

**AGENDA**  
**Game, Fish, and Parks Commission**  
November 1-2, 2012  
Camp Lakodia near Madison, SD

**Call to order 1 PM CDT**

**Division of Administration**

Action items:

1. Approve minutes of the October  
<http://gfp.sd.gov/agency/commission/docs/minutes-Draft.pdf>
2. Additional Commissioner Salary Days
3. License List Requests

Information items:

4. License Sales Report
5. Public comment guidelines

**Open Forum**

**Public Hearing at 2 PM**

**Finalizations**

6. Fishing Seasons and Limits
7. Snagging of Paddlefish
8. Spearing
9. Hoop Nets and Setlines
10. Bait Fish
11. Turtles
12. Special Management Categories
13. Administrative Rules Reduction
14. Nonresident Hunting License Fees
15. Park Entrance License Fee
16. Camping and Lodge Fees
17. Camper Unit Definition

**Hunting Season Proposals**

18. Spring Turkey Hunting Season
19. CSP Spring Turkey Hunting Season
20. Spring Light Goose Hunting Season

**Division of Parks and Recreation**

Information items:

21. Angostura Concession RFP Update
22. Angostura Sewer System Update
23. Angostura and Shadehill Seasonal Cabin/Trailer Annual Fee
24. Campground Reservation System
25. Visitation and Revenue Report

## **Division of Wildlife**

### Action items:

26. Written Concise Statement for mountain lion season
27. Mountain Lion Petition for rule change
28. Trapping Petition for rule change

### Information items:

29. Boating Officer of the Year award
30. Shikar Safari Wildlife Conservation Officer award
31. Outdoor Campus East activities report
32. August/September Canada Goose season reports
33. Fish spearing survey report
34. Fishing access development projects
35. Gavin's Point Dam boating closure
36. Miscellaneous updates

## **Adjourn**

Next meeting information:

December 6-7 Pierre Ramkota

**GAME, FISH & PARKS**  
523 East Capital  
Pierre, SD 57501  
(605)773-3396

**REQUEST FOR LISTS OF LICENSE HOLDERS**

Type of List Requested 2012 Resident Fishing License

Number of Licenses in list 3,000 to be chosen by SDWF Camo-Coalition

Name of Person, Entity, or Organization requesting list:  
South Dakota Wildlife Federation Camo-Coalition

Address of Person, Entity, or Organization:

SDWF Camo-Coalition

Box 961

Pierre, SD 57501-7075

Purpose for which list will be used:

SDWF Camo-Coalition would like to send out a letter stating what we do in the Legislature and soliciting free membership in the Camo-Coalition.

I would like the list to be on Disk in Access comma delineated.

The sale of lists by the Department of Game, Fish & Parks is authorized by SDCL 1-17-1 and ARSD 41:06:01:04, 05 and 06. A fee of \$100 per thousand names will be assessed for the sale of this list, or a minimum of \$100 whichever is greater.

Names will be provided on self-adhesive mailing labels unless otherwise specified. Unless requested and approved as part of this request, the license list will not include anyone under eighteen years of age. Names are for one-time use only and are to be used only by the person, entity or organization approved per this request.

Chris Hesla

10/25/2012

Authorized Signature of Purchaser

Date

Date of Commission Action

**GAME, FISH & PARKS**

523 East Capital  
Pierre, SD 57501  
(605)773-4510  
FAX (605)773-6245

Mary.Healy@state.sd.us

3

**REQUEST FOR LISTS OF LICENSE HOLDERS**

Type of List Requested Small Game Preserve - All-Inclusive non-RAS  
Number of Licenses in list ? Bulk Elk Tags?

Name of Person, Entity, or Organization requesting list:  
ALASKA'S INSIDE PASSAGE RESORTS - GEORGE DE FILIPPO - PRES.  
www.alaskalodgesandyachts.com

Phone Number  
800-926-2477

Address of Person, Entity, or Organization: Alaska's Inside Passage Resorts  
4925 CERVATO WAY  
SANTA BARBARA, CA 93111

How would you like your list sent to you: (email or disk)  
DISK  
Email Address: george.defilippo@gmail.com

Purpose for which list will be used:  
We are a small group of lodges in Alaska and  
British Columbia. We offer sport fishing & hunting  
opportunities for sportsman looking for an  
all-inclusive wilderness adventure.

**This list is Names and Mailing Addresses ONLY**

The sale of lists by the Department of Game, Fish & Parks is authorized by SDCL 1-27-1 and ARSD 41:06:02:04, 05 and 06. A fee of \$100 per thousand names will be assessed for the sale of this list, or a minimum of \$100 whichever is greater.

Unless requested and approved as part of this request, the license list will not include anyone under eighteen years of age. Names are for one-time use only and are to be used only by the person, entity or organization approved per this request.

George DeFilippo Oct 24, 2012  
Authorized Signature of Purchaser Date

Date of Commission Action \_\_\_\_\_

# License Sales Totals

(as of Oct 25)

4

date updated: 25 Oct 2012

	2011	2012	% Change
Resident Predator/Varmint	1,424	1,480	3.9%
Furbearer	2,381	3,244	36.2%
Resident Small Game	26,468	21,417	-19.1%
Resident 1-Day Small Game	543	550	1.3%
Resident Youth Small Game	5,148	4,946	-3.9%
Resident Migratory Bird Certificate	28,727	28,510	-0.8%
Combination	42,890	45,614	6.4%
Junior Combination	7,165	7,848	9.5%
Senior Combination	0	5,202	-
Resident 1-Day Fishing	6,676	6,638	-0.6%
Resident Annual Fishing	57,875	68,173	17.8%
Senior Fishing	16,141	13,319	-17.5%
Resident Gamefish Spearing/Archery	2,046	2,017	-1.4%
Nonresident Predator/Varmint	4,874	5,166	6.0%
Nonresident Furbearer	85	15	-82.4%
Nonresident Spring Light Goose	3,643	2,737	-24.9%
Nonresident Migratory Bird Certificate	894	834	-6.7%
Nonresident Small Game	50,018	43,078	-13.9%
Nonresident Youth Small Game	1,729	1,601	-7.4%
Nonresident Annual Shooting Preserve	443	403	-9.0%
Nonresident 5-day Shooting Preserve	5,268	5,800	10.1%
Nonresident 1-day Shooting Preserve	639	552	-13.6%
Nonresident Youth Spring Light Goose	130	106	-18.5%
Nonresident 1-Day Fishing	18,454	21,692	17.5%
Nonresident 3-Day Fishing	17,989	21,644	20.3%
Nonresident Annual Fishing	14,851	20,283	36.6%
Nonresident Family Fishing	6,694	8,058	20.4%
Nonresident Gamefish Spearing/Archery	300	308	2.7%
Nonresident Youth Annual Fishing	726	1,150	58.4%
<b>TOTAL ON FILE =</b>	<b>324,221</b>	<b>342,385</b>	<b>5.6%</b>

Ascher, Debra

---

**Subject:** FW: Comments on rule proposals by the SD GFP Commission

# 5

**From:** Kevin Fuerst [<mailto:sdringneck@hotmail.com>]

**Sent:** Monday, October 08, 2012 10:25 PM

**To:** GFP Wild Info

**Subject:** Comments on rule proposals by the SD GFP Commission

To whom it may concern,

I was reviewing the written testimony for the October Commission meeting and noticed that there were letters and emails that do not include the address of the sender. I believe that comments to the Commission on rule proposals are required to include the name and address of the sender to have the sender's comments entered as part of the public record. Please enforce this rule or the rule concerning comments on proposals may need to be changed.

Thanks,  
Kevin D Fuerst  
109 S Dewberry Cir  
Sioux Falls, SD 57110

From the GFP website:  
<http://www.gfp.sd.gov/agency/commission/proposals.aspx>

## COMMENTS ON PROPOSALS

If you wish to provide comments either supporting or opposing any of these proposals, you may do so by sending your comments to Game, Fish and Parks at [Wildinfo@state.sd.us](mailto:Wildinfo@state.sd.us). You must include your name and address to have your comments entered as part of the public record. Your comments will be shared with the GFP Commission as part of the public testimony on these issues. Comments received after the Commission Public Hearing date will not be included in the official public record.

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

6

**FISHING SEASONS AND FISH LIMITS**

Chapters 41:07:02, 41:07:03

Commission Meeting Dates:	Proposal	October 5, 2012	Deadwood
	Public Hearing	November 1, 2012	Madison
	Finalization	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

1. Modify 41:07:02:05 **"Special management waters."** by removing the following streams and creeks from the spring fishing closure list:
  - a. All creeks in Codington County except those associated with Punished Woman and Round Lakes;
  - b. The outlet stream from Lake Poinsett;
  - c. All creeks in Grant County;
  - d. Creeks in Roberts County below White Rock Dam on the Bois De Sioux River and below Reservation Dam Gates on Lake Traverse.
2. Modify 41:07:03:03. **"Daily, possession, and length limit restrictions on special management waters."** By:
  - a. Adding the Grand River above Shadehill reservoir to the waters where catfish may be taken without limit under subsection (1)
  - b. Changing the county designation for Richland Dam from Jerauld to Jones and Curlew Lake from Pennington to Meade in subsection (2), and;
  - c. Removing subsection (4), "In Patten Dam in Aurora County, the daily trout limit is 2."
  - d. Adding subsection (14) (13 if subsection 4 is removed) stating "In Lake Oahe, the daily limit for walleye, sauger, walleye-sauger hybrids, or combination thereof is 8 and of the walleye taken daily no more than four may be 15 inches or greater in length, possession limit is 24;" The stipulation that no more than one walleye, sauger, saugeye in the daily limit may be 20 inches or greater in length would also be removed.

**WILDLIFE DIVISION RECOMMENDATION**

**Recommended changes from proposal:**

2(d). Keep the stipulation in place for Lake Oahe that of the walleye, sauger, walleye-sauger hybrids, or combination thereof taken daily, no more than one may be 20 inches or greater in length.

**SUPPORTIVE INFORMATION**

1. These changes will increase fishing opportunities during the spring in several northeastern counties while still addressing areas with ongoing law enforcement concerns.
2. (a) Changes to setline rules will now allow these activities on the entire Grand River eliminating the need for restriction above Shadehill Dam.
  - (b) The county designation for Richland Dam is incorrect, it is in Jones County. The county designation for Curlew Lake is incorrect, it is in Meade County.
  - (c) Patten Dam is no longer managed as a trout fishery.

**GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION**

(d) This regulation is designed to increase angling opportunities by taking advantage of current walleye population characteristics on Lake Oahe. It will have no foreseeable negative biological consequences. This will be an experimental regulation that will be evaluated next September (2013) and further recommendations made at that time.

- The Lake Oahe walleye population has witnessed above average reproduction that has resulted in a high abundance of 10-15 inch walleye. Because of the magnitude of these year-classes, walleye condition, and likely growth, has declined for these year classes. By increasing the bag limit to "8 fish, of which 4 can be over 15-inches", we will be providing an additional opportunity, and incentive, for anglers to harvest those young year-classes currently dominating Lake Oahe.
- With the increased bag limit, anglers should have the opportunity to utilize the resource for multiple days. Thus, we recommend the Lake Oahe possession limit be raised to 24 fish to account for a 3-day license of 8 fish per day.

<input type="checkbox"/> APPROVE	<input type="checkbox"/> MODIFY	<input type="checkbox"/> REJECT	<input type="checkbox"/> NO ACTION
----------------------------------	---------------------------------	---------------------------------	------------------------------------

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

7

**SNAGGING OF PADDLEFISH**

Chapter 41:07:05

Commission Meeting Dates:	Proposal	October 5, 2012	Deadwood
	Public Hearing	November 1, 2012	Madison
	Finalization	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

1. Modify 41:07:05:03. **"Paddlefish snagging, processing, and transportation restrictions."** By removing transportation restrictions on paddlefish harvested during the May season on Lake Francis Case.

**Proposed changes:**

1. **41:07:05:03. Paddlefish snagging, processing, and transportation restrictions.** Any paddlefish taken below Gavin's Point Dam, by snagging, which measures between 35 inches and 45 inches, inclusive, from the eye to the notch in the fork of the tail must be immediately released to the water from which it was caught. A person may not attempt to snag rough fish or paddlefish after reaching the limit on paddlefish. A gaff hook or other penetrating device may not be used as an aid while landing snagged paddlefish.

For paddlefish taken below Gavin's Point Dam, Only the snout in front of the eyes, gills, and entrails of a paddlefish may be removed for transportation. The head, skin, and tail must remain attached. Final processing may only be completed once the angler has reached their domicile or immediately prior to consumption.

**WILDLIFE DIVISION RECOMMENDATION**

Recommended changes from proposal: none

**SUPPORTIVE INFORMATION**

1. There are no length restrictions on paddlefish harvested during the May Lake Francis Case paddlefish season. Transportation restrictions are unnecessary and cumbersome to paddlefish anglers trying to preserve harvested paddlefish during travel to domiciles.

APPROVE \_\_\_\_\_

MODIFY \_\_\_\_\_

REJECT \_\_\_\_\_

NO ACTION \_\_\_\_\_

**SPEARING**  
Chapter 41:07:06

Commission Meeting Dates:	Proposal	October 5, 2012	Deadwood
	Public Hearing	November 1, 2012	Madison
	Finalization	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

1. Modify 41:07:06:03. "Areas open to spearing of game fish – Additional permit required." by:
  - a. Allowing northern pike spearing statewide.
  - b. Changing spearing end dates for inland waters to March 15.
  - c. Include text regarding year-round take of catfish on the Missouri River system

**Proposed changes:**

1. **41:07:06:03. Areas open to spearing of game fish -- Additional permit required.** Game fish, except paddlefish and sturgeon, may only be taken upon purchase of the game fish spearing and archery fishing permit and only with a legal spear gun, legal spear, or legal bow and arrow from sunrise to sunset in the following areas during the dates listed:
  - (1) Lake Lewis and Clark from Gavin's Point Dam upstream to the South Dakota-Nebraska state line where the river is entirely within South Dakota, July 1 to November 30, inclusive;
  - (2) Mud Lake in Roberts County, June 15 to the last day of February, inclusive. If the last day of February falls on a Saturday, the season extends through March 1.
  - ~~(2)~~(3) Lake Francis Case from Fort Randall Dam upstream to the Brule-Buffalo County line, June 15 to ~~the last day of February~~ March 15, inclusive;
  - ~~(3)~~(4) Lake Sharpe from the Big Bend Dam upstream to the U. S. Highway 14 bridge at Pierre, June 15 to ~~the last day of February~~ March 15, inclusive;
  - ~~(4)~~ (5) Lake Oahe from Oahe Dam upstream to the North Dakota state line, June 15 to ~~the last day of February~~ March 15, inclusive;
  - ~~(5)~~ (6) Belle Fourche Reservoir and Angostura Reservoir, June 15 to ~~the last day of February~~ March 15, inclusive;
  - ~~(6)~~ (7) Pactola Reservoir, excluding salmonids, June 15 to ~~the last day of February~~ March 15, inclusive; and
  - ~~(7)~~ (8) North and South Rush in Day County; ~~Mud Lake and~~ Cottonwood Slough in Roberts County; North and South Scatterwood in Edmunds and Faulk Counties; James River in Brown County; Lake Whitewood, Lake Preston, and Spirit Lake in Kingsbury County; Lake John, Lake Mary, and Lake Norden in Hamlin County; Lake Albert in Hamlin and Kingsbury Counties; James River, Timber Creek, and Turtle Creek below the Redfield Dam Spillway in Spink County, June 15 to ~~the last day of February~~, inclusive. If the last day of February falls on a Saturday, the season extends through March 15, inclusive.

**GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION**

- (8) (9) Northern pike may be taken June 15 to March 15 in all inland waters, except from Lynn and Amsden Lakes in Day County, Lake Sinai and East 81 Lake in Brookings County, West 81 Lake in Kingsbury County and North Island Lake in Minnehaha County.
- (9) (10) Catfish may be taken year round from the Missouri River. From Gavin's Point Dam upstream to the Nebraska-South Dakota boundary where the river is entirely within South Dakota, catfish may be taken only within the limits established in § 41:07:03:02.01.

By special permit from the director of the Division of Wildlife, other areas may be opened temporarily for special events.

