



## **AGENDA - Revised**

### **Game, Fish and Parks Commission**

June 4, 2020

Via Zoom or Conference Call

Livestream link <https://www.sd.net/remote1/>

Due to concerns regarding COVID-19, this meeting will be held via livestream with the Commission, staff and public participating via zoom. To listen to the entire meeting at 1:00 p.m. CT on June 4th, livestream can be found at <https://www.sd.net/>.

The open forum will begin at 2:00 p.m. CT as there is no public hearing for this meeting. The conference call number available for the public to call in starting at 2:00 p.m. CT to provide comments is you can dial in via conference call or join via zoom.

Click on the link below to join Zoom Meeting. Depending on the application you use you may be required to enter the meeting ID and password. Remember to Mute your microphone. To help keep background noise to a minimum, make sure you mute your microphone when you are not speaking.

Join Zoom Meeting

<https://state-sd.zoom.us/j/94832764870?pwd=Q0s1Z1FqeTVXem0xeHdibTIKOWJ5dz09>

Meeting ID: 948 3276 4870 Password: 782275

Join Conference Call

If you would prefer to just call in dial: 1 669 900 9128 and enter this Meeting ID: 948 3276 4870

Written comments can still be submitted at <https://gfp.sd.gov/forms/positions/>. To be included in the public record comments must include full name and city of residence and meet the submission deadline of seventy-two hours before the meeting (not including the day of the meeting)

### **Call to order 1:00 PM CT/ 12:00 PM MT**

#### **Division of Administration**

##### Action Items:

1. Conflict of Interest Disclosure
2. Approve Minutes of the May 2020 Meeting  
<https://gfp.sd.gov/commission/archives/>
3. Additional Commissioner Salary Days
4. FY2021 Budget

##### Information Items:

5. Covid 19 Update
6. Pheasant Hunting Marketing Update
7. Outdoor Campus West Update

#### **Petition**

8. Nonresident Walleye/Sauger Fishing Season
9. License Allocation - Preference

## **Proposals**

10. Nonresident Landowner Owned Land License Application
11. Public Water Zoning
12. Use of Parks and Public Lands
13. River Otter Season (May)
14. Fall Turkey (April)
15. Lost License Replacement (April)
16. Administrative Rules Review ARSD 41:08, 41:09, 41:10 and 41:13 (April)

## **Open Forum 2:00 PM CT/ 1:00 PM MT**

*Portion of the meeting designated for public comment on other items of interest. (Typically limited to 3 minutes per person)*

## **Division of Parks and Recreation**

### Action Items:

17. Angostura Cabin Permit

### Information Items:

18. Operation of Park Facilities Update
19. Visitation and Sales Report

## **Division of Wildlife**

### Information Items:

20. 3-Splash Waterfowl Hunting Package
21. Flooding Impacts in the Northeast
22. AIS Field Operations for 2020
23. Restricting Mule Deer Harvest
24. Review of River Otter Management Plan
25. License Sales Update

## **Solicitation of Agenda Items from Commissioners**

## **Adjourn**

### Next meeting information:

July 16-17, 2020 - AmericInn Hotel & Convention Center - 3112 Island Drive, Fort Pierre, SD  
GFP Commission Meeting Archives <https://gfp.sd.gov/commission/archives/4/>

Donations can be made to honor former GFP Commissioner, Cathy Peterson, by visiting the SD Parks & Wildlife Foundation website at <https://parkswildlifefoundation.org/donate.aspx>. Select "Other" as the program you wish to contribute and note "Cathy Peterson" in the explanation box. The SD Parks & Wildlife Foundation and Cathy's family will use the funds to honor her memory for future habitat projects.

**Minutes of the Game, Fish, and Parks Commission**  
**May 7-8, 2020**

Chairman Gary Jensen called the meeting to order at 1:00 p.m. CT via conference call. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, Robert Whitmyre. Public and staff were able to listen via SDPB livestream and participate via conference call with approximately 145 total participants.

**DIVISION OF ADMINISTRATION**

**Conflict of Interest Disclosure**

Chair Jensen called for conflicts of interest to be disclosed. None were presented.

**Approval of Minutes**

Jensen called for any additions or corrections to the April 2-3, 2020 meeting minutes or a motion for approval.

Motion by Sharp with second by Olson TO APPROVE THE MINUTES OF THE APRIL 2-3, 2020 MEETING WITH MINOR REVISIONS. Motion carried unanimously.

**Additional Commissioner Salary Days**

No additional commissioner salary days were requested.

**FY2020 Budget Discussion/Increase Adjustment**

Chris Petersen, administration division director, detailed the FY2020 operating budget for GFP and outlined necessary budget adjustment to cover increased cost for employee health insurance benefits.

