our public wildlife and waters to benefit the public to the greatest extent possible. This petition would benefit a few and be a loss of opportunity to many. Thank you for your work to sustain our public hunting and fishing opportunities.”