**WILDLIFE DIVISION RECOMMENDATION**

**Recommended changes from proposal:** none

**SUPPORTIVE INFORMATION**

1. (a) Take of northern pike by under-water and darkhouse spearing and archery would be permitted on all waters of the state, except those waters actively managed for muskies, during the standard June 15 – March 15 game fish spearing season. Northern pike are traditionally a target of darkhouse spearers and opportunities to pursue northern pike would be greatly increased by expanding the opportunity statewide. Additional opportunities for under-water spearers and archers will result by having season dates match standard game fish season dates. Impacts to northern pike populations are expected to be minimal.
1. (b) Ice cover often occurs past the end of February. Moving the end date for spearing to March 15 would allow additional opportunity for darkhouse spearers without negatively impacting fish populations.
1. (c) ARSD 41:07:06:05. Season and areas open to taking of catfish without limit – Exception is being repealed and pertinent language specifying a year-round season for take of catfish by spearing and archery on inland Missouri River waters open to game fish spearing is being added to 41:07:06:03.

**APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_**

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

9

HOOP NETS AND SET LINES  
Chapter 41:07:08

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	October 5, 2012	Deadwood
	<b>Public Hearing</b>	November 1, 2012	Madison
	<b>Finalization</b>	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

Modify 41:07:08:06 "Areas and restriction on the use of hoop nets, traps, and setlines."

1. Lengthen season from May 1 through October 31 to year-round for all South Dakota inland waters open to hoop net or set line use.
2. Expand areas on the mainstem Missouri River system open to use of hoop nets and setlines to the entire length of the river and reservoirs from the NE/SD state line to the ND/SD state line
3. Standardize the number of set lines that can be used in any water where allowed in South Dakota at six
4. Extend the areas of western tributaries open to use of setlines to the entire length of the tributary within South Dakota
5. Add Angostura, Belle Fourche, and Shadehill reservoirs to the list of waters open to use of setlines.
6. Prohibit use of whole baitfish as bait for setlines.

**Proposed changes:**

1. **41:07:08:06. Areas and restrictions on the use of hoop nets, traps, and setlines.** The following restrictions shall control the use of any hoop net, trap, and setline in the areas listed:
  - (1) In the South Dakota-Nebraska boundary waters, licensed anglers may employ no more than two licensed and tagged setlines with up to 10 hooks each in the catching, taking, or killing of rough fish and channel, flathead, and blue catfish from January 1 to December 31, inclusive, for noncommercial purposes in limits listed in § 41:07:03:02.01. Up to six licensed and tagged hoop nets per person may be used in the taking of only rough fish. All catfish caught in hoop nets shall be immediately released to the water from which they were taken;
  - (2) A person may employ no more than six licensed and tagged hoop nets or traps and no more than six licensed and tagged setlines in the catching, taking, or killing of unlimited numbers of rough fish and catfish, except blue catfish from ~~that portion of inland waters of the Missouri River; and its impoundments lying between Fort Randall Dam and the North Dakota state line during the period of May to October 31 inclusive;~~
  - (3) A person may employ no more than six licensed and tagged setlines on the western tributaries to the Missouri River in the catching, taking, or killing of unlimited numbers of rough fish and catfish, except blue catfish, from the western tributaries of the Missouri River in South Dakota. Hoop nets and traps may not be used in these waters.

**GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION**

- (4) A person may employ no more than six licensed and tagged set lines in the catching, taking, and killing of rough fish and catfish on Angostura, Belle Fourche, and Shadehill reservoirs. An unlimited number of rough fish may be taken and statewide catfish limits apply on these waters. Hoop nets and traps may not be used in these waters

No catfish taken on the western tributaries of the Missouri River or Angostura, Belle Fourche, or Shadehill reservoirs may be sold, bartered, or traded. Use of whole baitfish as setline bait is prohibited

~~(3) No hoop net, trap, or setline may be used in the following areas on the Missouri River or its impoundments:~~

- ~~\_\_\_\_\_ (a) From Oahe Dam downstream to the U.S. Highway 14 bridge at Pierre;~~
- ~~\_\_\_\_\_ (b) From Big Bend Dam downstream to Crow Creek, Buffalo County;~~
- ~~\_\_\_\_\_ (c) From Fort Randall Dam downstream to the Nebraska state line; and~~
- ~~\_\_\_\_\_ (d) From a line between the mouth of Sand Creek and the Santee area boat basin downstream to the U.S. Highway 81 bridge at Yankton.; and~~

~~\_\_\_\_\_ (4) A person may employ no more than 6 2 licensed and tagged setlines, with no more than 20 hooks each, in the catching, taking, or killing of unlimited numbers of rough fish, including catfish over 12 inches in total length, except bullheads, during the period May 1 to October 31, inclusive, from the main stream portions of the following rivers:~~

- ~~\_\_\_\_\_ (a) White River; however, 6 setlines may be used;~~
- ~~\_\_\_\_\_ (b) Bad River;~~
- ~~\_\_\_\_\_ (c) Cheyenne River from Lake Oahe to the Wyoming-South Dakota state line, except from the dam grade of Angostura Reservoir, upstream to a line between sections 9 and 10, range 5, township 9, Fall River County;~~
- ~~\_\_\_\_\_ (d) Moreau River;~~
- ~~\_\_\_\_\_ (e) Grand River up to State Highway 73;~~
- ~~\_\_\_\_\_ (f) Little Missouri River, Harding County; and~~
- ~~\_\_\_\_\_ (g) Belle Fourche River from its confluence with the Cheyenne River to the Wyoming-South Dakota state line, excluding any diversion and inlet canals.~~

~~\_\_\_\_\_ No catfish taken on these rivers may be sold, bartered, or traded.~~

**WILDLIFE DIVISION RECOMMENDATION**

**Recommended changes from proposal: None.**

**SUPPORTIVE INFORMATION**

1. Catfish populations in the Missouri River system and its western tributaries are underutilized by anglers and these changes will increase angler opportunity and remove confusing language from the regulation. The survey of hoop net, trap, and setline license holders published in 2011 indicates that this is a limited fishery with a low number of participants. These changes will increase opportunity without having a negative affect on fish populations. Restricting the use of whole baitfish as bait on setlines may reduce by-catch of game fish species during periods of the year when they are more likely to be in shallow water.

<input type="checkbox"/> <b>APPROVE</b>	<input type="checkbox"/> <b>MODIFY</b>	<input type="checkbox"/> <b>REJECT</b>	<input type="checkbox"/> <b>NO ACTION</b>
---	--	--	---

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

10

BAIT  
Chapter 41:09:04

Commission Meeting Dates:	Proposal	October 5, 2012	Deadwood
	Public Hearing	November 1, 2012	Madison
	Finalization	November 1-2, 2012	Madison

COMMISSION PROPOSAL

1. Modify 41:09:04:03 "**Waters open to taking of bait.**" As Indicated under Proposed changes.
2. Modify 41:09:04:04 "**Seines, net, and traps limited.**" to clarify that permission to use seines, nets, and traps larger than those specified may be issued by the department in association with the department's approval to stock public waters with white suckers for rearing and harvest.
3. Modify 41:09:04:12 "**Transportation of other fish by bait dealer.**" change rule title to: "Transportation of bait and other fish by bait dealer" and add the sentence "Transportation equipment shall allow for inspection of bait and other fish at all times".
4. Modify 41:09:04:16 "**Records Required.**" to add the words "or electronically in a format approved by the Department".

Proposed changes:

1. **41:09:04:03. Waters open closed to the taking of bait.**

Change title to "**Waters closed to taking of bait.**" and;

Close the following waters year-round to the commercial and noncommercial taking of bait by those methods listed in 41:09:04:04

- a. Creeks, streams or rivers, permanent or temporary in Aurora, Beadle, Brown, Bon Homme, Clay, Davison, Edmunds, Faulk, Hand, Hanson, Hutchinson, Jerauld, Lincoln, McCook, McPherson, Miner, Minnehaha, Moody, Sanborn, Spink, Turner, Union, Yankton counties and the Black Hills Trout Management area as defined in 41:07:01:01
- b. Brookings County – Interstate, Butte County – Newell, Deuel County – Alice, Edmunds County – Mina, Pennington County – Pactola and Sheridan.

Modify the list of Waters closed year-round to commercial taking of bait to add Bennett County – Little White River; Brookings County – Twin (east of Hwy. 81), Brush, Nature Park East, Nature Park West, Nelson GPA; Brule County – Wanalain, Sixteen; Codington County – 3<sup>rd</sup> Avenue Pond; Corson County – Trail City: Day – Lynn, Opitz; Dewey County – Lantry, Little Moreau #3, Moreau River; Fall River County – Cottonwood, Hyde County – Mission (Boehm); Jones County – Okaton, Draper, All Ft. Pierre Nat'l Grassland pond, Bad River, White River; Lake County – Herman State Park Pond; Lawrence County – Mirror #1 & #2, Strawberry Hill; Lincoln County – Rollings GPA Pond; Lyman County – All Ft. Pierre Nat'l Grassland ponds, Byre, White River; Marshall County – Cattail/Kettle; McCook County – Island; McPherson County – Eureka, Leola; Mellette County – White River, Little White River; Minnehaha County – Loss, Island, Scott, Twin; Pennington County – Sunday Gulch

**GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION**

Pond; Spink County – Redfield; Stanley County - All Ft. Pierre Nat'l Grassland ponds, Bad River; Tripp County – White River, Keya Paha River.

Modify the list of Waters closed year-round to commercial taking of bait to remove Bon Homme County – Missouri River; Brookings County – Interstate Lake; Butte County – Newell; Campbell County – Chester, Corson County – Tetanka; Custer County – All trout streams; Deuel County – Alice; Dewey County – Adams, Dewberry; Edmunds County – Bowdle/Hosmer, Loyalton, Mina; Fall River County – All trout streams; Grant County – Blue Cloud Abby; Hyde County – Chappelle, Quirk; Jones County – National Grasslands Dams; Kingsbury County – Iroquois; Lawrence County – All trout streams; McPherson County - Eureka #1, Eureka #2, Wolff; Mellette County - Blackpipe, Diess, Rohloff; Pennington County – Pactola, Sheridan, All trout streams, Spink County – Dudley Mirage, Bierman.

2. **41:09:04:04. Seines, nets, and traps limited.** A lawful angler taking bait for noncommercial use may use a seine up to 30 feet long and 6 feet deep; dipnets up to 30 inches in diameter; lift nets up to 4 feet square; cast nets up to 24 feet in diameter; and traps no larger than 12 inches in diameter and 36 inches long with rigid entrances no larger than one inch wide. No seine, net, or trap used for the noncommercial taking of bait may contain mesh larger than three-eighths inch square.

Licensed resident wholesale and retail bait dealers may possess and use regular or bag seines up to 50 feet long and 6 feet deep and traps larger than 12 inches by 36 inches. All traps shall have a rigid entrance no larger than one inch wide and trap throats exposed above the surface of the water shall be blocked by a solid shield or mesh to prevent the entrapment of waterfowl. ~~Special permits for use of larger equipment may be issued by the department secretary.~~ No seine, net, or trap used for the commercial taking of bait may contain flexible mesh larger than three-eighths inch square.

Permits for use of seines, nets, and traps larger than those specified may be issued by the department in association with department approval to stock public waters with white suckers for rearing and harvest.

3. **41:09:04:12. Transportation of bait and other fish by bait dealer.** A bait dealer may not transport other fish while transporting baitfish unless the dealer is legally licensed under a private hatchery license and the trip originates at the bait or private hatchery facility for the purpose of delivering fish to customers. Baitfish shall be completely separated from the other fish in separate compartments to allow inspection. Transportation equipment shall allow for inspection of bait and other fish at all times.
4. **41:09:04:16 Records required.** All records required in §§ 41:09:04:16.01 to 41:09:04:16.06, inclusive, shall be recorded and maintained on forms supplied by the department or electronically in a format approved by the department.

Each record shall be kept current and shall be available for inspection by personnel of the department during normal business hours at the physical location of the business where the record is kept as indicated on the license application for a period of three years after the end of the license year. Each record for a resident bait dealer shall be kept within the state of South Dakota. Each bait dealer shall submit a summary of the dealer's yearly records to the

**GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION**

department by January 31 the following calendar year. The department may refuse to issue a new license if these records are not submitted.

**WILDLIFE DIVISION RECOMMENDATION**

**Recommended changes from proposal:** none

**SUPPORTIVE INFORMATION**

1. These changes are to aid in preventing the spread of aquatic nuisance species from water where they occur to other waters of the state and to update the list of waters closed to the year-round commercial taking of bait to add waters which are managed for game fish population and to remove those which are no longer managed for game fish.
2. Current equipment restrictions for equipment used to trap or catch bait species are in place to minimize by-catch of game fish species and waterfowl. White suckers are a desirable bait species to raise in South Dakota but they must be stocked as young fish and then harvested in the fall using nets, traps, and seines with larger net openings or mesh than would be used for standard bait trapping activities. This change in rule ties permission to use larger equipment to approval from the department to stock a water with white suckers, allowing bait dealers a legal means of harvesting their fish.
3. This rule modification would clarify that when a bait dealer also holds a private hatchery license that the rule applies to all fish species and adds the language which was contained in 41:09:04:11 that the equipment must allow for inspection of all fish being transported at all times.
4. This change would allow bait dealers to keep records required in an electronic format instead of on paper forms provided by the Department if they chose to do so. This modification was requested by bait dealers and discussed with them at meetings conducted in March and September of 2012. It would allow bait dealers to use their existing spreadsheets or data bases or create new ones to meet reporting requirements, once file formats are approved by the department.

**APPROVE**       **MODIFY**       **REJECT**       **NO ACTION**

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

11

**TURTLES**  
**Chapter 41:07:10**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	October 4-5, 2012	Deadwood
	<b>Public Hearing</b>	November 1, 2012	Madison
	<b>Finalization</b>	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

1. Modify 41:07:10:01 "**Seasons.**" to add the word legal before spears and to specify turtle traps as defined in 41:07:10:03
2. Modify 41:07:10:04 "**Restrictions.**" to add the words "any species of" and remove reference to 41:09:04:02.02 that defined turtles as biological specimens and has been repealed.

**Proposed changes:**

1. **41:07:10:01. Season.** Turtles, except those identified in §§ 41:10:02:07 and 41:10:02:08, may be taken by lawful anglers from January 1 to December 31, inclusive, by hook and line, legal minnow seines, gaff hooks, legal spears, or by turtle traps as defined in 41:07:10:03.
2. **41:07:10:04. Restrictions.** A person may not buy, sell, barter, or trade any species of turtle turtles ~~except as provided in chapter 41:09:04~~. A person may not export snapping turtles for any purpose other than personal consumption

**WILDLIFE DIVISION RECOMMENDATION**

**Recommended changes from proposal:** none

**SUPPORTIVE INFORMATION**

1. This is a clarification and does not change the intent of the rule.
2. This is a clarification and removes reference to rules that have been repealed. The repealed rules defined biological specimens, which included turtles.

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

12

**SPECIAL MANAGEMENT CATEGORIES**

41:10

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	October 5, 2012	Deadwood
	<b>Public Hearing</b>	November 1, 2012	Madison
	<b>Finalization</b>	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

1. Modify 41:10:04:01. "List of aquatic nuisance species" by adding the following species:
  - a. Western mosquitofish *Gambusia affinis*
  - b. Purple loosestrife *Lythrum salicaria*
  - c. Flowering rush *Butomus umbellatus*
  - d. Red rimmed melania *Melanooides tuberculata*
  
2. Separate 41:10:04:03 "Watercraft restrictions -- Aquatic nuisance species inspection." into two rules as follows:
  - a. **41:10:04:03 "Watercraft restrictions"** No person may launch or attempt to launch a boat, motorboat, or boat trailer of any kind into the waters of the state with an aquatic nuisance species attached or onboard. Law enforcement officers may require the removal of aquatic vegetation from boats, motors, trailers and associated equipment.
  
  - b. **41:10:04:04 "Watercraft inspections"** Any boat, motorboat, or boat trailer is subject to inspection by a department representative. If an aquatic nuisance species is found during inspection, a department approved decontamination process, specific to the aquatic nuisance species present, shall be required prior to launching.