Motion by Olson with second by Sharp APPROVE THE FY20 BUDGET ADJUSTMENTS FOR THE DIVISION OF WILDLIFE OPERATIONS BUDGET OF \$548,302; AND THE SNOWMOBILE TRAILS BUDGET OF \$5,977 FOR HEALTH BENEFITS AS PRESENTED. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

**Covid 19 Update**

Kevin Robling, deputy secretary, and Scott Simpson, parks and recreation division director, provided an update noting subcommittee meetings and the work done to install necessary measures to ensure safety and social distancing such as installing sneeze guards and moving furniture to follow CDC guidelines. No set date for opening wildlife offices at this time but are working to open division of Parks offices by May 15<sup>th</sup> if not before. Working to get signage up at fishing cleaning stations and opening comfort stations then visitors centers. Limited seasonal staff and interns will be hired to ensure necessary programs continue. Staff are getting creative to find innovate solutions.

Boyd encouraged online park entrance license sale as they work well and asked if staff will still be applying park entrance licenses when purchase at park entrances.

Simpson we will pass the sticker on to have visitors apply them themselves.

Tom Kirschenmann, wildlife division director, noted some activities will not happen. Normally the division would have 125-150 seasonal/interns to provide services and programs by this time of year which will not happen like it has in past years. Working to find solutions to provide services and programs focusing on prioritized services and programs such as ADC and AIS.

Sharp asked when all walk-in area program contracts go out and maybe now is a good time to review the acres enrolled and focus on the ones that truly meet what the public would expect.

Kirschenmann responded those walk-in area and crep programs happen year-round but renewals are happening now. Staff are making calls to contact for reenrollment of walk-in areas. There are financial limitations for crep, and we do not need to reenroll just make payment.

Robling thanked staff for their hard work during this time of uncertainty and encouraged the public to visit the GFP website and social media pages to find the most up-to-date information on COVID-19 as it relates to GFP.

### **Habitat Stamp**

Robling provided an update on the habitat stamp.

### **PETITIONS**

Tom Kirschenmann, wildlife division director, provided information on the petition process and options available for commission action.

### **Livetrapping Removal Date**

Kirschenmann presented the petition submitted by Nancy Hilding, President of the Prairie Hills Audubon Society, Black Hawk, SD to change the trap removal date from September 1 to July 1 matching the 2020 Nest Predator Bounty Program timeframe.

Sharp said he does not entirely oppose the petition, but it is not practical to have all traps removed when the program ends and cannot approve as petition as written. Could see a practical application to have traps removed within 10 days of program end or a specific date.

Boyd agreed with Sharp that it's probably not practical.

Olson noted he supports the trappers in this state who do this for recreation, and they are not heartless murders as some may say. This is their form of recreation. Over the last decade we overlooked trapping. He does not support the petition.

Spring said he does not support the petition.

Motion by Olson with second by Whitmyre TO DENY THE PETITION. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

Motioned by Bies with second by Olson TO APPROVE RESOLUTION 20-10 (appendix A) DENYING THE PETITION TO ADJUST THE LIVETRAP REMOVAL DATE. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

## **PUBLIC HEARING**

The Public Hearing began at 2:00 p.m. and concluded at 2:30 p.m. The minutes follow these Commission meeting minutes.

## **OPEN FORUM**

Jensen opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda.

Jim Kopriva, Raymond, SD, farmer who moved back to Clark County in 1991 and noticed have a mule deer problem. 4-7 of them in the area as well as others. Deer licenses say any deer and they should not include antlerless mule deer. Need to find a way to increase the mule deer population to build.

Bill Bowen, Aberdeen, SD Hunt Safe instructor since 1978. Previously spoke at a commission meeting and provided a written proposal that GFP needs to find an incentive to entice young people to be instructors. Volunteers at state parks get a campsite so what incentive could we give to Hunt Safe instructors to get them in the door.

Jerome Nelson, Lake Preston, SD said his parents and grandparents sold land to GFP and were told that GFP would provide habitat so it wouldn't create a problem for neighbors. Now hearing that food plots are being decreased. Kingsbury County news shows lots of accidents because the deer are running back and forth on the road because food plots are not being provided and the deer are being starved.

Kathleen Schmidt, Nemo, SD animals should be respected and cared for and not slaughtered. When populations are done quotas should be lowered. Complained that this program is a conflict of interest for people like the Governor who own hunting preserves and receive government subsidies. This program is cruel and inhumane that never should have started and should be stopped. Feels we have enough violence and GFP needs to find a better way to get families outdoors.

