

# Guidelines to Nominate Species for Listing as State Threatened or Endangered or to Reclassify Currently Listed Species Under South Dakota's State Endangered Species Law

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**Nominations must be submitted to [StatusReviews@state.sd.us](mailto:StatusReviews@state.sd.us) by December 31, 2020.**

**Introduction:** This document is intended to provide guidance on the type of information needed to evaluate potential listing or status changes. GFP anticipates that this opportunity will be offered biennially to coincide with the GFP Commission's review of the state list of threatened and endangered species. This public input opportunity does not establish new rules or regulations pertaining to state threatened or endangered species and has no associated appeal process.

**Background:** South Dakota's endangered species law\* was designed to identify species that need protection from take aside from legally authorized purposes, such as research, education, or propagation. The law does not provide associated habitat protections or limit land use. Only direct take of individuals is prohibited. Species listed as state threatened or endangered may benefit from specific monitoring and recovery actions by SD Game, Fish and Parks (GFP) and its cooperators. The GFP Commission has the authority to make changes, such as adding or removing species, changing classifications, and updating taxonomy. In general, GFP has been conservative in listing species under this law, particularly species with ranges that barely extend into the state and species that have always been limited in distribution due to dependence on extremely rare or unique habitats. GFP's emphasis on rare species conservation centers around voluntary partnerships to enhance native habitats to benefit all fish and wildlife species, such as through various landowner partner programs and activities that implement South Dakota's Wildlife Action Plan\*\*.

(1) Nominations. The nomination should address the following elements:

(A) Description and historical summary - a literature review pertinent to the species:

- (i) Taxonomy - common and scientific names; explanation of any disputes regarding the classification.
- (ii) Brief description - identifying features that best distinguish it from similar taxa.
- (iii) Habitat requirements - emphasizing those most critical to survival.
- (iv) Food habits, reproductive parameters, social structure, diseases, parasites or other factors that may affect survival.
- (v) Past and present distribution and abundance, with an emphasis on South Dakota.
- (vi) Description of status and range of present habitat and changes from past habitat, especially in South Dakota.

(B) Documentation of existing and potential threats to the species' survival in South Dakota.

(C) Recommended action:

(i) List the species as state endangered or threatened.

(ii) Reclassify the species from state threatened to state endangered or vice versa.

(iii) Delist the species from the current list of threatened or endangered species.

(D) Nominator's name, address and experience and knowledge of the species at hand.

(2) Review. After a nomination is received, it will be reviewed by GFP and selected species authorities. If a nomination does not contain sufficient supportive information, the nomination's submitter may be contacted and given the opportunity to correct the deficiency by a specified deadline. Nominations will be reviewed for information pertaining to distribution extent and trends, abundance, and factors that threaten its long-term sustainability in the state. If favorably reviewed by agency personnel and selected species authorities, GFP may make a recommendation to the GFP Commission for appropriate action, which may include:

(A) Listing as state threatened,

(B) Listing as state endangered,

(C) Reclassification from state threatened to endangered, or vice versa, or

(D) Delisting from the current list of state threatened or endangered species.

(3) Definitions. The following are the legal definitions for endangered and threatened species and wildlife. Reference to a species' range pertains to its range within the state.

(A) Endangered species: Any species of wildlife or plants which is in danger of extinction throughout all or a significant part of its range other than a species of insects determined by the Game, Fish and Parks Commission or the secretary of the United States Department of Interior to constitute a pest whose protection under this chapter would present an overwhelming and overriding risk to man.

(B) Threatened species: Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

(C) Wildlife: Any nondomesticated animal, whether reared in captivity or not, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

Source: SDCL 34A-8-1

### **Information sources and GFP staff involvement:**

GFP has limited information on many rare species. Much of the information GFP has collected or funded through contracting is available at the Wildlife Action Plan Explorer website: [https://apps.sd.gov/gf43wap/?\\_ga=2.247746567.1238390264.1598299412-1611200784.1596743529](https://apps.sd.gov/gf43wap/?_ga=2.247746567.1238390264.1598299412-1611200784.1596743529).

Other potential information sources include published scientific literature and books; relevant websites; natural resource agencies, such as the U.S. Fish and Wildlife Service, U.S. Geological Survey, Forest Service, Bureau of Land Management, National Park Service, tribal fish and game agencies; and non-governmental entities that have conducted research or monitoring in South Dakota.

GFP staff will not complete nominations on behalf of the public or provide speculative information to assist in nominations. Nominations should include appropriate literature citations that support the information presented. Comprehensive, general literature should not be submitted, as it will not be reviewed and interpreted on behalf of the submitter.

\*[https://sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=34A-8](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=34A-8)

\*\*<https://gfp.sd.gov/wildlife-action-plan/>