**Proposed changes:**

1. **41:10:04:01. List of aquatic nuisance species.** Species classified as aquatic nuisance species in the state are as follows;
  - (1) Fish:
    - (a) Black carp, *Mylopharyngodon piceus*;
    - (b) Common carp, *Cyprinus carpio*;
    - (c) Grass carp, *Ctenopharyngodon idella*;
    - (d) Bighead carp, *Hypophthalmichthys nobilis*;
    - (e) Silver carp, *Hypophthalmichthys molitrix*;
    - (f) European rudd, *Scardinius erythrophthalmus*;
    - (g) Giant snakehead, *Channa micropeltes*;
    - (h) Northern snakehead, *Channa argus*;
    - (i) Bullseye snakehead, *Channa marulius*; and
    - (j) Blotched snakehead, *Channa maculata*;
    - (k) Western mosquitofish, *Gambusia affinis*
  
  - (2) Plants:
    - (a) Brittle naiad, *Najas minor*;
    - (b) Curly pondweed, *Potamogeton crispus*;
    - (c) Didymo, *Didymosphenia geminata*;
    - (d) Eurasian water-milfoil, *Myriophyllum spicatum*; and
    - (e) Purple loosestrife *Lythrum salicaria*;

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

(f) Flowering rush *Butomus umbellatus*; and

(3) Invertebrates:

- (a) New Zealand mudsnail, *Potamopyrgus antipodarum*;
- (b) Rusty crayfish, *Orconectes rusticus*;
- (c) Zebra mussel, *Dreissena polymorpha*;
- (d) Quagga mussel, *Dreissena rostriformis bugensis*; and
- (e) Asian clam, *Corbicula fluminea*; and
- (f) Red rimmed melania *Melanoides tuberculata*.

2. **41:10:04:03. Watercraft restrictions -- Aquatic nuisance species inspection.** No person may launch or attempt to launch a boat, motorboat, or boat trailer of any kind into the waters of the state with an aquatic nuisance species attached or onboard. ~~Any boat, motorboat, or boat trailer is subject to inspection by a department representative. If an aquatic nuisance species is found during inspection, decontamination shall be required prior to launching. Law enforcement officers may require the removal of aquatic vegetation from boats, motors, trailers and associated equipment.~~

**41:10:04:04. Watercraft inspections.** Any boat, motorboat, or boat trailer is subject to inspection by a department representative. If an aquatic nuisance species is found during inspection, a department approved decontamination process, specific to the aquatic nuisance species present, shall be required prior to launching.

**WILDLIFE DIVISION RECOMMENDATION**

Recommended changes from proposal: none

**SUPPORTIVE INFORMATION**

1. These additional species have been determined to be an adequate risk to the resources of South Dakota to be added to the aquatic nuisance species list.
2. Separation and additional language to this section will allow law enforcement officers to address non-compliance with individuals that refuse to remove aquatic vegetation from boats and trailers. Changes will allow for more flexibility in decontamination efforts by department staff.

APPROVE

MODIFY

REJECT

NO ACTION

**ADMINISTRATIVE RULES REDUCTION**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	October 5, 2012	Deadwood
	<b>Public Hearing</b>	November 1, 2012	Madison
	<b>Finalization</b>	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

**ACTION ITEM#1**

Repeal: Artificial lights 41:07:01:06. A person may use artificial lights while fishing with legal methods.

Justification: Rule is unnecessary. Without rule it is implied that artificial lights may be used while fishing with legal methods.

**ACTION ITEM#2**

Repeal: Possession limit for one-day license 41:07:03:04. A one-day fishing license entitles the licensee to possess no more than one day's limit of fish.

Justification: There is no need to specify a possession limit for a one-day license as they are issued from midnight to midnight. It is implied by the duration of the license that they may not possess more than a one-day limit.

**ACTION ITEM#3**

Repeal: Season and areas open to taking of catfish without limit – Exception 41:07:06:05. Legal spearguns, legal spears, and bows and arrows may be used in the taking of catfish during the hours between sunrise and sunset from January 1 to December 31, inclusive, without limit for noncommercial purposes in Lake Oahe from Oahe Dam upstream to the South Dakota - North Dakota boundary, Lake Sharpe from Big Bend Dam upstream to the U. S. Highway 14 bridge, and Lake Francis Case from Fort Randall Dam upstream to the Brule - Buffalo County line. In Lake Lewis and Clark from Gavin's Point Dam upstream to the Nebraska - South Dakota boundary where the river is entirely within South Dakota, catfish may be taken only within the limits established in § 41:07:03:02.01.

Justification: Much of the text of this rule is repetitious of language in 41:07:06:03. Areas open to spearing of game fish. Additionally, 41:07:03:03 Daily, possession, and length limit restrictions on special management waters, already states catfish may be taken without limit from the inland waters of the Missouri River system and it's impoundments. Language related to season dates would be transferred to 41:07:06:03. Areas open to spearing of game fish.

**ACTION ITEM#4**

Repeal: Minimum length of catfish 41:07:08:03. Any catfish less than 12 inches total length taken by a hoop net, trap, or setline shall be returned immediately to the water from which the catfish was taken, except in the South Dakota-Nebraska boundary waters where the minimum length is 15 inches for catfish caught on a setline.

Justification: Rule is unnecessary. Catfish are an underutilized species throughout the Missouri River system and western tributaries in South Dakota. Setlines allow anglers an additional

**GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION**

opportunity to harvest catfish and the use of a minimum length limit to regulate harvest is contradictory to the management objective. In addition, Nebraska no longer has a 15 inch minimum length limit on catfish.

**ACTION ITEM#5**

Repeal: Baitfish prohibited 41:07:08:05.01. In the Missouri River and its impoundments from Fort Randall Dam to the North Dakota state line, only prepared or, cut bait, worms, crayfish, and leopard frogs may be used on tagged setlines. Whole baitfish are prohibited on setlines in the state, except in the Missouri River downstream from Fort Randall Dam.

Justification: The prohibition of the use of bait fish and specific stipulations of legal setline bait on the mainstem waters of the Missouri River is no longer needed. The incidence of game fish by-catch on setlines was reported to be very limited in the survey of hoop net and setline license holders published in 2011. Repealing this rule will also standardize available bait options for the mainstem Missouri River with western tributaries and reservoirs.

**ACTION ITEM#6**

Repeal: Transportation by dealers -- Inspection. 41:09:04:11. A bait dealer may not transport bait in water over 60 degrees Fahrenheit except in a container provided with aerating equipment that maintains sufficient dissolved oxygen in the water at all times to keep the bait in good condition whether or not the vehicle is in motion. Transportation equipment shall allow for inspection of bait at all times.

Justification: This rule specifies conditions for water quality parameters in transport tanks when hauling bait and language that requires transportation equipment to allow for inspection. The rule is not necessary and the inspection language will be added to 41:09:04:12

**List of Rules to Repeal.**

Artificial lights	41:07:01:06.	Repeal
Possession limit for one-day license	41:07:03:04	Repeal
Seasons and areas open to taking of catfish	41:07:06:05	Repeal
Minimum length of catfish	41:07:08:03.	Repeal
Baitfish prohibited	41:07:08:05.01.	Repeal
Transportation by dealers -- Inspection.	41:09:04:11.	Repeal

**WILDLIFE DIVISION RECOMMENDATION**

**Recommended changes from proposal:** none

**SUPPORTIVE INFORMATION**

Rules Repealed: 6

**APPROVE** \_\_\_\_\_

**MODIFY** \_\_\_\_\_

**REJECT** \_\_\_\_\_

**NO ACTION** \_\_\_\_\_

**GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION**

14

**Nonresident Hunting License Fees**

Chapter 41:06:02:03

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>October 4-5, 2012</b>	<b>Deadwood</b>
	<b>Public Hearing</b>	<b>November 1, 2012</b>	<b>Madison</b>
	<b>Finalization</b>	<b>November 1-2, 2012</b>	<b>Madison</b>

**COMMISSION PROPOSAL**

Raise the following nonresident license fees:

<u>License</u>	<u>Current fee*</u>	<u>Recommended fee*</u>
Small Game – 10-day	\$110	\$120
Shooting Preserve – annual	\$85	\$120
Shooting Preserve – 1-day	\$35	\$45
Shooting Preserve – 5-day	\$65	\$75
Waterfowl – 10-day/annual	\$110	\$120
Waterfowl – 3-day	\$75	\$85

\* These fees include the \$5 surcharge imposed by state statute.

**DEPARTMENT RECOMMENDATION**

Recommended changes from proposal: None.

**SUPPORTIVE INFORMATION**

These fee adjustments will generate an estimated \$1,106,875 in revenue in 2013.

Nonresident Pheasant Hunting Statistics – 2011

<u>State</u>	<u>License fee</u>	<u>Non-res hunters</u>	<u>Pheasant harvest</u>	<u>Birds/hunter</u>
Montana	\$130	5,082	26,350	5.2
North Dakota	\$100	24,500	203,350	8.3
Minnesota	\$92	1,780	4,800	2.7
Iowa	\$125	6,460	33,000	5.1
Nebraska	\$101	8,800	55,000	6.3
Wyoming	\$84.50	1,738	6,250	3.6
<hr/>				
TOTALS	\$105 (avg)	48,360	328,750	6.8 (avg)
SD – 2011	\$110	95,077	910,894	9.6 (2011)
SD – 2010	\$110	100,189	1,027,939	10.3 (2010)

<b>APPROVE</b> _____	<b>MODIFY</b> _____	<b>REJECT</b> _____	<b>NO ACTION</b> _____
----------------------	---------------------	---------------------	------------------------

GAME, FISH, AND PARKS COMMISSION ACTION  
FINALIZATION

15

**Park Licenses  
Chapter 41:03:03**

Commission Meeting Dates:	Proposal	October 4-5, 2012	Deadwood
	Public Hearing	November 1-2, 2012	Madison
	Finalization	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

1. Modify 41:03:03:06. Park entrance license fees.
2. Modify 41:03:03:08. Fees for special events.

**Requirements and Restrictions:**

Requires operators of motor vehicles to have a park entrance license (PEL) when in state park, recreation area and certain lakeside use areas and establishes the license cost; and establishes the daily fee for admission to the annual Fort Sisseton Festival.

**Recommended changes:**

**41:03:03:06. Park Entrance license fees.** The park entrance license fees are as follows:

- (1) The fee for an annual park entrance license ~~sticker~~ is ~~\$28-30~~ for the first vehicle and \$14 15 for each additional vehicle registered to the same owner;
- (2) The fee for a transferable annual park entrance license is ~~\$60~~ 65;

**41:03:03:08. Fees for special events.** The daily fee for admission to the annual Fort Sisseton Festival at the Fort Sisseton State Park is ~~\$4~~ \$5 for each person who is 12 years old or older. This admission fee is in lieu of any other park entrance license. Persons who have paid a daily camping fee for the event and program participants are exempt from paying the fee.

**DEPARTMENT RECOMMENDATION**

Changes from proposal: None

**SUPPORTIVE INFORMATION**

Revenue from annual park entrance licenses and other user fees offset costs of operating and maintaining the state park system. The \$2 increase in the annual park entrance license and the \$5 increase in the transferrable license will generate approximately \$157,000.

The annual Fort Sisseton Festival is held the first weekend of June. The admission fee, along with vendor and participant fees help offset the cost of the event. The \$1 increase is needed to keep up with the cost of hosting the event and will generate approximately \$3,500.

APPROVE       MODIFY       REJECT       NO ACTION



**Camping Permits and Rules  
Chapter 41:03:04**

Commission Meeting Dates:	Proposal	October 4-5, 2012	Deadwood
	Public Hearing	November 1-2, 2012	Madison
	Finalization	November 1-2, 2012	Madison

**COMMISSION PROPOSAL**

**REPEAL:**

~~41:03:04:09. Camper units limited to two per site – Each unit must have a permit. No more than two camper units may occupy one campground site, and each camper unit must have a permit. Department representatives may, based on suitability of the site or the load on the campground facilities, refuse to allow a second camper unit to occupy one campground site.~~

**MODIFY:**

**41:03:04:10. Camped unit occupancy restricted.** Except as otherwise provided in this chapter rule no more than one camper unit may occupy a designated campsite. For purposes of compliance with this section and assessment of daily camping fees, a camper unit is any one of the following:

- ~~(1) One hard sided camper and its occupants;~~
- (2) One hard sided camper and or one or more tents, if all occupants meet the definition of "family"; or
- ~~(3) One or more tents, if all occupants meet the definition of "family" or do not exceed six people.~~

**The park manager may allow up to a maximum of two camper units, not to exceed 12 people, to occupy or "double-up" on select campsites based on the suitability of the site and the load on campground facilities/infrastructure. In these cases, a fee of two times the daily camping fee will be charged.**

**REPEAL:**

~~41:03:04:10.01. Additional camper unit occupancy permitted – Fee. More than one camper unit and its occupants up to a maximum of ten persons may occupy a designated campsite as permitted in 41:03:04:09 if a fee of two times the daily applicable campaign fee is paid and the camper units are one of the following:~~

- ~~(1) One hard sided camper and its occupants;~~
- ~~(2) One hard sided camper and tents, if all occupants meet the definition of "family"; or~~
- ~~(3) One or more tents, if all occupants meet the definition of "family" or do not exceed six people.~~

**DEPARTMENT RECOMENDATION**

Changes from proposal: NONE

**SUPPORTIVE INFORMATION**

These changes will reduce the number of administrative rules regarding campsite occupancy from three to one and simplify the language making it easier for both the public and park staff to understand.

**GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL**

18

**Spring Wild Turkey Hunting Season  
Chapter 41:06:13 and Chapter 41:03:01**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>November 1-2, 2012</b>	<b>Madison</b>
	<b>Public Hearing</b>	<b>December 6, 2012</b>	<b>Pierre</b>
	<b>Finalization</b>	<b>December 6-7, 2012</b>	<b>Pierre</b>

**DEPARTMENT RECOMMENDATION**

**Season Dates:** April 6 – May 19, 2013 Archery  
 April 13 – May 19, 2013 Black Hills regular and single-season Prairie units  
 April 13 – April 30, 2013 Split-season early Prairie units  
 May 1 – May 19, 2013 Split-season late Prairie units; Black Hills late season

**Licenses:** Black Hills Unlimited resident and nonresident one-tag "male turkey" licenses  
 Prairie 2,930 resident and 32 nonresident one-tag "male turkey" licenses  
 4,960 resident and 367 nonresident two-tag "any turkey" licenses  
 Archery Unlimited resident and nonresident one-tag "male turkey" licenses

**Requirements and Restrictions:**

- Turkey hunters may apply for and receive one license in each of the Black Hills regular, Black Hills bonus, Prairie and Archery Units in the first and second lottery drawings.
- Turkey hunters may purchase only one regular Black Hills and one archery turkey license.
- Residents may purchase one late Black Hills bonus season license.
- One-half of the licenses in each prairie unit are available for land owner/operator preference.
- Prairie units adjoining the White River and Cheyenne River also include an adjacent area one mile wide on the opposite side of the river.
- No person may shoot a turkey in a tree or roost.
- A person may use only bow and arrow, a shotgun using shot shells or a muzzleloading shotgun in state parks and recreation areas within prairie units; and all units in eastern SD (01A, 06A, 08A, 08B, 22A, 23A, 29A, 32A, 37A, 40A, 48A, 52A, 56A, 61A), and in the portion of Unit 58A lying south of Oahe Dam, east of SD Highway 1806 and north of U.S. Highway 14 except as posted by the Corps of Engineers and GFP.

**Recommended changes from last year:**

- Offer residents 105 less one-tag "male turkey" licenses and 200 less two-tag "any turkey" licenses for the Prairie Units than 2012 for an overall decrease of 505 tags. Offer nonresidents 16 less two-tag "any turkey" licenses for the Prairie Units than 2012 for an overall decrease of 32 tags.
- Allow 10 resident archery licensees to hunt at Blood Run Nature Area and 10 resident archery licensees to hunt at Adams Homestead and Nature Preserve through the issuance of "access permits" issued via lottery drawing. Access permits valid from April 6 – April 30.
- Modify spring unit boundaries for Black Hills and 49A to be consistent with fall turkey unit boundaries.