Commissioner Olson noted Governor Noem sold her interest in her hunting preserve in 2009.

Nancy Hilding, Black Hawk, SD spoke regarding the livetrapp removal date petition. Feels the department failed to revise rules to have traps removed on public lands to when the nest predator bounty program. Why are there an extra two months after the nest predator bounty program ends? Feels it is exceptionally cruel that animals are left in traps too long and thinks regulations should be changed. Thinks this is an animal welfare concern.

Susan Braunstein, Rapid City, SD would like to see the date changed to July 1. Opposes the nest predator bounty program. Hopes the commission will not have this program next year. Noted there is not scientific data to support this program.

## **PROPOSALS**

### **Sage Grouse**

Chad Switzer, wildlife administrator, explained that retaining a season closure is being recommended based on the season recommendation guidelines found within the "Sage-Grouse Management Plan for South Dakota, 2014-2018". Results from the 2019 spring lek surveys indicated 60 (66 in 2018) males counted on priority leks and 153 (168 in 2018) males counted on all leks. The 2020 spring lek surveys are still in progress and will be completed in mid-May. Preliminary results indicate similar number of males as documented in 2019.

### **River Otter Season**

Switzer, Silka Kempema and Eileen Dowd-Stukel presented the recommended changes to establish a conservative the river otter trapping season as follows:

1. Establish a trapping season that is open from sunrise on November 1 to sunset on December 31 in all counties of the state.
2. Limit of one river otter per trapper per season.
3. Statewide harvest limit of 15 river otters. Season will end prior to December 31 if the harvest limit is reached.
4. Trapping season open to residents only with a furbearer license.
5. A river otter shall be reported to the Department within 24 hours of harvest. At time of reporting, arrangements will be made to check-in carcass and detached pelt at a GFP office or designated location for registration and tagging of the pelt within 5 days of harvest. Additionally, once the season has closed (last day of season or harvest limit reached), a person has 24 hours to notify the Department of a harvested river.
6. The pelt shall be removed from the carcass and the carcass shall be surrendered to the Department. After the pelt has been tagged, it shall be returned to the trapper. Upon request, the carcass may be returned to the trapper after the carcass has been inspected and biological data collected.
7. Any river otter harvested after the 24-hour period following the close of the season, will be considered incidental take and shall be surrendered to the Department.
8. A person may only possess, purchase or sell raw river otter pelts that are tagged through the eyeholes with the tag provided by the Department or if the river otter was harvested on tribal or trust land of an Indian reservation or another state and is properly and securely tagged with a tag supplied by the governmental entity issuing the license.

They explained River otter populations in South Dakota continue to grow and expand into available habitat. A statewide season will provide harvest information from across the state. It also provides the greatest opportunity to pursue trapping of river otter. Over the last five years (2015-2019) the Department has received an average of 16.6 incidentally trapped river otter/year. River otter are most frequently incidentally taken during the beaver trapping season given similarity of habitat and trapping methods. The majority (72%) of the 83 incidentally trapped river otter reported over the last five years were taken in November. Updates on river otter harvest will be available on the Department website and by calling a designated phone number. A press release and other information tools will be used when the harvest limit has been met, similar to the mountain lion harvest notification process.

Motion by Olson, second by Locken TO APPROVE THE CHANGES TO THE RIVER OTTER TRAPPING SEASON AS RECOMMENDED. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

**Fall Turkey** (proposed in April - no action necessary)

**Lost License Replacement** (proposed in April - no action necessary)

**Administrative Rules Review ARSD 41:08, 41:09, 41:10 and 41:13** (proposed in April - no action necessary)

## **FINALIZATIONS**

### **River Otter Delisting**

Kempema and Dowd-Stukel presented the recommended change to remove the North American River Otter from the list of state threatened mammals. They explained several factors have allowed river otter populations to rebound across much of their former range, including reintroductions, improvements in wetland and river habitat management, and protections afforded under various state threatened and endangered species laws therefore the Department recommends that protection under the state endangered species law is no longer justified.

Motioned by Locken, second by Olson TO DELIST THE RIVER OTTER. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

### **Flathead Catfish – Border Waters**

John Lott, fisheries chief, presented the proposed change to limit the harvest of flathead catfish 30 inches or longer in length to at most, one fish daily, as part of the daily limit in the Nebraska/South Dakota border waters. Lott explained “One Over” regulations are effective at reducing harvest of fish when it is common for anglers to catch two or more fish above the specified length during a fishing trip. No negative impacts of a one- over-30” regulation on flathead catfish populations are anticipated, however, staff believe the regulation will not result in an increase in larger flathead catfish.