**SUPPORTIVE INFORMATION**

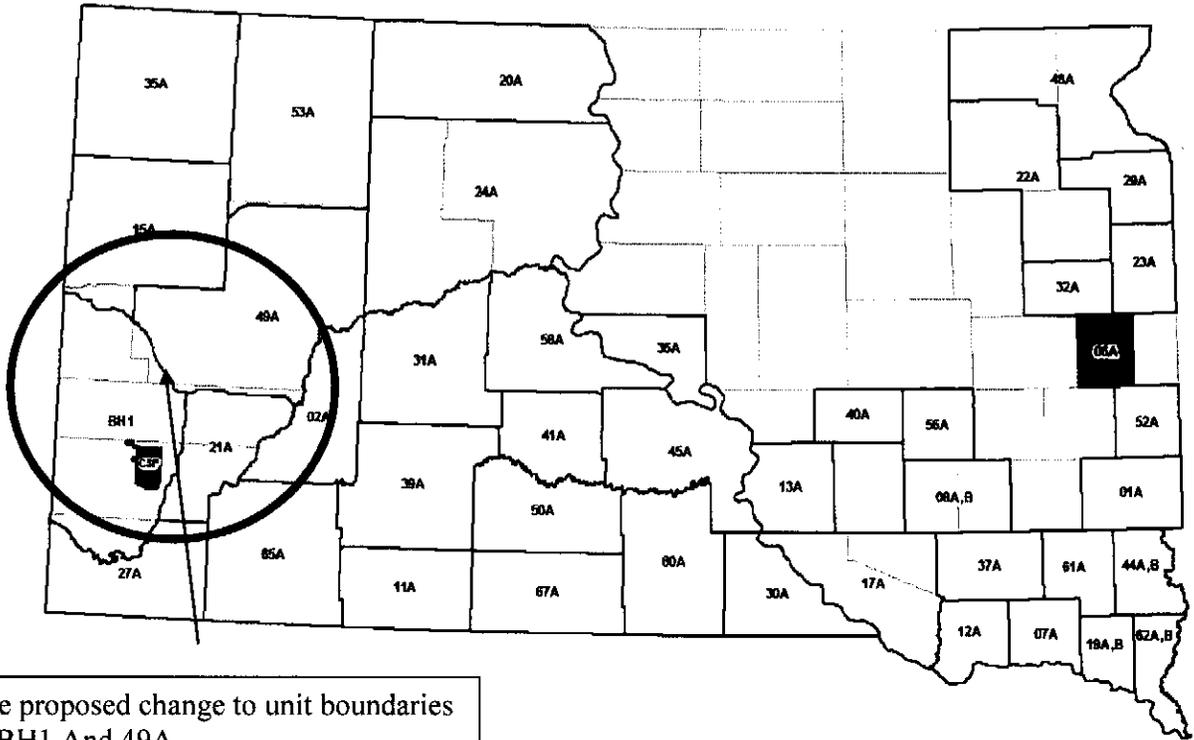
Year	Licenses			Harvest			Success		
	BH	Prairie	Archery	BH	Prairie	Archery	BH	Prairie	Archery
2008	6,508	7,370	2,658	2,743	5,921	722	42%	53%	27%
2009	5,474	7,479	2,567	2,346	6,369	844	43%	51%	33%
2010	5,244	7,691	2,548	2,195	6,564	780	42%	52%	31%
2011	4,808	8,064	2,721	1,693	5,536	686	35%	42%	25%
2012	4,435	7,863	2,555	1,685	5,554	739	38%	43%	29%

**APPROVE      MODIFY      REJECT      NO ACTION**

# SPRING TURKEY UNITS

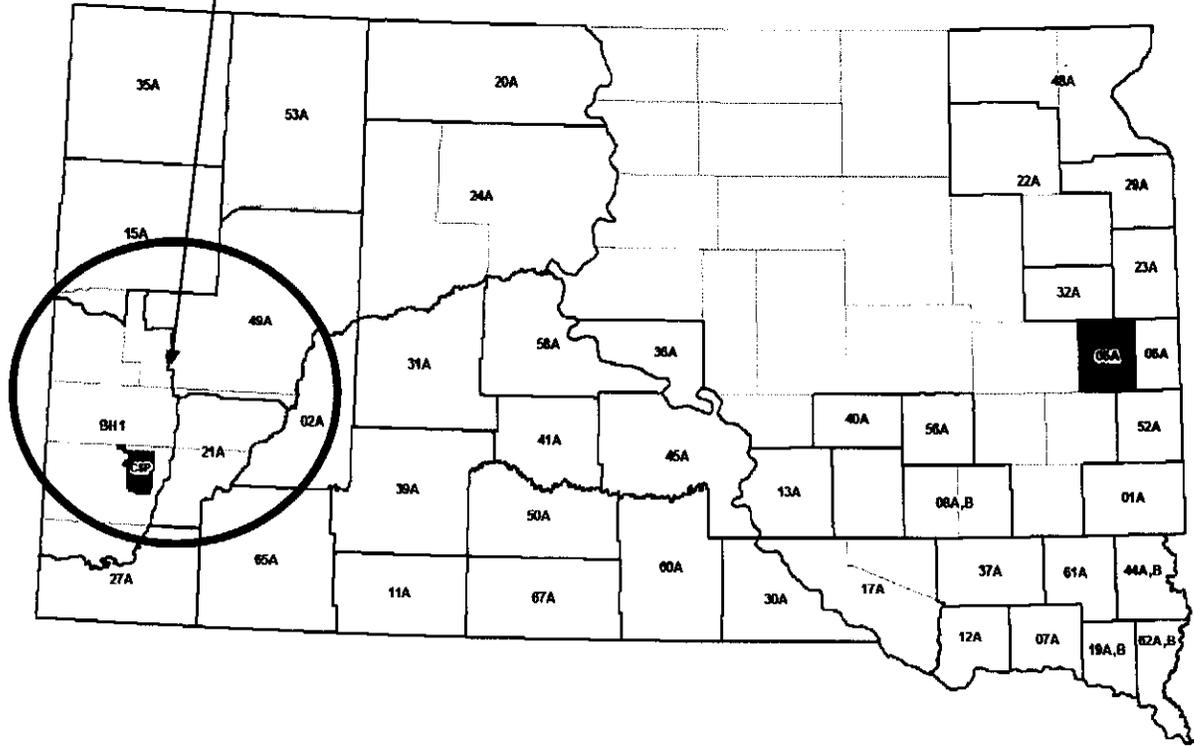
18a

2013 Proposed Spring Turkey



Note proposed change to unit boundaries for BH1 And 49A.

2012 Spring Turkey



Shaded areas are closed to archery hunting

2013 SPRING TURKEY

186

Reg	Unit #	Unit Name	Resident			Nonresident			License Totals								
			TomT	1AnyT	2 AnyT	TomT	1AnyT	2 AnyT	RES	RES	RES	RES	NR	NR	NR	NR	
			32	31	37	32	31	37	1-tag	2-tag	Licenses	Tags	1-tag	2-tag	Lic	Tags	
3	01A	Minnehaha	100						100		100	100					
1	02A	Pennington			300			24		300	300	600		24	24	48	
3	06A	Brookings	40						40		40	40					
3	07A	Yankton	280						280		280	280					
3	08A	Davison/Hanson	80						80		80	80					
3	08B	Davison/Hanson	80						80		80	80					
1	11A	Bennett			70			6		70	70	140		6	6	12	
3	12A	Bon Homme	300						300		300	300					
2	13A	Brule	150						150		150	150					
1	15A	Butte/Lawrence			450			36		450	450	900		36	36	72	
2	17A	Charles Mix/Douglas			350					350	350	700					
3	19A	Clay	80						80		80	80					
3	19B	Clay	80						80		80	80					
2	20A	Corson			100			8		100	100	200		8	8	16	
1	21A	Custer			180			15		180	180	360		15	15	30	
4	22A	Day/Codington	60						60		60	60					
4	23A	Deuel	90						90		90	90					
2	24A	Dewey/Ziebach			150			12		150	150	300		12	12	24	
1	27A	Fall River			150			12		150	150	300		12	12	24	
4	29A	Grant	220						220		220	220					
2	30A	Gregory			950			76		950	950	1900		76	76	152	
1	31A	Haakon			300			24		300	300	600		24	24	48	
4	32A	Hamlin	0						0		0	0					
1	35A	Harding	150				12		150		150	150		12		12	
2	36A	Hughes			40					40	40	80					
3	37A	Hutchinson	80						80		80	80					
1	39A	Jackson			200			16		200	200	400		16	16	32	
3	40A	Jerauld	10						10		10	10					
2	41A	Jones	100				8		100		100	100		8		8	
3	44A	Lincoln	50						50		50	50					
3	44B	Lincoln	50						50		50	50					
2	45A	Lyman			250			20		250	250	500		20	20	40	
4	48A	Marshall/Roberts	500						500		500	500					
1	49A	Meade			350			28		350	350	700		28	28	56	
2	50A	Mellette			550			44		550	550	1100		44	44	88	
3	52A	Moody	40						40		40	40					
1	53A	Perkins			100			8		100	100	200		8	8	16	
3	56A	Sanborn	40						40		40	40					
2	58A	Stanley	50				4		50		50	50		4		4	
2	60A	Tripp			400			32		400	400	800		32	32	64	
3	61A	Turner	40						40		40	40					
3	62A	Union	80						80		80	80					
3	62B	Union	80						80		80	80					
1	65A	Shannon			70			6		70	70	140		6	6	12	
2	67A	Todd	100				8		100		100	100		8		8	
		<b>TOTAL</b>	<b>2,930</b>		<b>4,960</b>		<b>32</b>		<b>367</b>	<b>2,930</b>	<b>4,960</b>	<b>7,890</b>	<b>12,850</b>	<b>32</b>	<b>367</b>	<b>399</b>	<b>766</b>
Reg		Unit	TomT	1AnyT	2 AnyT	AnyT	1AnyT	2 AnyT	RES	RES	RES	RES	NR	NR	NR	NR	
			32	31	37	32	31	37	1-tag	2-tag	Licenses	Tags	1-tag	2-tag	Lic	Tags	
<b>RES &amp; NR:</b>									<b>2,962</b>	<b>5,327</b>	<b>8,289</b>	<b>13,616</b>					

2012

		<b>TOTAL</b>	<b>3,035</b>		<b>5,160</b>	<b>32</b>		<b>383</b>	<b>3,035</b>	<b>5,160</b>	<b>8,195</b>	<b>13,355</b>	<b>32</b>	<b>383</b>	<b>415</b>	<b>798</b>
Reg		Unit	TomT	1AnyT	2 AnyT	AnyT	1AnyT	2 AnyT	RES	RES	RES	RES	NR	NR	NR	NR
			32	31	37	32	31	37	1-tag	2-tag	Licenses	Tags	1-tag	2-tag	Lic	Tags
<b>RES &amp; NR:</b>									<b>3,067</b>	<b>5,543</b>	<b>8,610</b>	<b>14,153</b>				

SPRING TURKEY  
2012--2013 Comparison

18c

Unit #	Unit Name	2012 Resident Licenses	2013 Resident Licenses	# Change	% Change	2012 Resident Tags	2013 Resident Tags	# Change	% Change
01A	Minnehaha	120	100	-20	-17%	120	100	-20	-17%
02A	Pennington	300	300	0	0%	600	600	0	0%
06A	Brookings	40	40	0	0%	40	40	0	0%
07A	Yankton	280	280	0	0%	280	280	0	0%
08A	Davison/Hanson	80	80	0	0%	80	80	0	0%
08B	Davison/Hanson	80	80	0	0%	80	80	0	0%
11A	Bennett	70	70	0	0%	140	140	0	0%
12A	Bon Homme	350	300	-50	-14%	350	300	-50	-14%
13A	Brule	150	150	0	0%	150	150	0	0%
15A	Butte/Lawrence	450	450	0	0%	900	900	0	0%
17A	Charles Mix/Douglas	350	350	0	0%	700	700	0	0%
19A	Clay	80	80	0	0%	80	80	0	0%
19B	Clay	80	80	0	0%	80	80	0	0%
20A	Corson	150	100	-50	-33%	300	200	-100	-33%
21A	Custer	180	180	0	0%	360	360	0	0%
22A	Day/Codington	60	60	0	0%	60	60	0	0%
23A	Deuel	90	90	0	0%	90	90	0	0%
24A	Dewey/Ziebach	250	150	-100	-40%	500	300	-200	-40%
27A	Fall River	200	150	-50	-25%	400	300	-100	-25%
29A	Grant	240	220	-20	-8%	240	220	-20	-8%
30A	Gregory	950	950	0	0%	1900	1900	0	0%
31A	Haakon	300	300	0	0%	600	600	0	0%
32A	Hamlin	0	0	0	0%	0	0	0	0%
35A	Harding	150	150	0	0%	150	150	0	0%
36A	Hughes	40	40	0	0%	80	80	0	0%
37A	Hutchinson	60	80	20	33%	60	80	20	33%
39A	Jackson	200	200	0	0%	400	400	0	0%
40A	Jerauld	10	10	0	0%	10	10	0	0%
41A	Jones	100	100	0	0%	100	100	0	0%
44A	Lincoln	60	50	-10	-17%	60	50	-10	-17%
44B	Lincoln	60	50	-10	-17%	60	50	-10	-17%
45A	Lyman	250	250	0	0%	500	500	0	0%
48A	Marshall/Roberts	500	500	0	0%	500	500	0	0%
49A	Meade	350	350	0	0%	700	700	0	0%
50A	Mellette	550	550	0	0%	1100	1100	0	0%
52A	Moody	40	40	0	0%	40	40	0	0%
53A	Perkins	100	100	0	0%	200	200	0	0%
56A	Sanborn	55	40	-15	-27%	55	40	-15	-27%
58A	Stanley	50	50	0	0%	50	50	0	0%
60A	Tripp	400	400	0	0%	800	800	0	0%
61A	Turner	40	40	0	0%	40	40	0	0%
62A	Union	80	80	0	0%	80	80	0	0%
62B	Union	80	80	0	0%	80	80	0	0%
65A	Shannon	70	70	0	0%	140	140	0	0%
67A	Todd	100	100	0	0%	100	100	0	0%
<b>TOTAL</b>		<b>8,195</b>	<b>7,890</b>	<b>-305</b>	<b>-3.7%</b>	<b>13,355</b>	<b>12,850</b>	<b>-505</b>	<b>-3.8%</b>

Note: An additional 8% of the number of licenses will be available to nonresidents in West River units.



**GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL**

20

**Waterfowl Hunting Seasons  
Chapter 41:06:16**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>November 1-2, 2012</b>	<b>Madison</b>
	<b>Public Hearing</b>	<b>December 6, 2012</b>	<b>Pierre</b>
	<b>Finalization</b>	<b>December 6-7, 2012</b>	<b>Pierre</b>

**DEPARTMENT RECOMMENDATION**

**Spring light goose Conservation Order.**

**Season Dates:** February 16 – May 5, 2013

**Open Area:** Statewide

**Daily Limit:** None

**Possession Limit:** None

**Requirements and Restrictions:**

1. With the exception of items 2-5, requirements and restrictions for the Conservation Order are the same as fall waterfowl hunting seasons.
2. The Federal Migratory Bird Hunting and Conservation stamp is not required.
3. The use of electronic calls is allowed.
4. Shotguns may be capable of holding more than three shells.
5. Shooting hours are ½ hour before sunrise to ½ hour after sunset.