Motioned by Boyd, second by Sharp TO APPROVED THE RECOMMENDED CHANGES TO THE FLATHEAD CATFISH LIMITS AS PRESENTED. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

### **Archery Deer Season**

Switzer presented the recommended changes to archery deer season from the March proposal as follows:

1. Modify the season start date for Lacreek National Wildlife Refuge from the fourth Saturday of September to September 1.
2. Modify the season start date for Sand Lake National Wildlife Refuge from the third Saturday of October to September 1.
3. In addition to the one “antlerless whitetail deer” license for residents and nonresidents for Unit ARD-LM1, make an allowance for no more than 500 single-tag “antlerless any deer” licenses

that would be distributed amongst all municipal archery deer hunting units. Regular price of a single tag “any antlerless deer” resident license.

4. Establish municipal archery deer hunting units for the following city limits: Custer, Rapid City and Sioux Falls. Season structure and specific regulations would be determined by the appropriate municipality within the requirements and restrictions of the South Dakota archery season.

Municipality	Unit	# Antlerless Deer Licenses
Custer	ADM-CU1	45
Rapid City	ADM-RC1	60
Sioux Falls	ADM-SF1	60

Motioned by Spring, second by Locken TO APPROVE THE RECOMMENDED CHANGES TO THE ARCHERY DEER SEASON. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

Motioned by Boyd, second by Olson TO APPROVE THE ADMINISTRATIVE ACTION AUTHORIZING MUNICIPAL LICENSE ALLOCATION BY UNIT. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

### Youth Waterfowl Season

Chad Switzer, wildlife program manager, presented the recommended change to the youth waterfowl season to modify the eligibility from youth who have not reached the age of 16 to youth who have not reached the age of 18.

Motioned by Bies, second by Olson TO APPROVE THE CHANGES TO YOUTH WATERFOWL SEASON AS RECOMMENDED. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

### Youth Pheasant Season

Switzer presented the recommended changes to amend the youth pheasant season proposal to modify the season dates from “five consecutive days beginning on the first Saturday of October” to “9 consecutive days beginning 21 days prior to the third Saturday of October”. See season dates in table below.

Year	Youth Pheasant Season Dates
2020	Sept. 26 - Oct. 4
2021	Sept. 25 - Oct. 3
2022	Sept. 24 - Oct. 2
2023	Sept. 30 - Oct. 8
2024	Sept. 28 - Oct. 6
2025	Sept. 27 - Oct. 5
2026	Sept. 26 - Oct. 4
2027	Sept. 25 - Oct. 3
2028	Sept. 30 - Oct. 8
2029	Sept. 29 - Oct. 7

Motioned by Spring, second by Boyd TO APPROVE THE CHANGES TO THE YOUTH PHEASANT HUNTING SEASON RECOMMENDED. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

## **DIVISION OF PARKS AND RECREATION**

### **Spring Creek Concessions**

Scott Simpson, Parks and Recreation Division Director, provided the Commission with information on the proposal received by Frost Enterprises of Onida, SD to run the restaurant at Spring Creek.

Motion by Olson, second by Boyd TO AUTHORIZE GFP TO OFFER A ONE YEAR LEASE FOR THE SPRING CREEK RESTAURANT TO FROST ENTERPRISES. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

### **Visitation and Sales Report**

Al Nedved, parks and recreation deputy director, provide the year to date revenue, camping and visitation reports for all parks and districts.

## **DIVISION OF WILDLIFE**

### **License Adjustments for Select East River Deer Season Units**

Kirschenmann presented the department recommendation for 2020 East River deer season and Refuge deer season, adjust all “any antlerless deer” tags to “whitetail antlerless tags”. He explained Based on conversations with a landowner from eastern SD requesting the Commission to change licenses to protect the harvest of mule deer, the department is recommending the Commission adjust all antlerless tags for the East River deer and Refuge deer seasons to be whitetail antlerless tags. From a population management standpoint, the restriction of harvesting the female segment of the population is most important. This adjustment would provide additional harvest limitations for the fall of 2020. This change does not require the rule promulgation process as it is not a change to administrative rule. License types and number per hunting unit are recorded in Commission meeting minutes and would require the commission to approve the change and the department can incorporate into the license application process. The Department and Commission will begin discussions on a broader scale of mule deer management over the next several months with the intention of bringing forward changes and adjustments to mule deer harvest strategies in the spring of 2021 when the next 2-year cycle of deer seasons is considered.

Motioned by Locken, second by Olson TO ADJUST ALL “ANY ANTLERLESS DEER” TAGS TO “WHITETAIL ANTLERLESS TAGS AS RECOMMENDED. Roll Call vote: Bies – yes; Boyd – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 8 yes and 0 no votes.