**Recommended changes from last year:** None.

**SUPPORTIVE INFORMATION**

Year	Licenses			Geese Harvested	Geese per Hunter
	Resident	Nonresident	Total		
2008	3,330	3,271	6,601	107,137	16.2
2009	2,895	3,621	6,516	116,949	17.9
2010	1,762	2,884	4,646	52,548	11.3
2011	2,503	3,617	6,120	111,355	18.2
2012	2,324	2,494	4,818	108,358	22.5

**APPROVE**      **MODIFY**      **REJECT**      **NO ACTION**

#23

## Proposed 2013 Rates for Angostura Cabins and Shadehill Cabins and Trailers

(Based upon the projected year-end Consumer Price Index as  
reported by the U.S. Bureau of Labor Statistics)

		Angostura Cabins (32 Cabins)	Shadehill (30 cabins and 17 Trailers)	
2013 Rate	CPI (2012) = 2.0%	\$ 810.00	\$ 420.00	
	Total Revenue	\$ 25,920.00	\$ 19,740.00	\$ 45,660.00
2012 Rate	CPI (2011) = 3.2%	\$ 795.00	\$ 410.00	
	Total Revenue	\$ 25,440.00	\$ 19,270.00	\$ 44,710.00
2011 Rate	CPI (2010) = 1.6%	\$ 765.00	\$ 395.00	
	Total Revenue	\$ 24,480.00	\$ 18,565.00	\$ 43,045.00
2010 Rate	CPI (2009) = -0.4%	\$ 765.00	\$ 395.00	
	Total Revenue	\$ 24,480.00	\$ 18,565.00	\$ 43,045.00
2009 Rate	CPI (2008) = 3.8%	\$ 765.00	\$ 395.00	
	Total Revenue	\$ 24,480.00	\$ 18,565.00	\$ 43,045.00
2008 Rate	CPI (2007) = 2.8%	\$ 730.00	\$ 375.00	
	Total Revenue	\$ 23,360.00	\$ 17,625.00	\$ 40,985.00
2007 Rate	CPI (2006) = 3.3%	\$ 710.00	\$ 365.00	
	Total Revenue	\$ 22,720.00	\$ 17,155.00	\$ 39,875.00
2006 Rate	CPI (2005) = 3.5%	\$ 685.00	\$ 350.00	
	Total Revenue	\$ 21,920.00	\$ 16,450.00	\$ 38,370.00
2005 Rate	CPI (2004) = 2.6%	\$ 660.00	\$ 340.00	
	Total Revenue	\$ 21,120.00	\$ 15,980.00	\$ 37,100.00
2004 Rate	CPI (2003) = 2.3%	\$ 645.00	\$ 330.00	
	Total Revenue	\$ 20,640.00	\$ 15,510.00	\$ 36,150.00

25A

## JANUARY- OCTOBER 2012 REVENUE COMPARISON BY PRODUCT

	2011		2012		% Change
	# Sold	\$ Sold	# Sold	\$ Sold	
Annual	42,517	\$ 1,190,469.00	47,985	\$ 1,343,585.10	12.9%
Second Vehicle	13,371	\$ 187,197.00	14,012	\$ 196,171.00	4.8%
Combo	14,404	\$ 604,975.00	17,968	\$ 754,675.00	24.7%
Transferable	789	\$ 47,312.00	923	\$ 55,379.00	17.1%
Daily / Person (\$4)	28,279	\$ 113,116.71	30,842	\$ 123,368.18	9.1%
Daily / Vehicle (\$6)	64,882	\$ 389,291.31	75,564	\$ 453,382.92	16.5%
Unattended Vehicle Daily (\$4)	366	\$ 1,464.00	187	\$ 746.00	-49.0%
Unattended Vehicle Daily (\$10)	1,083	\$ 10,833.95	1,532	\$ 15,317.00	41.4%
Motorcoach Permit	10,937	\$ 32,811.00	6,763	\$ 20,290.00	-38.2%
GSM Annual Trail Pass (\$15)	2,442	\$ 36,636.00	2,494	\$ 37,410.00	2.1%
GSM Daily Trail Pass (\$3)	15,121	\$ 45,363.00	16,651	\$ 49,953.00	10.1%
CSP Temp Daily / Person (\$6)	399	\$ 2,394.00	0	\$ -	-100.0%
CSP Temp Daily / Vehicle (\$15)	125,642	\$ 1,884,634.00	134,458	\$ 2,016,865.00	7.0%
CSP Unattended (\$15)	0	\$ -		\$ 15.00	
Bike Band (\$10)	15,416	\$ 154,160.00	17,682	\$ 176,820.00	14.7%
Rally Bike Band (\$10)	36,439	\$ 364,390.00	38,879	\$ 388,790.00	6.7%
One-Day Special Event	N/A	\$ 9,630.00	N/A	\$ 15,078.00	56.6%
	<u>372,088</u>	<u>\$ 5,074,676.97</u>	<u>405,940</u>	<u>\$5,647,845.20</u>	<u>11.3%</u>
Camping Services Permits		\$ 5,015,692.67		\$ 5,676,746.16	13.2%
Picnic Reservations		\$ 7,583.70		\$ 10,203.40	34.5%
Firewood	30,140	\$ 120,560.20	30,403	\$ 121,612.97	0.9%
		<u>\$5,143,836.57</u>		<u>\$5,808,562.53</u>	<u>12.9%</u>
<b>Totals:</b>		<b>\$10,218,513.54</b>		<b>\$11,456,407.73</b>	<b>12.1%</b>

JANUARY - OCTOBER 2012 REVENUE COMPARISON BY DISTRICT

25b.

Dis Park	2011	2012	% Change	Dis Park	2011	2012	% Change
<b>1 Fort Sisseton</b> Roy Lake Sica Hollow	\$233,335.20	\$240,164.87	2.9%	<b>10 North Point</b> North Wheeler Pease Creek Randall Creek South Shore Whetstone Bay	\$320,158.81	\$475,879.47	48.6%
<b>2 Richmond Lake</b> Mina Lake Lake Louise Fisher Grove Amsden	\$190,024.02	\$214,665.87	13.0%	<b>11 Farm Island</b> West Bend	\$222,378.56	\$359,471.40	61.6%
<b>3 Sandy Shore</b> Hartford Beach Lake Cochrane Pelican South Pickerel Lake	\$421,905.05	\$445,182.60	5.5%	<b>12 Oahe Downstream</b> West Shore Cow Creek Okobojo Point Spring Creek East Shore	\$186,202.94	\$426,423.98	129.0%
<b>4 Oakwood Lakes</b> Lake Poinsett Lake Thompson	\$511,682.36	\$569,807.40	11.4%	<b>13 West Whitlock</b> Lake Hiddenwood East Whitlock Swan Creek Bush's Landing Indian Creek Revheim Bay Little Bend Bob's Landing Walth Bay West Pollock	\$338,957.10	\$351,501.70	3.7%
<b>5 Lake Herman</b> Walkers Point	\$260,576.76	\$243,813.61	-6.4%	<b>14 GSM Trail</b> Bear Butte	\$121,689.12	\$131,943.09	8.4%
<b>6 Snake Creek</b> Platte Creek Burke Lake Buryanek	\$306,083.26	\$366,391.85	19.7%	<b>15 Shadehill</b> Llewellyn Johns Rocky Point	\$247,178.90	\$259,633.70	5.0%
<b>7 Palisades</b> Lake Vermillion Big Sioux	\$505,747.90	\$606,473.51	19.9%	<b>16 Custer</b>	\$4,082,211.78	\$4,327,779.99	6.0%
<b>8 Newton Hills</b> Lake Alvin Union Grove Adams	\$384,431.25	\$402,938.71	4.8%	<b>17 Angostura</b>	\$404,518.77	\$437,334.36	8.1%
<b>9 Lewis &amp; Clark</b> Tabor Sand Creek Springfield Chief White Crane Pierson Ranch	\$1,431,687.76	\$1,557,930.62	8.8%	<b>20 Pierre Office</b>	\$49,744.00	\$39,071.00	-21.5%
				<b>TOTALS:</b>	<u>\$10,218,513.54</u>	<u>\$11,456,407.73</u>	<u>12.1%</u>

25c

## JANUARY - OCTOBER 2012 VISITATION COMPARISON

Dist Park	2011	2012	% Change	Dist Park	2011	2012	% Change
1 Roy Lake	201,413	155,529	-22.8%	9 Lewis & Clark	870,477	903,213	3.8%
Sica Hollow	43,691	18,375	-57.9%	Springfield	78,637	78,930	0.4%
	<u>245,104</u>	<u>173,904</u>	<u>-29.0%</u>	Chief White Crane	117,934	119,042	0.9%
				Pierson Ranch	66,581	67,718	1.7%
2 Richmond Lake	52,035	57,337	10.2%		<u>1,133,629</u>	<u>1,168,903</u>	<u>3.1%</u>
Mina Lake	38,026	42,873	12.7%	10 North Point	64,975	95,802	47.4%
Lake Louise	34,258	35,440	3.5%	North Wheeler	10,371	12,555	21.1%
Fisher Grove	6,448	5,522	-14.4%	Pease Creek	20,469	22,270	8.8%
Fort Sisseton	66,479	74,028	11.4%	Randall Creek	74,759	72,559	-2.9%
	<u>197,246</u>	<u>215,200</u>	<u>9.1%</u>	Ft. Randall Marina	4,914	6,268	27.6%
					<u>175,488</u>	<u>209,454</u>	<u>19.4%</u>
3 Sandy Shore	32,342	36,523	12.9%	11 Farm Island	60,326	139,031	130.5%
Hartford Beach	67,734	74,080	9.4%	West Bend	23,494	27,959	19.0%
Lake Cochrane	31,982	32,669	2.1%		<u>83,820</u>	<u>166,990</u>	<u>99.2%</u>
Pelican South	47,012	61,739	31.3%	12 Oahe Downstream	130,325	340,825	161.5%
Pickerel Lake	53,212	58,031	9.1%	LaFramboise Island	5,585	1,124	-79.9%
	<u>232,282</u>	<u>263,042</u>	<u>13.2%</u>	Cow Creek	209,259	324,817	55.2%
				Okobojo Point	30,602	34,048	11.3%
4 Oakwood Lakes	77,636	73,600	-5.2%	Spring Creek	129,979	122,554	-5.7%
Lake Poinsett	60,631	64,098	5.7%		<u>505,750</u>	<u>823,368</u>	<u>62.8%</u>
Lake Thompson	48,906	59,705	22.1%	13 West Whitlock	67,553	96,066	42.2%
	<u>187,173</u>	<u>197,403</u>	<u>5.5%</u>	Lake Hiddenwood	10,939	13,762	25.8%
				Swan Creek	31,247	32,736	4.8%
5 Lake Herman	91,529	101,980	11.4%	Indian Creek	98,069	83,314	-15.0%
Walkers Point	52,002	52,852	1.6%	Revheim Bay	40,575	36,020	-11.2%
	<u>143,531</u>	<u>154,832</u>	<u>7.9%</u>	West Pollock	25,614	25,107	-2.0%
					<u>273,997</u>	<u>287,005</u>	<u>4.7%</u>
6 Snake Creek	156,333	168,512	7.8%	14 Bear Butte	33,975	33,430	-1.6%
Platte Creek	43,551	58,317	33.9%	Rocky Point	59,153	57,433	-2.9%
Burke Lake	19,160	20,539	7.2%		<u>93,128</u>	<u>90,863</u>	<u>-2.4%</u>
Buryanek	29,130	36,294	24.6%	15 Shadehill	54,387	68,611	26.2%
	<u>248,174</u>	<u>283,662</u>	<u>14.3%</u>	Llewellyn Johns	4,139	3,585	-13.4%
				Little Moreau	5,125	4,946	-3.5%
7 Palisades	61,010	69,495	13.9%		<u>63,651</u>	<u>77,142</u>	<u>21.2%</u>
Lake Vermillion	104,166	123,906	19.0%	16 Custer	1,674,166	1,766,216	5.5%
Big Sioux	59,494	72,530	21.9%		<u>1,674,166</u>	<u>1,766,216</u>	<u>5.5%</u>
Beaver Creek	26,744	29,762	11.3%	17 Angostura	175,383	176,298	0.5%
	<u>251,414</u>	<u>295,693</u>	<u>17.6%</u>		<u>175,383</u>	<u>176,298</u>	<u>0.5%</u>
8 Newton Hills	98,478	102,136	3.7%	<b>TOTALS:</b>	<b>5,897,496</b>	<b>6,583,694</b>	<b>11.6%</b>
Lake Alvin	39,331	40,309	2.5%				
Union Grove	15,964	17,282	8.3%				
Adams	46,961	59,681	27.1%				
Spirit Mound	12,826	14,311	11.6%				
	<u>213,560</u>	<u>233,719</u>	<u>9.4%</u>				

JANUARY- OCTOBER 2012 CAMPING UNIT COMPARISON REPORT BY DISTRICT

25d

Dist	Park	2011 Units	2012 Units	%	Dist	Park	2011 Units	2012 Units	%	
1	Fort Sisseton	1,275	1,493	17.1%	9	Lewis & Clark	36,015	37,586	4.4%	
	Roy Lake	5,894	5,756	-2.3%		Tabor	51	56	9.8%	
	Sica Hollow	169	144	-14.8%		Sand Creek	55	84	52.7%	
	<u>7,338</u>	<u>7,393</u>	<u>0.7%</u>	Springfield		583	1,080	85.2%		
2	Richmond Lake	1,373	1,362	-0.8%		Chief White Crane	8,939	9,587	7.2%	
	Mina Lake	2,380	2,535	6.5%		Pierson Ranch	<u>3,853</u>	<u>4,219</u>	<u>9.5%</u>	
	Lake Louise	1,811	1,887	4.2%			<u>49,496</u>	<u>52,612</u>	<u>6.3%</u>	
	Fisher Grove	57	0	-100.0%		10	North Point	1,707	7,029	311.8%
	Amsden	275	376	36.7%			North Wheeler	178	463	160.1%
	<u>5,896</u>	<u>6,160</u>	<u>4.5%</u>	Pease Creek			1014	1120	10.5%	
3	Sandy Shore	914	909	-0.5%	Randall Creek		6,628	5,747	-13.3%	
	Hartford Beach	3,071	3,677	19.7%	South Shore		159	237	49.1%	
	Lake Cochrane	1,811	1,831	1.1%	Whetstone Bay	0	289			
	Pelican South	3,882	3,729	-3.9%		<u>9,686</u>	<u>14,885</u>	<u>53.7%</u>		
	Pickereel Lake	5,726	5,978	4.4%	11	Farm Island	892	5,687	537.6%	
	<u>15,404</u>	<u>16,124</u>	<u>4.7%</u>	West Bend		<u>6,549</u>	<u>6,457</u>	<u>-1.4%</u>		
4	Oakwood Lakes	7,408	7,580	2.3%		<u>7,441</u>	<u>12,144</u>	<u>63.2%</u>		
	Lake Poinsett	5,178	6,330	22.2%	12	Oahe Downstream	2,312	11,133	381.5%	
	Lake Thompson	4,612	5,435	17.8%		Cow Creek	3310	2699	-18.5%	
	<u>17,198</u>	<u>19,345</u>	<u>12.5%</u>	Okobojo Point		<u>1362</u>	<u>953</u>	<u>-30.0%</u>		
5	Lake Herman	4,940	5,029	1.8%		<u>6,984</u>	<u>14,785</u>	<u>111.7%</u>		
	Walkers Point	2,633	2,807	6.6%	13	West Whitlock	5,133	4,546	-11.4%	
	Lake Carthage	704	611	-13.2%		Lake Hiddenwood	211	278	31.8%	
	<u>8,277</u>	<u>8,447</u>	<u>2.1%</u>	East Whitlock		70	93	32.9%		
6	Snake Creek	8,141	8,566	5.2%		Swan Creek	512	551	7.6%	
	Platte Creek	652	1,274	95.4%		Indian Creek	4,762	5,491	15.3%	
	Burke Lake	81	70	-13.6%		West Pollock	972	927	-4.6%	
	Buryanek	1,151	2,304	100.2%			<u>11,660</u>	<u>11,886</u>	<u>1.9%</u>	
	<u>10,025</u>	<u>12,214</u>	<u>21.8%</u>	14	Bear Butte Lake	834	749	-10.2%		
7	Palisades	3,671	4,008		9.2%		<u>834</u>	<u>749</u>	<u>-10.2%</u>	
	Lake Vermillion	5,700	7,431	30.4%	15	Shadehill	4,183	4,187	0.1%	
	Big Sioux	4,057	4,625	14.0%		Llewellyn Johns	185	231	24.9%	
	<u>13,428</u>	<u>16,064</u>	<u>19.6%</u>	Rocky Point		<u>3709</u>	<u>3906</u>	<u>5.3%</u>		
8	Newton Hills	9,248	9,578	3.6%		<u>8,077</u>	<u>8,324</u>	<u>3%</u>		
	Union Grove	1,256	1,227	-2.3%	16	Custer	<u>42,524</u>	<u>44,344</u>	<u>4.3%</u>	
	<u>10,504</u>	<u>10,805</u>	<u>2.9%</u>			<u>42,524</u>	<u>44,344</u>	<u>4.3%</u>		
				17	Angostura	<u>12,466</u>	<u>13,492</u>	<u>8.2%</u>		
						<u>12,466</u>	<u>13,492</u>	<u>8.2%</u>		
<b>TOTAL FEE AREA</b>										
<b>CAMPER UNITS</b>							237,238	269,773	13.7%	

**WRITTEN CONCISE STATEMENT**

SDCL 1-26-7.1

# 26

This WRITTEN CONCISE STATEMENT was prepared for and adopted by the South Dakota Game, Fish and Parks Commission (COMMISSION) on November 1, 2012, pursuant to request and SDCL 1-26-7.1.

**A. REQUEST FOR WRITTEN CONCISE STATEMENT**

In August 2012 the COMMISSION proposed several amendments to ARSD Chapter 41:06:61 - Mountain Lion Hunting Season which are more completely described in Section B of this Written Concise Statement. Following a public hearing on the proposed amendments held on October 4, 2012, the COMMISSION adopted the proposed rule amendments with revisions.

On September 14, 2012, Tom Huhnerkoch, DVM, RN, of Lead, South Dakota, on his own behalf; on October 2, 2012, Helen J. McGinnis of Harmon, West Virginia, on her own behalf; and on October 8, 2012, Nancy Hilding, on behalf of the Prairie Hills Audubon Society of Western South Dakota Inc., and herself as an individual (PETITIONERS), submitted written requests pursuant to SDCL 1-26-7.1 for a concise statement of reasons for and against the adoption of the rule amendments. (See attached **EXHIBITS 1, 2, and 3**)

SDCL 1-26-7.1 provides:

"Upon adoption of a rule . . . an agency, if requested to do so in writing by an interested person . . . shall issue a written concise statement of the principal reasons for and against the rule's adoption, incorporating therein its reasons for overruling the considerations urged against the rule's adoption or rejection. A copy of the statement shall be served on the members of the Interim Rules Review Committee and the director of the Legislative Research Council."

The above quoted statute does not provide a deadline for serving the written concise statement. However, the COMMISSION (with the assistance of the Department of Game, Fish and Parks (DEPARTMENT)) has attempted to complete,

consider, adopt, and serve the same within a reasonable time following PETITIONERS' requests.

## **B. 2012 PROPOSED RULE AMENDMENTS - ADOPTION**

The rule amendments pertaining specifically to mountain lion harvest limits and establishing a mountain lion hunting unit in Custer State Park as originally proposed and later revised by the COMMISSION are as follows:

**PROPOSED AMENDMENT (original).** Amend ARSD Chapter 41:06:61 as follows: (a) increase the maximum allowable mountain lion harvest from 70 to 100, and increase the female mountain lion harvest limit from 50 to 70; (b) change the season starting date from January 1 to December 26; (c) allow any properly licensed hunter (both landowners and non-landowners) to hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31; (d) close Custer State Park to mountain lion hunting except during established hunting intervals for 162 hunters who possess a valid mountain lion hunting license and a temporary access permit issued by random drawing and free of cost. This structure includes five (5) hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three (3) intervals (7 days in length) with each having 4 access permits (dog hunting allowed). (e) allow use of dogs during specified hunting intervals in Custer State Park.

**PROPOSED AMENDMENT (as revised and adopted by the GFP Commission).** Amend ARSD Chapter 41:06:61 by adopting all of the original proposed amendments revised to add the following: (f) a lion hunter and houndspersons are not allowed to release dogs on tracks indicating multiple lions traveling together; and (g) hunters using dogs must attempt to harvest the first legal mountain lion that the hunter has a reasonable opportunity to harvest, except under the condition where the lion pursued shows obvious signs of lactation.

A NOTICE OF HEARING was published advising the public of the COMMISSION'S original proposed rule amendments, time and place of public hearing, and the manner in which written and oral comments, data, opinion, and arguments could be submitted. The original proposed rule amendments were served upon and reviewed by the Director of the Legislative Research Council prior to the public hearing.

A public hearing was conducted on October 4, 2012, at which time, and prior thereto, the COMMISSION received written and oral comments, data, opinions, and arguments relative to the proposed rule modifications. Attached **EXHIBITS 4** and **5** are copies of the Minutes of the public hearing conducted on October 4, 2012, together with attached written public comments received and considered by the COMMISSION. Following the hearing, the COMMISSION adopted the revised proposal.

### **C. COMMISSION WRITTEN RESPONSE**

SDCL 1-26-7.1 provides that upon request the COMMISSION shall issue a written concise statement of the principal reasons for and reasons against the rule's adoption as well as incorporating therein its reason(s) for overruling the considerations urged against the rule's adoption.

Rather than the COMMISSION attempting herein to summarize the information provided at the public hearing, the COMMISSION advises members of the IRRC and Director of LRC that it is of the belief that Minutes of the public hearing of October 4, 2012, together with the attached copies of the written public comments (See attached **EXHIBITS 4 and 5**) accurately summarize the oral and written comments received from the public and contain the principal reasons for and reasons against the adoption of the proposed rules.

As required by SDCL 1-26-7.1, the COMMISSION hereby submits the following written concise statement which contains the principal reasons for and against the adoption of the amendments to the mountain lion rules (incorporating therein the COMMISSION'S reasons for overruling the considerations urged against the adoption of said amendments):

The Department's objective is to manage mountain lions in the Black Hills entirety as stated in the South Dakota Mountain Lion Management Plan of 2010. The management plan calls for a reduction in the Black Hills mountain lion population. The adjustment to the existing rule increases harvest to reduce the mountain lion population towards the stated objective, without causing irreparable damage to the sustainability of the Black Hills mountain lion population. Adjusting the start date from January 1 back to December 26 lengthens the mountain lion season by six days providing

more opportunity to participate in the mountain lion season when individuals are likely to have time to hunt.

Currently, administrative rule allows landowners outside the Black Hills Fire Protection District to harvest a lion with a valid mountain lion license year around. Allowance of all licensed hunters to harvest a lion outside the Black Hills Fire Protection District establishes a fair and equitable approach for all persons possessing a valid mountain lion license. As stated in the management plan, population management is focused on the Black Hills and the plan further states that the Department will not implement management intended to establish mountain lions in any part of South Dakota outside of the Black Hills region. This change is consistent with the management plan.

Ongoing research by the Department has determined elk calf survival and recruitment to be extremely low within Custer State Park as predation by mountain lions has been a significant mortality factor. To assist in reaching the overall mission and objectives of the Park, which includes higher elk numbers, a limited number of permits (12) that allow the use of dogs to hunt lions will be made available. The anticipated result is a higher lion harvest within the Park, ultimately leading to increased elk numbers due to elevated elk calf survival and recruitment.

To minimize the possibility of orphaning young lions, current administrative rule makes it illegal to harvest a mountain lion with a spotted coat or any lion accompanying another lion. The adopted rules related to the use of dogs to hunt lions parallels the existing rule by not allowing hunters to release dogs on tracks with multiple lions traveling together as well as allowing a hunter to pass on the harvest of a lion if they can observe obvious signs of lactation.

Written and oral testimony both supported and opposed the proposed modifications to the harvest limits, year around hunting outside the Black Hills Fire Protection District, and the use of dogs within Custer State Park. In general, opposition to the harvest limit increase and hunting all year outside the Black Hills for all licensed persons was based on the fear that changes would jeopardize the long term sustainability of the mountain lion population by lowering the population too low and limiting immigration and emigration. Opposition to the use of dogs in Custer

State Park is generally based in differences in philosophy on the appropriate methods of hunting mountain lions. The most common theme from those testifying in favor of the proposed rule modifications was their support of reducing the predation done by mountain lions on the deer, elk, bighorn sheep and mountain goat populations in the Black Hills. Another issue which brought support to the adopted rules is the human-conflict concern.

After full consideration of the opinions expressed in written and oral testimony, the COMMISSION adopted the revised mountain lion harvest limits, the hunting of lions all year by properly licensed hunters outside the Black Hills Fire Protection District, and the limited allowance of hunting lions with dogs in Custer State Park. COMMISSIONERS took this action under the supposition that these rule changes were appropriate given the current population status of mountain lions in South Dakota. Furthermore, COMMISSIONERS believe that the adopted rule changes represented a responsible mountain lion harvest strategy that is consistent with stated mountain lion management objectives of the DEPARTMENT and the COMMISSION.

In summary, the COMMISSION is of the belief that the adopted amendments to the existing permanent rules relating to the mountain lion hunting season address and include appropriate and sound management of mountain lions in South Dakota and will benefit the citizens of South Dakota. The COMMISSION deems the rule amendments to be reasonable and necessary as a proper and legal exercise of its authority granted by the South Dakota Legislature.

RECEIVED

SEP 17 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

September 14, 2012

# 26

Dear Secretary Vonk:

I, Tom Huhnerkoch of Lead, SD, Pursuant to SDCL 1-26-7.1, today request a Concise Statement of Reasons from SDGFP regarding the proposal to change the existing rule, which would allow (both landowners 'and' non-landowners) the right to hunt and kill mountain lions outside the Black Hills year around without any quotas.

This action creates a Unit Two, which has no control over the number of cougars that can be killed or the negative ramifications of such killing. Such an 'unlimited kill zone' will most likely be detrimental to the puma population of SD, including the Hills.

There is no justification for this intended action and I base my query on sound fact and science, not on hearsay or perception.

GFP has little to no knowledge of the status of lions in SD outside the Hills and furthermore has no desire to learn or 'manage' said cats. [Kanta, email, 9-7-12].

There is no need for such action, as the existing law was set up to accommodate landowners regarding protection of their livestock on private or leased lands. There is only negligible livestock encounters or losses, at best and even less human or pet interactions or loss. [Annual Mountain Lion Report, 2011].

However, there 'is' most assuredly overwhelming potential to cause irreparable harm to the mountain lion population here in SD.

GFP has claimed publicly, many times, that they 'manage' for a sustainable cougar population. The stability of a population (sustainability) depends mostly on the female progeny (born here) and on male IMMIGRATION into an area, and 'refuge areas' are a savings account that can contribute to the population stability. [Logan/Sweator, 1999]

- By killing year around in SD coupled with killing now allowed in surrounding states, 'immigration' could very likely be reduced and there will be no safe haven for lions.
- You can not have a sustainable population without immigration. You can not have one without the other and it is well known that the 'lions share' of male recruits to a population are 'immigrants'!

Immigration may well be reduced by reducing the total lion population, in other words, by increasing the potential for killing surrounding an area (Hills), the sources for sustainability can be reduced. [Robinson, Wielgus, et al., 2008]

There is NO good reason to allow hunting of cougars throughout SD year around and there is a high risk of abuse of this change by unscrupulous hunters.

Tom Huhnerkoch, DVM,RN  
21315 Englewood Road  
Lead, SD 57754  
605-584-1958

Signed:

*Tom Huhnerkoch*  
9-14-12

Witness:

*Joyce Ryland, Notary*

MY COMMISSION EXPIRES  
APRIL 1, 2018

# GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

**Commission Meeting Dates:** Public Hearing      October 4, 2012      Deadwood  
Finalization      October 4-5, 2012      Deadwood

**Season Dates:** December 26, 2012 – March 31, 2013

**Open Area:** Statewide

**Licenses:** Unlimited resident only

**Harvest Limit:** 100 mountain lions or 70 female mountain lions (includes Custer State Park)

## **Requirements and Restrictions:**

1. Residents may harvest no more than one (1) mountain lion in a season.
  2. No person may hunt mountain lions with the aid of traps or bait. The use of dogs is allowed in Custer State Park during specified hunting intervals.
  3. Shooting hours are ½ hour before sunrise to ½ hour after sunset.
  4. No mountain lion with a spotted coat (kitten) and no mountain lion accompanying another mountain lion may be harvested.
  5. A person may use an electronic call to hunt mountain lions.
  6. All firearms, muzzleloaders, and archery equipment must meet the same minimum requirements as established in rules for deer hunting.
  7. The Game, Fish, and Parks Commission, by resolution, may authorize the mountain lion season to extend beyond March 31.
  8. All mountain lions harvested within the Black Hills must be presented to a department representative at the Rapid City regional office within 24 hours of harvest for inspection and pelt tagging. Any person who harvests a mountain lion outside of the Black Hills region must present the mountain lion to a conservation officer, wildlife damage specialist, or other department representative within 24 hours of harvest.
  9. Any properly licensed hunter can harvest one mountain lion year round outside the Black Hills Fire Protection District.
- 
1. Increase the total mountain lion harvest limit from 70 to 100 and the female harvest limit from 50 to 70.
  2. Change the season start date from January 1 to December 26.
  3. Any properly licensed hunter (both landowners and non-landowners) may hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31.
  4. Custer State Park is closed to mountain lion hunting except during established hunting intervals for 162 mountain lion licensees who possess a valid mountain lion license and a temporary access permit issued free of cost. This structure includes five (5) hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three (3) intervals (7 days in length) with each having 4 access permits (dog hunting allowed). The temporary access permits may be issued by a random drawing. See attached calendar for length and rotation of hunting intervals.
  5. Make an allowance for the use of dogs during specified hunting intervals in Custer State Park.

*Continued on next page*

Current Folder: **INBOX**

Sign Out

Compose Addresses Folders Options Search Help Calendar

www.Mato.com

Message List | Unread | Delete

Previous | Next

Forward | Forward as Attachment | Reply | Reply All

**Subject:** RE: Proposal?**From:** John.Kanta@state.sd.us**Date:** Fri, September 7, 2012 9:53 am**To:** ccats@mato.com**Priority:** Normal**Options:** View Full Header | View Printable Version | Download this as a file

Tom,

Yes, the proposal by the commission is to open the extension up to any licensed hunter. So while the season is on, ~~anyone can hunt anywhere in the state~~ except national parks, tribal land, etc. Once the season closes, licenses are valid out side of the ~~BH Fire Protection district for the rest of the year~~. Currently we do not have plans to conduct research outside of the Hills. The direction is still to ~~manage~~ for lions in the Hills but ~~no where else in SD~~. Please find the mountain lion mortality list on the website now or at this link:

<http://gfp.sd.gov/wildlife/critters/mammals/mountain-lion-mortality.aspx>  
. Thanks.

John

-----Original Message-----

From: Tom Huhnerkoch [mailto:ccats@mato.com]  
Sent: Wednesday, September 05, 2012 1:48 PM  
To: Kanta, John  
Subject: Proposal?

john: in the past Unit Two was eliminated early on, 2006 i think, only to be replaced a couple years later by 'land owners being able to kill year around' on their lands or leased lands..but now i read the proposal as changing back to Unit Two where 'any' license holder can hunt cougars year around in all of SD excluding just the Hills? is this right? if so, will you have plans to study or research lands other than the Hills? before, your intent was not to 'manage' the landmass of SD..only the Hills would be studied and managed... also, i saw woster had an article with eleven more i think dead cat mortality..i was up to cat number 600, can you send me an update, thanks..drtom

Tom Huhnerkoch, DVM, RN  
Mountain Cats Trust (google)  
21315 Englewood Road  
Lead, SD 57754  
605-584-1958

**Neill, Richard**

---

26

**From:** Helen McGinnis <HelenMcGinnis@frontiernet.net>  
**Sent:** Tuesday, October 02, 2012 2:45 PM  
**To:** Vonk, Jeff  
**Cc:** Neill, Richard  
**Subject:** Request for a Concise Statement of Reasons  
**Attachments:** Request for a Concise Statement of Reasons by HJM 10-02-12.doc

Dear Secretary Vonk,

My request for a Concise Statement of Reasons for allowing unlimited killing of mountain lions outside the Black Hills is attached.

Thanks for the opportunity to comment.

Helen McGinnis  
PO Box 300  
Harman, WV 26270

Helen McGinnis  
PO Box 300  
Harman, WV 26270  
[helenmcginnis@frontiernet.net](mailto:helenmcginnis@frontiernet.net)  
(304) 227-4166

October 2, 2012

Dear Secretary Vonk,

I, Helen McGinnis of Harman, West Virginia, Pursuant to SDCL 1-26-7.1, today request a Concise Statement of Reasons from the South Dakota Department of Game, Fisheries and Parks regarding the proposal to change the existing rule, henceforth allowing all licensed South Dakota hunters to kill mountain lions on the "Prairies" outside the Black Hills year-round for any reason. The Commission proposes to designate the Black Hills as Unit 1, and the rest of the state, Unit 2.

I plan to dedicate the rest of my life to restoration of lion populations in regions of the United States from which they have been extirpated, I have been following and compiling confirmations of lions outside regions with recognized breeding populations since 2001. Some of this information was compiled and posted online in the June 2012 newsletter of the Cougar Rewilding Foundation -

[http://www.easterncougar.org/newltr\\_pdf/crfnew\\_June12.pdf](http://www.easterncougar.org/newltr_pdf/crfnew_June12.pdf)

The Black Hills were the first region to be recolonized by lions and in large part, dispersing Black Hills lions probably were responsible for the subsequent recolonization of the Pine Ridge of NW Nebraska and the Badlands of SW North Dakota. Several dispersers, mostly subadult males, have been documented further east in central North America. One reached the Atlantic Coast in Connecticut. Short of reintroduction, the Black Hills are our best hope for lion recolonization of the Midwest and East.