### **Nonresident Waterfowl Structure Briefings**

Kirschenmann provided the Commission information on the nonresident waterfowl structure.

### **HuntSafe Update**

Taniya Bethke, division staff specialist-education and R3 coordinator, provided the Commission information on online HuntSAFE and HuntSAFE in the schools.

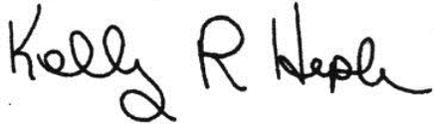
### **Licenses Sales Update**

Heather Villa, wildlife administration chief, said License sales are on an upward trend when comparing to 2019 numbers. Our Resident Combination licenses are up 25% and Resident Annual Fishing licenses are up 89%. Our data shows that license holders are purchasing their licenses earlier in the year. This is to be expected with having better weather compared to last year's extended winter. However, we are showing the highest Resident Annual Fishing and Resident Combination license sales in 5 years. Nonresident Annual Fishing licenses are up 32% and are trending similarly to 2018, but are still lower than 2016 and 2017

### **Adjourn**

Meeting adjourned at 5:00 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kelly R Hepler". The signature is written in a cursive style with a large, looped "K" and a distinct "R".

Kelly R. Hepler, Department Secretary

## **Public Hearing Minutes of the Game, Fish and Parks Commission May 7, 2020**

The Commission Chair Gary Jensen began the public hearing at 2:00 p.m. CT via conference call. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, and Robert Whitmyre were present. Olson indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Olson then invited the public to come forward with oral testimony.

### **River Otter Delisting**

Susan Braunstein, Rapid City, SD, just because a mammal is doing well, we should not slaughter it. We have enough animals to trap and kill and trappers do not need another animal to kill and receive profit for. Trappers should not have this much influence on GFP. Thank you to the Flandreau Santee Sioux Tribe for their work in reintroducing the river otter.

Nancy Hilding, Prairie Hills Audubon Society President, Black Hawk, SD does not think the listing status is appropriate. Before delisting you should collect data on size, population structure and more. There should have been a more scientific way of collecting data. Noted the threats such as water pollution were not addressed. The largest number of otters noted was 42 which is not counted accurately and doesn't support the 30 otter per year take. Would like to see a western South Dakota reintroduction.

Julie Anderson, Rapid City, SD spoke against the delisting of the river otter. Commented and feels voice has been stifled. The R3 resolution the commission passed prioritizes user's ability to participate, new and existing users and if it enhances quality of life. All decisions made by this department focus on hunting fishing and trapping. This increase should promote hiking, biking and photography.

Sondra Seberger, Rapid City, SD objects to removal of river otter from the state threatened and endangered species list. We like to see creatures in their natural habitat and oppose killing when there are only 32 of them.

Jim Peterson, Rapid City, SD oppose to the delisting of the river otter. This animal is susceptible to low water quality. SD DENR innovative report shows these waters do not support the biological uses. The most they ever found in one year is 48. People come to South Dakota to see the wildlife. We need to develop these creatures for tourists.

### **Flathead Catfish**

No verbal comments were made

### **Archery Deer Season**

No verbal comments were made

**Youth Waterfowl**

No verbal comments were made

**Youth Pheasant Season**

No verbal comments were made

See attached written public comments submitted prior to the public hearing

The public Hearing concluded at 2:30 p.m.

Respectfully Submitted,

Handwritten signature of Kelly R. Hepler in black ink.

Kelly R. Hepler, Department Secretary

**Appendix A**  
**RESOLUTION 20-10**

WHEREAS, Nancy Hilding of Black Hawk, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated April 30, 2020, requesting that the Game, Fish and Parks Commission amend ARSD § 41:08:02:13 (Traps to be rendered inoperable – Removal of trapping devices) – to amend the date of removal from September 1 to July 1 for the reasons more fully set out in the petition (hereinafter referred to as “the Petition”); and

WHEREAS, all members of the Commission have been furnished with and have reviewed a copy of the Petition; and

WHEREAS, the Commission has been advised that a copy of the Petition has been served on all members of the Interim Rules Review Committee and Director of the Legislative Research Council as required by SDCL § 1-26-13; and

WHEREAS, the Commission has been advised that SDCL § 1-26-13 requires that within thirty (30) days of submission of a Petition, the Commission shall either “deny the petition in writing (stating its reasons for the denials) or shall initiate rule-making proceedings in accordance with SDCL 1-26-4.”; and

WHEREAS, the Commission has been advised and is of the opinion that a hearing on the Petition is neither statutorily required nor necessary; and

WHEREAS, the Commission has reviewed and carefully considered the requirements and procedures set out in SDCL §1-26-13 and the contents of the Petition, including the reasons advanced by Petitioner in support of modifying the removal date from September 1 to July 1; and

WHEREAS, in 2019, the Commission took action and public testimony and ultimately changed administrative rule to allow live traps on public lands through September 1.; and

WHEREAS, the Department continues to support and advocate for live traps to be allowed on public lands throughout the summer regardless if there is a bounty program or not; and

WHEREAS, the petition’s suggested change would restrict or take away opportunity for trappers to utilize public lands during the summer which is contrary to the Department’s R3 efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby deny the Petition for the reasons hereinabove stated in this Resolution, which said Resolution as adopted by the Commission shall constitute the Commission’s written denial of the Petition and its reasons, therefore.

BE IT FURTHER RESOLVED that the Petition, a record of the Commission’s discussions concerning same, and this Resolution be made a part of the Minutes of the Commission meeting at which this Resolution is adopted, and further, that the Department be and it is hereby authorized and directed in compliance with SDCL §1-26-13 to serve a copy of an extract of that portion of the Commission minutes which pertain to the Commission’s discussion of the Petition and its adoption of this Resolution, including a copy of the Resolution, on all members of the Interim Rules Review

Committee and Director of the Legislative Research Council with copies also to be provided to the Petitioner, Nancy Hilding of Black Hawk, South Dakota.

# Public Comments

## Fall Turkey

---

**Eri Anderson**

**Spearfish SD**

**Position:** oppose

**Comment:**

I do not support fall turkey tags in the Black Hills, specifically in the northern hills. The GFP itself has highlighted declining turkey populations in this area of the hills and it is clearly happening. Tough winters and poor spring have led to much reduced turkey populations in the northern region. While 200 tags is minimal and meant to appease the few areas with overpopulations of turkeys, I don't feel the issuance of any licenses in the Black Hills is necessary.

## Other

---

**Pat Ronan**

**Sioux Falls SD**

**Position:** other

**Comment:**

As you are aware, South Dakota is practically the epicenter for out-of-state sportsmen at this time of year. With the snowgeese here and our walleye season open while others (especially MN) are closed, we get a huge influx of out-of-state hunters and fishermen. This is unacceptable right now. It is one thing for in state sportmen to hunt and fish responsibly but we definitely want to decrease any influx of people from outside our state. Some states, like Texas, have just implemented a mandatory quarantine of 14 days for anyone travelling into their state. On top of it, guides are posting that people should "come to South Dakota. No safer place to be right now" (see attached example). It will not be safe if we continue to allow unimpeded travel into the state.

---

**Verl Scheibe**

**Custer SD**

**Position:** other

**Comment:**

I read an article from the Mitchell paper, ( at least as of 1 April) the boat docks for fishing on the Missouri River are still open, and lots of folks from other states are coming in to fish. That's the last thing we need is to have a large flux of folks traveling here when we are self quarantined. I fully understand the out of state business I'd good- but when everyone, and business here are staying home, attempting to reduce health risk, why on good earth, isn't the SD Game And Fish closing the boat ramps to prevent out of state (and in state) folks who don't care about the health risks from congregating in those concentrated areas? Do your part in this with the rest of us. Take a head from your governor!

---

**Jennifer Belle**

**Athens OH**

**Position:** oppose

**Comment:**

I fell in love with the beauty of SD as a child and have been returning ever since. However, I was horrified to learn that SD voted to approve a trophy hunting quota of 60 mountain lions for both the 2019 and 2020 hunting seasons, a devastating 30% of the population.

On top of already allowing this many mountain lions to be hunted, the shameful part is that there will be an increase in permits for hunters to use their hounds to hunt mountain lions at Custer State Park. Using hounds is an incredibly cruel way to terrify and kill the animals.

If the Corona Virus has taught us anything, it is the harm from human interference with wildlife that is cause to humans as well as animals. I respectfully urge and implore you to end these harmful hunts to the ecosystem of this apex, majestic and crucial species. This atrocity has seriously made me reconsider future visits to beautiful SD.

---

**Jonathan Eckrich**

**Sioux Falls SD**

**Position:** other

**Comment:**

Concerning the Sioux Falls archery access permit, in 2019 hunters were required to FIRST purchase an archery tag before they could apply for the permit. The same was true for Great Earth. This is burdensome for hunters like me because if we do not win the access permit, we are stuck with what amounts to a very expensive hunter preference point. I do not have any other hunting possibilities so the tags I bought went unused. This seems unfair. A better way is to do it how it used to be done. That is, hunters may apply for the access permit, then when successful they can purchase the appropriate archery tag. This is much more fair as hunters are not compelled to buy expensive licenses until they are assured of a place to hunt.