Allowing year-round, unlimited killing in Unit 2, coupled with the plans of the Commission to designate Unit 1 as a population sink (complementing the decision by the commissioners of the Wyoming Department of Wildlife for their portion of the Black Hills), could destroy any chances of natural recolonization.

I am not aware of a single attack on a human anywhere in South Dakota. Within Unit 1, attacks on livestock and pets have been few. I do not know of any instances of livestock depredation on the Prairies. A study of the stomach and gastrointestinal tracts of 14 cougars killed on the Prairies of North and South Dakota found no livestock remains, only of two housecats.

Thompson, D. J., D. M. Fecske, J. A. Jenks, and A. R. Jarding. 2009. Food habits of recolonizing cougars in the Dakotas: prey obtained from prairie and agricultural habitats. *American Midland Naturalist* 161:69-75.

In view of lack of any evidence that lions in Unit 2 have been involved in any attack on livestock or humans, please tell me why the Commission is considering declaring open season on them.

Thanks for your attention,

Helen J. McGinnis

**Neill, Richard**

---

**From:** Vonk, Jeff  
**Sent:** Monday, October 08, 2012 8:34 AM  
**To:** Neill, Richard  
**Subject:** Fwd: Statement of reason's request  
**Attachments:** statement of reasons mtlion12-rtf.rtf; ATT636539.htm

26

Sent from my iPad

Begin forwarded message:

**From:** Nancy Hilding <[nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)>  
**Date:** October 7, 2012 7:00:42 PM CDT  
**To:** [jeff.vonk@state.sd.us](mailto:jeff.vonk@state.sd.us)  
**Cc:** chuck schlueter <[Chuck.Schlueter@state.sd.us](mailto:Chuck.Schlueter@state.sd.us)>, [mike.kintigh@state.sd.us](mailto:mike.kintigh@state.sd.us),  
[john.kanta@state.sd.us](mailto:john.kanta@state.sd.us), <[tony.leif@state.sd.us](mailto:tony.leif@state.sd.us)>, [rothtk@hotmail.com](mailto:rothtk@hotmail.com),  
[dorisrespectsnothing@yahoo.com](mailto:dorisrespectsnothing@yahoo.com), [jason.glodt@state.sd.us](mailto:jason.glodt@state.sd.us)  
**Subject:** Statement of reason's request

*Nancy Hilding to Secretary Vonk,  
cc to others,*

*Attached find our statement of reasons request, saved as a MSW document on a  
MacIntosh, --  
the text of the attached document is copied to the e-mail. When copying text to e-  
mails, the formatting changes. If you can't open the attached document, let me know  
and I will send it in another format.*

---

Nancy Hilding  
President  
Prairie Hills Audubon Society  
of Western South Dakota, Inc.  
P.O. Box 788  
Black Hawk, SD 57718  
605-787-6466 (phone & fax)

605-787-6779  
phas.wsd@rapidnet.com

Nancy Hilding  
6300 West Elm  
Black Hawk, SD 57718  
nhilshat@rapidnet.com

October 7, 2012

Jeff Vonk  
Department Secretary  
South Dakota Department of Game Fish and Parks  
523 East Capitol Avenue  
Pierre, SD 57501  
605-773-3485  
605-773-6245 (fax)

RE Agency's statement of reasons for adoption or rejection of rule

Dear Mr. Vonk,

South Dakota statute at the Chapter 1-26 on Administrative Procedure and Rules at 1-26-7.1 says:

"1-26-7.1. Agency's statement of reasons for adoption or rejection of rule. Upon adoption of a rule or upon the rejection of a petition filed pursuant to § 1-26-13, an agency, if requested to do so in writing by an interested person either prior to adoption or rejection or within thirty days thereafter, shall issue a written concise statement of the principal reasons for and against the rule's adoption, incorporating therein its reasons for overruling the considerations urged against the rule's adoption or

rejection. A copy of the statement shall be served on the members of the Interim Rules Review Committee and the director of the Legislative Research Council."

Pursuant to 1-26-7.1 Prairie Hills Audubon Society of Western South Dakota Inc and Nancy Hilding, as an individual, request status as "interested persons" and request that the South Dakota Department of Game Fish and Parks write a statement of principal reasons for and against the Game, Fish and Parks Commission's, adoption of all amendments to ARSD 41:06:61 that were approved on Friday October 5th, 2012 in Deadwood, SD. The rule being revised pertains to the Mountain Lion Hunting Season, for the Black Hills Fire Protection District, Custer State Park and Prairie (an area outside the Fire Protection District).

The Department should incorporate there in its reasons for overruling the considerations urged against adoption of the rule revision and serve such statement on the Interim Rules Review Committee and the director of the Legislative Research Council as directed in 1-26-71.

Prairie Hills Audubon Society of Western South Dakota (Prairie Hills Audubon Society) is a South Dakota non-profit corporation. Nancy Hilding is a resident of South Dakota, who lives in Meade County at 6300 West Elm, Black Hawk, SD, 57718. Members of Prairie Hills Audubon Society and Nancy Hilding, use the public lands to be impacted by this rule revision for recreation, own property in SD and also care about the wildlife and biodiversity of SD, which will be impacted by the rule revision.

Sincerely,

Nancy Hilding  
President  
Prairie Hills Audubon Society

--

Nancy Hilding  
6300 West Elm  
Black Hawk, SD 57718

605-787-6466 phone and fax and voice mail and internet hook up  
605-787-6779 alternate phone  
I have call waiting and "no answer" may mean both lines in use  
(call before faxing)

[nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)

Nancy Hilding  
President  
Prairie Hills Audubon Society  
of Western South Dakota, Inc.  
P.O. Box 788  
Black Hawk, SD 57718  
605-787-6466 (phone & fax)  
605-787-6779  
[phas.wsd@rapidnet.com](mailto:phas.wsd@rapidnet.com)

Nancy Hilding  
6300 West Elm  
Black Hawk, SD 57718  
[nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)

October 7, 2012

Jeff Vonk  
Department Secretary  
South Dakota Department of Game Fish and Parks  
523 East Capitol Avenue  
Pierre, SD 57501  
605-773-3485  
605-773-6245 (fax)

RE Agency's statement of reasons for adoption or rejection of rule

Dear Mr. Vonk,

South Dakota statute at the Chapter 1-26 on Administrative Procedure and Rules at 1-26-7.1 says:

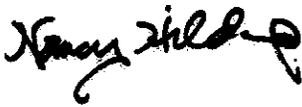
"1-26-7.1. . Agency's statement of reasons for adoption or rejection of rule. Upon adoption of a rule or upon the rejection of a petition filed pursuant to § 1-26-13, an agency, if requested to do so in writing by an interested person either prior to adoption or rejection or within thirty days thereafter, shall issue a written concise statement of the principal reasons for and against the rule's adoption, incorporating therein its reasons for overruling the considerations urged against the rule's adoption or rejection. A copy of the statement shall be served on the members of the Interim Rules Review Committee and the director of the Legislative Research Council."

Pursuant to 1-26-7.1 Prairie Hills Audubon Society of Western South Dakota Inc and Nancy Hilding, as an individual, request status as "interested persons" and request that the South Dakota Department of Game Fish and Parks write a statement of principal reasons for and against the Game, Fish and Parks Commission's, adoption of all amendments to ARSD 41:06:61 that were approved on Friday October 5<sup>th</sup>, 2012 in Deadwood, SD. The rule being revised pertains to the Mountain Lion Hunting Season, for the Black Hills Fire Protection District, Custer State Park and Prairie (an area outside the Fire Protection District).

The Department should incorporate there in its reasons for overruling the considerations urged against adoption of the rule revision and serve such statement on the Interim Rules Review Committee and the director of the Legislative Research Council as directed in 1-26-71.

Prairie Hills Audubon Society of Western South Dakota (Prairie Hills Audubon Society) is a South Dakota non-profit corporation. Nancy Hilding is a resident of South Dakota, who lives in Meade County at 6300 West Elm, Black Hawk, SD, 57718. Members of Prairie Hills Audubon Society and Nancy Hilding, use the public lands to be impacted by this rule revision for recreation, own property in SD and also care about the wildlife and biodiversity of SD, which will be impacted by the rule revision.

Sincerely,

A handwritten signature in black ink that reads "Nancy Hilding". The signature is written in a cursive style with a small flourish at the end.

Nancy Hilding  
President  
Prairie Hills Audubon Society

Signed on behalf of the Society and Nancy Hilding as an individual.

RECEIVED

OCT 25 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

PETITION

#  
27

To SDGFP and Secretary Jeff Vonk:

Today, October 23, 2012, I request [Pursuant to 1-26-13] the repeal of a portion of the Proposed Amendment (Rule change), recently finalized by the GFP Commission relating to [41: 06: 61].

The Rule change I question and petition is listed as No.3 under recommended changes in GFP's Finalization statement, passed on October 5, 2012 in Deadwood, SD.

The unnecessary, unjustified and questionable change proposed which is capable of causing 'irreparable harm' to our Black Hills mountain lion population states:  
"Any properly licensed hunter (both landowners and non-landowners) may hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31".

This change establishes a 'year around', 'unlimited kill quota' for the whole state of SD, which no doubt will negatively impact the immigration and emigration of cougars. Those affected will be those trying to leave this area for historic ranges and more importantly, those trying to come 'into' the Hills who supply the cats undeniably needed to maintain the sustainability of our Black Hills population of this invaluable species.

Although, GFP claims, 'there is no evidence to suggest that increased harvest of lions on the prairies of SD will impact the sustainability of lions in the Black Hills' (Lindbloom, email) they ignore a number of known facts:

SD does not and apparently will not ever study or research anywhere in SD 'outside' of the Hills, hence they are ignorant of what in fact is the status of or the goings on in said 'prairies'.

Two of the farthest migrations known for cougars on record, both originating from our Hills (Oklahoma and Chicago) and others venturing across the Mississippi, as far as the east coast, were all in an 'eastward' direction across the SD prairies! -The operative word here is 'eastward'.

Finally, simple logic allows us to conclude that immigration 'to' the Hills will be down since most all surrounding states now hunt or soon will and Wyoming treats what once was considered our best 'source' for replacements as a 'sink', where more animals are killed than can be produced or replaced.

I submit this Petition in good faith and am sincerely yours, Tom Huhnerkoch.

Tom Huhnerkoch, DVM,RN  
21315 Englewood Road  
Lead, SD 57754

Signed:   
October 23, 2012

**From:** [Schlueter, Chuck](#)  
**To:** [Ascher, Debra](#)  
**Subject:** FW: Rebuttal from Commission Meeting,  
**Date:** Tuesday, October 09, 2012 8:01:24 AM

---

**From:** Nancy Hilding [mailto:[nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)]  
**Sent:** Thursday, October 04, 2012 4:51 PM  
**To:** GFP Wild Info; Schlueter, Chuck  
**Cc:** [nhilshat-rapidnet.com](mailto:nhilshat-rapidnet.com)  
**Subject:** Rebuttal from Commission Meeting,

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD 57718

Nancy Hilding  
6300 West Elm  
Black Hawk, SD 57718  
October 4th,

Game, Fish and Parks Commission,

Then public record closes at the end of the hearing.

I wish to add this rebuttal,

Folks are blaming the mountain lion for elk, deer, big horn, porcupine, big horn sheep and mountain goat attrition. I ask GFP to review GFP past and current hunting policy for these species.

Porcupine is a varmint with unlimited hunting.

Big horn sheep had population problems before the mountain was introduced, and have many problems especially disease brought in by domestic sheep.

Mountain Goats are not native and are introduced, but were seriously overhunted in the past.

Elk and deer have been seriously over hunted. The FS makes choices in habitat management (thermal and hiding cover) and forage share with elk and deer . It makes choices with roads that disturb elk habitat security.

Lions can be blamed for previous and continuous cumulative actions to benefit humans.

Hunting is done in SD by residents and non-residents who all have interest in our hunting season.

The landowner of the Black Hills in the American public, and while South Dakotans are subset of

that population, they are not the entire owners. Wildlife watchers come from around the state and outside the state. Many people use SD wildlife and they are not all SD residents. Out of state people own the land that feeds and provides lion habitat

Sincerely

Nancy Hilding.

=====

Nancy Hilding

[nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)

605-787-6779

605-787-6466

Ascher, Debra

---

**Subject:** Comment - sd petition trapping - Jim

# 28  
Comments  
received  
(2)

**From:** Jim [mailto:graco71717@yahoo.com]

**Sent:** Saturday, October 13, 2012 9:58 AM

**To:** Ascher, Debra

**Subject:** sd petition trapping

As a south dakota resident / trapper I do not agree with equal rights between res and non-res trapping. As long as other states are shutting out non res .( minnesota). There is a season in place right now for non res and I believe it is more than fair .

Ascher, Debra

---

**Subject:** Comment - SD Non Resident Trapping Laws - Harry Ladner Jr

-----Original Message-----

**From:** [harryladner@itctel.com](mailto:harryladner@itctel.com) [mailto:[harryladner@itctel.com](mailto:harryladner@itctel.com)]

**Sent:** Monday, October 22, 2012 7:34 AM

**To:** Ascher, Debra

**Subject:** SD Non Resident Trapping Laws

Dear Debra,

There is a petition being sent to South Dakota Department of Game, Fish, And Parks Mr. Jeffrey R. Vonk, Department Secretary, Foss Building, 523 East Capitol Pierre, South Dakota 57501-3182. Concerning NON RESIDENT Trapping regulations. It challenges the states decision on Non Resident Trapping Laws. I totally oppose this petition. I believe it is the States right to decide on Non Resident Trapping regulations. Which I feel are in a fair nature. The State of Minnesota does not allow Non Resident Trapping at all. I feel that in the light of the situation ALL Non Resident Trapping should be Banned. Follow in Minnesotas footsteps to keep the fubearer Harvest within the State Boundaries. Please feel free to forward this E-Mail to Mr. Vonk.

Thank You for your time,

Harry Ladner Jr.  
Hamlin County

RECEIVED

OCT 22 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

# 28  
Petitions  
Received

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to **repeal, in its entirety**, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", **which currently** reads, "Notwithstanding the season dates established in this chapter, **no nonresident** may take any mink or weasel from February 1 to the Friday preceding the **first Saturday** of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations

that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,



Robert Wadde II

Rt. 2 Box 27

Memphis Mo. 63535

RECEIVED

OCT 22 2012

Mr. Robert Wendt  
4499 N. 400 E.  
Greenfield, IN 46140

Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

October 16, 2012

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that **Administrative Rule Articles 41:08:01:01** "Mink and weasel hunting and trapping season established", **41:08:01:02** "Muskrat trapping season established", **41:08:01:07** "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", **41:08:01:08** "Beaver trapping and hunting season established in West River – Exception", **41:08:01:08:01** "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", **41:08:01:04:01** "Muskrat hunting season", and **41:08:01:08:02** "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise -- by design -- in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles **41:08:01:08.02**, **41:08:01:08.01**, **41:08:01:08**, **41:08:01:07**, **41:08:01:02**, **41:08:01:04.01** and **41:08:01:01** to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

 Robert Wendt D.V.M

Robert Wendt D.V.M

4499 N. 400 EAST  
GREENFIELD INDIANA 46140

317-326-4670

RECEIVED

OCT 22 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks October 16, 2012

Mr. Jeffrey R. Vonk, Department Secretary

Foss Building

523 East Capitol

Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood,

occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,



Nick Zirkelbach

12005 Edinburgh Rd  
Center Junction IA 52212

RECEIVED

OCT 22 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

Mr. Ronald Sheldon  
1520 – 3 Mile Rd NE  
Grand Rapids, MI 49505

South Dakota Department of Game, Fish, And Parks  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

October 16, 2012

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that **Administrative Rule Articles 41:08:01:01** "Mink and weasel hunting and trapping season established", **41:08:01:02** "Muskrat trapping season established", **41:08:01:07** "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", **41:08:01:08** "Beaver trapping and hunting season established in West River – Exception", **41:08:01:08:01** "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", **41:08:01:04.01** "Muskrat hunting season", and **41:08:01:08:02** "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles **41:08:01:08.02**, **41:08:01:08.01**, **41:08:01:08**, **41:08:01:07**, **41:08:01:02**, **41:08:01:04.01** and **41:08:01:01** to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,



Ronald Sheldon

Gary L Mills M.A.  
804 2<sup>nd</sup> St. NW  
Byron, MN. 55920

---

South Dakota Department of Game, Fish, And Parks October 12th, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

**RECEIVED**

**OCT 15 2012**

Dept. of Game, Fish & Parks  
Pierre, SD 57501

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

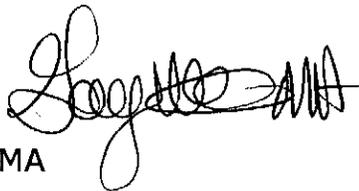
Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also

protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

I further understand that until Minnesota changes the law on non-resident trapping, to make it reciprocal, I will not be able to trap South Dakota. Many trappers from Minnesota would like to see this change (to reciprocal) so we may trap many other states if we do choose (That is the great thing about America, the freedoms we are so due.). We trappers in Minnesota are working hard to get this law changed. At that time I would like equal opportunities to trap South Dakota as much as non-residents to Minnesota to be able to trap Minnesota as an equal with residents.

Respectfully

A handwritten signature in black ink, appearing to read "Gary L. Mills MA". The signature is stylized and cursive, with a long horizontal stroke at the end.

Gary L. Mills MA

10-13-12

Steve Cherkas  
25265 State Hwy EE  
Maryville, Mo 64468

RECEIVED  
OCT 16 2012  
Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks ~~October 16, 2012~~  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause",

and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully

A handwritten signature in black ink, appearing to read "Steve Cherkas". The signature is fluid and cursive, with the first name "Steve" and last name "Cherkas" clearly distinguishable.

Steve Cherkas

**From:** [arrowsko@mchsi.com](mailto:arrowsko@mchsi.com)  
**To:** [Ascher, Debra](#)  
**Subject:** Petition to challenge SD Nonresident Restriction  
**Date:** Sunday, October 14, 2012 5:51:57 PM

---

South Dakota Department of Game, Fish, And Parks October 14, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of

regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Kelly L Peterson  
103 Valley Heights Road  
Blue Grass, Iowa 52726

**From:** GLENN SOTONA  
**To:** Ascher, Debra  
**Subject:** Nonresident Restrictions  
**Date:** Monday, October 15, 2012 7:20:35 PM

---

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the

Privileges and Immunities Clause”, and that, “A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny.” It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 “Nonresident Restrictions”, has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota’s resident commercial trappers and hunters.

Furthermore, after researching the “2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011” it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 “Nonresident Restrictions”, and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Glenn Sotona  
Iron River Wi.

**RECEIVED**

**OCT 18 2012**

**Dept. of Game, Fish & Parks  
Pierre, SD 57501**

October 15, 2012

South Dakota Department of Game, Fish, And Parks  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

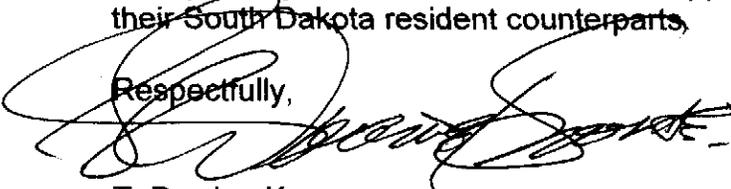
After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity

that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts,

Respectfully,



T. Dwaine Knouse

Pella, Iowa 50219

711 Hallmark Road

RECEIVED

OCT 15 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause

of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

  
Bob Moehinski  
P.O. Box 536  
Winsted, MN  
55395

RECEIVED

OCT 17 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and

hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,  
James Blakley  
PO. box 177  
Pine Island , MN. 55963

A handwritten signature in black ink, appearing to read 'J. Blakley', with a stylized flourish at the end.

10-12-12

**From:** [Tipton, Todd](#)  
**To:** [Ascher, Debra](#)  
**Subject:** Please  
**Date:** Monday, October 15, 2012 6:17:09 PM

---

Todd J. Tipton  
1416 N 123 Street  
Omaha, NE 68154

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Todd J. Tipton

The information in this message may be proprietary and/or confidential, and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify First Data immediately by replying to this message and deleting it from your computer.

**From:** trapntrade  
**To:** Ascher, Debra  
**Subject:** Emailed Post(s) from Trapperman.com Forums  
**Date:** Monday, October 15, 2012 10:27:53 AM

No need to reply to this email.

Hello,

trapntrade has forwarded you a post or group of posts from Trapperman.com Forums

Included note:

I would like my name added to the pro trapping initiative.

Bryan Jones trapntrade@aol.com

*P.O. Box 243, Roberts, Idaho 83444*

To read this topic, click [this link](#)

The selected thread posts follow:

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01

"Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

This is a pro trapping initiative that will benefit all trappers - resident and nonresident alike - and has nothing to do with a state's right to manage their wildlife resources within their borders because this petition challenging South Dakota's nonresident restrictions is about your right to work and ply your trade as guaranteed all trappers under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution. Please take the time to read the petition, place your return address on it, sign it, and either mail it to the South Dakota Department of Game, Fish, and Parks, or e-mail it to Debra.Ascher@state.sd.us before October 30. The SD Game, Fish, and Parks will consider this petition on November 1, 2012 at their regularly scheduled meeting that begins at 1:00 pm. If you have any questions or concerns please pm me.

This email sent to you because your profile and/or board configuration allow it.  
You may change your preferences at any time.

**From:** calcook44  
**To:** Ascher, Debra  
**Cc:** "calcook44"  
**Subject:** Petition  
**Date:** Saturday, October 13, 2012 12:05:19 PM

---

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04:01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges

and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 “Nonresident Restrictions”, doesn’t completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that “a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause”, and that, “A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny.” It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 “Nonresident Restrictions”, has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota’s resident commercial trappers and hunters.

Furthermore, after researching the “2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011” it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 “Nonresident Restrictions”, and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,  
Calvin Cook  
524 Heritage Way,  
Farmington, MN.  
55024

**From:** Jack Dodson  
**To:** Ascher, Debra  
**Subject:** Petition  
**Date:** Monday, October 15, 2012 8:14:59 AM

---

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or

avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 “Nonresident Restrictions”, doesn’t completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that “a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause”, and that, “A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny.” It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 “Nonresident Restrictions”, has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota’s resident commercial trappers and hunters.

Furthermore, after researching the “2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011” it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 “Nonresident Restrictions”, and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,  
Jack Dodson  
P.O. Box 1172  
Monticello KY  
42633  
606-348-8067

**From:** walleyed  
**To:** Ascher, Debra  
**Subject:** Emailed Post(s) from Trapperman.com Forums  
**Date:** Monday, October 15, 2012 8:59:08 AM

No need to reply to this email.

Hello,

walleyed has forwarded you a post or group of posts from Trapperman.com Forums

Included note:

Bob Jordan #  
6621 NYS Route 3  
Henderson NY 13560  
To read this topic, click [this link](#)

The selected thread posts follow:

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,  
Bob Jordan

This email sent to you because your profile and/or board configuration allowed.  
You may change your preferences at any time.

**From:** Nations, Richard L SFC MIL NG MS ARNG  
**To:** Ascher, Debra  
**Subject:** Administrative Rules Article 41:08:01:12  
**Date:** Saturday, October 13, 2012 3:15:08 PM

---

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their

occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Richard Nations  
1403 Tanglewood Drive  
Clinton, MS  
601-863-6838

**From:** Gary  
**To:** Ascher, Debra  
**Date:** Monday, October 15, 2012 1:09:35 PM

---

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of fur bearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to

practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting fur bearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting fur bearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable fur bearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Fur bearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of fur bearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Gary Mather  
648 S. Maine St .  
Oregon WI 53575

**RECEIVED**

**OCT 18 2012**

**Dept. of Game, Fish & Parks  
Pierre, SD 57501**

Larry Lidgett, Jr.  
912 Military Avenue  
Council Bluffs, IA 51503

October 12, 2012

South Dakota Department of Game, Fish, And Parks October 16, 2012

Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District – Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River – Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established – Hunting season restrictions – Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Larry Lidgett, Jr.

A handwritten signature in black ink, appearing to read "Larry Lidgett, Jr.", written in a cursive style. The signature is positioned to the right of the typed name "Larry Lidgett, Jr." and partially overlaps it.

**RECEIVED**

**OCT 19 2012**

**Dept. of Game, Fish & Parks  
Pierre, SD 57501**

South Dakota Department of Game, Fish, And Parks October 10, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04:01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

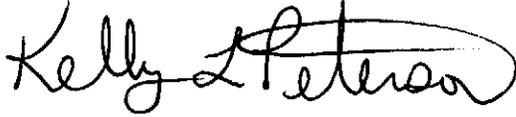
After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizen's ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations; and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is

my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

A handwritten signature in black ink that reads "Kelly L Peterson". The signature is written in a cursive style with a large, sweeping flourish over the last name.

Kelly L Peterson  
103 Valley Heights Road  
Blue Grass, IA 52726

Dallas Greenwood  
440213 E. 320 Rd  
Big Cabin, OK 74332

RECEIVED

OCT 26 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04:01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizen's ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,



RECEIVED

OCT 29 2012

Dept. of Game, Fish & Parks  
Pierre, SD 57501

South Dakota Department of Game, Fish, And Parks October 10, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

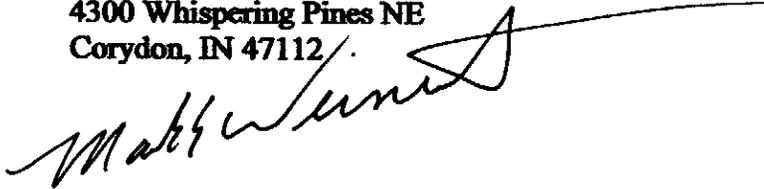
Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully

---

Mark E. Wernert  
4300 Whispering Pines NE  
Corydon, IN 47112

A handwritten signature in cursive script, appearing to read "Mark E. Wernert", written over a horizontal line that extends across the page.

South Dakota Department of Game, Fish, And Parks  
 Mr. Jeffrey R. Vonk, Department Secretary  
 Foss Building  
 523 East Capitol  
 Pierre, South Dakota 57501-3182

**RECEIVED**

**OCT 29 2012**

Dept. of Game, Fish & Parks  
 Pierre, SD 57501

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug

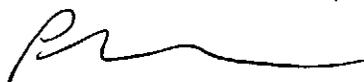
2011" It is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully

Phillip S. Brown  
5737 Meadville Rd  
Gap, PA 17527

I trapped in South Dakota in the spring of 2011, and had a very good time. Was well received by the South Dakota residents I trapped on and near

Thank you very much



[No Subject]

Show Details

South Dakota Department of Game, Fish, And Parks October 16, 2012  
 Mr. Jeffrey R. Vonk, Department Secretary  
 Foss Building  
 1000 East Capitol  
 Pierre, South Dakota 57501-3182

**RECEIVED****OCT 29 2012**

Dept. of Game, Fish & Parks  
 Pierre, SD 57501

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04:01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Doug Ozment  
 110 Grant 72

Sheridan, Ar 72150

[No Subject]

Show Details

South Dakota Department of Game, Fish, And Parks October 16, 2012  
 Mr. Jeffrey R. Vonk, Department Secretary  
 Foss Building  
 523 East  
 Pierre, South Dakota

**RECEIVED**  
**OCT 29 2012**  
 Dept. of Game, Fish & Parks  
 Pierre, SD 57501

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04:01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in order to implicate the Privileges and Immunities Clause", and that, "A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny." It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", has taken part in a calculated exercise - by design - in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota's resident commercial trappers and hunters.

Furthermore, after researching the "2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011" it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 "Nonresident Restrictions", and amending Administrative Rule Articles 41:08:01:08:02, 41:08:01:08:01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04:01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

Crystal Ozment  
 110 Grant 72

Sheridan, Ar 72150

**From:** [David Countryman](#)  
**To:** [Ascher, Debra](#)  
**Subject:** Nonresident trapping regulations  
**Date:** Saturday, October 27, 2012 10:11:56 AM

---

South Dakota Department of Game, Fish, And Parks October 16, 2012  
Mr. Jeffrey R. Vonk, Department Secretary  
Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

Dear Mr. Vonk,

As per South Dakota's Codified Laws, Chapter 1-26 "Administrative Procedure and Rules, Section 1-26-13, I am formally petitioning the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks to repeal, in its entirety, Administrative Rule Article 41:08:01:12 "Nonresident restrictions", which currently reads, "Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 to the Friday preceding the first Saturday of December, inclusive, or take any muskrat, beaver, or raccoon from March 16 to the Friday preceding the first Saturday of December, inclusive, or take any bobcat from February 16 to the Friday preceding the second Saturday of January, inclusive. No nonresident may use a dog as an aid in the taking of a raccoon."

I am requesting that Administrative Rule Articles 41:08:01:01 "Mink and weasel hunting and trapping season established", 41:08:01:02 "Muskrat trapping season established", 41:08:01:07 "Beaver trapping and hunting season established in East River and Black Hills Fire Protection District - Exception", 41:08:01:08 "Beaver trapping and hunting season established in West River - Exception", 41:08:01:08:01 "Bobcat trapping and hunting season established - Hunting season restrictions - Tagging requirements", 41:08:01:04.01 "Muskrat hunting season", and 41:08:01:08:02 "Skunk, opossum, fox, raccoon, and badger trapping and hunting season established", be amended to be all inclusive and apply equally to all commercial trappers and hunters, resident and nonresident alike. This would provide nonresident commercial trappers and hunters with at least partial parity with their resident South Dakota counterparts.

After extensive and diligent research of numerous rulings and judicial opinions by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and several lower courts, it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks is violating my rights as guaranteed me under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.

Trapping and hunting of furbearing and predatory animals and the subsequent selling of their pelts and animal by-products, and having them enter into the interstate, as well as the international, commerce system is a commercial activity that is protected by the Privileges and Immunities Clause of Article IV. The courts have ruled that the Privileges and Immunities Clause protects not only the right of any citizen to live and work where he will; to earn his livelihood by any lawful calling, and to pursue any livelihood, occupation, or avocation, it also protects nonresidents against discriminatory regulations that interfere with a citizens ability to practice their occupation or avocation, to ply their trade, or pursue a common calling within the State. While Administrative Rule, Article 41:08:01:12 "Nonresident Restrictions", doesn't completely exclude nonresident commercial trappers from trapping and hunting furbearers and predators within the State of South Dakota, the courts have ruled that "a wholesale bar has never been required in

order to implicate the Privileges and Immunities Clause”, and that, “A statutory scheme that places nonresidents at a competitive disadvantage for purposes of a common calling is sufficient to implicate Privileges and Immunities scrutiny.” It is my contention, and the various court rulings and opinions I have researched support my contention, that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks, by creating, enacting, and enforcing Administrative Rule, Article 41:08:01:12 “Nonresident Restrictions”, has taken part in a calculated exercise – by design – in economic protectionism by creating a two-tiered system of regulations for trapping and hunting furbearing and predatory animals that deliberately denies me equal opportunity to commercially harvest your renewable furbearer and predatory species populations, and intentionally places me at a competitive disadvantage compared to South Dakota’s resident commercial trappers and hunters.

Furthermore, after researching the “2010-11 Furbearer Harvest Projections; Revised 2 Aug 2011” it is my opinion that the South Dakota Wildlife Commission and the South Dakota Department of Game, Fish, And Parks have absolutely no biological, or financial, justification for not repealing Administrative Rule Article 41:08:01:12 “Nonresident Restrictions”, and amending Administrative Rule Articles 41:08:01:08.02, 41:08:01:08.01, 41:08:01:08, 41:08:01:07, 41:08:01:02, 41:08:01:04.01 and 41:08:01:01 to include, and apply to, both nonresident and resident commercial trappers and hunters of furbearing and predatory species, thus granting nonresident commercial trappers and hunters partial parity with their South Dakota resident counterparts.

Respectfully,

David W. Countryman  
4606 Westbend Drive  
Ames, Iowa 50014

This has nothing to do with a state's right to manage their wildlife resources within their borders because this petition challenging South Dakota's nonresident restrictions is about the right to work and ply a trade as guaranteed under the auspices of the Privileges and Immunities Clause of Article IV of the United States Constitution.