## River Otter Delisting

---

**John Hopple**

**Black Hawk SD**

**Position:** support

**Comment:**

Hello Sec Hepler, Chairman Jensen and Commissioners. The South Dakota Trappers Association strongly supports the delisting of the river otter. We believe that the ability to manage this animal should rest with in the Game Fish Parks. By delisting this animal this will provide GFP the decision making power to manage this species. Based on their decisions after this action the river otter will continue to flourish and expand its areas of availability through out the state. Other western states have seen these issues and expansions once animals were delisted. The wolf in our neighbor states is a prime example. State GFP officials have a better grasp of how and where to make decisions and those decisions will enhance the otter's outcome for the betterment of the species.

Thank You for your time

John Hopple

SDTA President

---

**Gary Fawbush**

**Madison SD**

**Position:** support

**Comment:**

I feel with the ever increasing number of otters that delisting them would be a good policy at this time.

thank you

---

**Matthew Bennett**

**Colman SD**

**Position:** oppose

**Comment:**

I personally 100% support the delisting of the River otter. I am a trapper and trap every year. For many years now I cannot even set beaver traps anymore because of the otters. They are everywhere. I even catch them in dry land coon sets. I have caught many over the years and turned them in. They are in the vermilion River the Big Sioux River Battle Creek Skunk Creek and all connecting water ways! As well as a number of pothole sloughs! And the lake's also. Lake Madison chain Lake Campbell and Lake Thompson to name a few. That is a FACT!!! I have personally seen them in all those places! We do need a trapping season for them!! It's about a balance for the carrying capacity of the land!!

## Youth Pheasant Hunting Season

---

**Paul Lepisto**

**Pierre SD**

**Position:** support

**Comment:**

On behalf of SD IWLA Division President Kelly Kistner please see the attached comments in support of the Youth Pheasant Season proposal.

---

**Savanah Hendricks**

**Vivian SD**

**Position:** support

**Comment:**

This was presented to me at school.

---

**Savanah Hendricks**

**Vivian SD**

**Position:** support

**Comment:**

This was presented to me at school.

---

**Savanah Hendricks**

**Vivian SD**

**Position:** support

**Comment:**

This was presented to me at school.

---

**Savanah Hendricks**

**Vivian SD**

**Position:** support

**Comment:**

This was presented to me at school.

---

**Diana Hendricks**

**Vivian SD**

**Position:** support

**Comment:**

The ability to support not only youth but to get families in the field is very limited. This change will double the opportunity to get families into the field and hopefully create new traditions and memories for years to come. What are daughter has courageously done and thought out is an opportunity for for the next generation to help sustain the hunting industry in SD. It may take years to really see the impact this can have but nothing worth doing was ever said to be simple or fast! Knowing that we are not actually gaining any extra days and actually losing a day, for those who do not understand the petition or the proposal, but we will have instead 4 much more accessible days for active students and athletes, gives me hope that plain common sense is still available in our local leaders! Thank you to all who see this as an improvement to the Youth Pheasant Hunting Season. Please support this change!

---

**Paul Lepisto**

**Pierre SD**

**Position:** support

**Comment:**

On behalf of SD IWLA President Kelly Kistner please see the attached comments in support of the Youth Pheasant Season Proposal.

Thank you.

# Youth Waterfowl Season

---

**Paul Lepisto**

**Pierre SD**

**Position:** support

**Comment:**

On behalf of SD IWLA President Kelly Kistner please see the attached comments in support of the Youth Waterfowl Season proposal.

Thank you.

## Savanah Hendricks, Vivian, SD - Attachments

To whom it may concern,

I am in agreement with Savanah Hendricks. I am a student at Jones County and after school activities normally fill my after school time. From my practice and games, and my siblings games it is hard to find time to go out and hunt. Hunting is one of my favorite past-times and it is unfortunate that we have such little time to hunt. I also support the petition to change the Youth Pheasant Hunt days.

Sincerely,



Cooper Feddersen

To whom it may concern:

I am in agreement for a petition rule change which is to increase the number of days that youth can hunt to include two full weekends due to school extracurricular activities. Being a fellow multi-sport athlete I find myself on a routine where many activities get conflicted with school sporting events such as practice and games. Hunting in particular is definitely looked at as weekend expenditure and is hard to exercise and enjoy during weekdays due to school activities.

Sincerely,



Jake Dowling

I am a student at the Jones County School, and I am wanting to change the youth pheasant hunting season to better accommodate students and athletes. I am an active student and athlete, which takes up time that I want to use for hunting. With practice until six or sometimes six thirty, there isn't time to do anything else. Homework takes time away, too, and after that, there is only time to eat before I go to bed. Church is another thing that takes time away from hunting. On Wednesdays, I don't have anything after school until Youth Group (a church group that kids go to) at 5:30, and then I also have homework, so Wednesdays are full too. The only days I have to hunt are days off from school and Saturdays. On Sundays, I have church from 9:00-11:00, and then lunch and family time. With busy schedules like mine, I barely have time to hunt, and I would like to change that.

Sincerely,



Tristen Host

To whom it may concern,

I am in agreement with Savanah Hendricks. I am a student from Jones County High School who is involved in Football, Basketball, Cross Country, Track, Rodeo, National Honor Society, and many other extra-curricular groups. I support the petition to change the Youth Pheasant Hunt days. I hope you agree too.

Sincerely,



Wyatt Olson



SOUTH DAKOTA  
DIVISION

# The Izaak Walton League of America

DEFENDERS OF SOIL, AIR, WOODS, WATERS, AND WILDLIFE

April 21, 2020

South Dakota Game, Fish and Parks Commission  
523 East Capital Avenue  
Pierre, SD 57501

Dear Commissioners,

The South Dakota Division of the Izaak Walton League of America (Division) appreciates the opportunity to comment on the proposed changes to the Youth Pheasant Season. The proposal modifies the youth season from the current five consecutive days beginning the first Saturday of October to nine consecutive days beginning 21 days prior to the third Saturday of October. This proposed change resulted from a petition presented by Savannah Hendricks at your March meeting and was adopted as a proposal open to public comment at your April meeting.

The Division supports this proposal, we believe it's a great way to get more young people in the field and engaged in hunting. Last year the number of resident pheasant hunters hit the lowest number since 1938. The Division believes we must turn that disturbing trend around and the change in the youth pheasant season is one way to accomplish that. The proposal also meets the R3 criteria of Recruit, Retain and Reactivate which we whole heartily support. The proposal allows young hunters additional time to hunt without heavy hunting pressure. The added time also provides a great opportunity to teach kids ethical and safe hunting practices.

The proposed expanded youth season may help increase participation in what historically has been an under-utilized hunting opportunity. We encourage the Department to vigorously promote this expanded youth season, so we see growth in youth and family participation in pheasant hunting.

The South Dakota Division of the Izaak Walton League of America urges the Commission's support of this proposal and we thank you for the opportunity to comment on it.

Sincerely,

Kelly Kistner

National IWLA President and President of the South Dakota Division of the IWLA  
603 Lakeshore Drive  
McCook Lake, SD 57049  
605-232-2030 (H) – 712-490-1726 (C)  
[iwlasdpresident@outlook.com](mailto:iwlasdpresident@outlook.com)



SOUTH DAKOTA  
DIVISION

# The Izaak Walton League of America

DEFENDERS OF SOIL, AIR, WOODS, WATERS, AND WILDLIFE

March 30, 2020

South Dakota Game, Fish and Parks Commission  
523 East Capital Avenue  
Pierre, SD 57501

Dear Commissioners,

The South Dakota Division of the Izaak Walton League of America (Division) appreciates the opportunity to comment on the proposed Youth Pheasant Season. The proposal modifies the youth season dates from the current five consecutive days beginning the first Saturday of October to two consecutive weekends with the first weekend beginning 21 days prior to the third Saturday of October. The proposed change came from a petition presented by Savannah Hendricks during your March meeting that was adopted as a formal proposal open for public comment.

The Division supports this proposal as we believe it's a great way to get more young people in the field and engaged in hunting. The number of resident pheasant hunters has hit the lowest number since 1938. The Division believes we must turn that around, the change in the youth pheasant season is one way to accomplish that. The proposal also meets the R3 criteria of Recruit, Retain and Reactivate. The proposal allows young hunters an additional weekend to hunt without heavy hunting pressure. The added time provides a great opportunity to teach kids ethical and safe hunting practices.

The expanded youth season may help to increase participation in what historically has been an under-utilized hunting opportunity. We also encourage the Department to vigorously promote this youth season, so we see growth in youth and family participation in pheasant hunting.

The South Dakota Division of the Izaak Walton League of America urges the Commission to approve this proposal and we thank you for the opportunity to comment on it.

Sincerely,

Kelly Kistner

National IWLA President and President of the South Dakota Division of the IWLA  
603 Lakeshore Drive  
McCook Lake, SD 57049  
605-232-2030 (H) – 712-490-1726 (C)  
[iwlasdpresident@outlook.com](mailto:iwlasdpresident@outlook.com)



SOUTH DAKOTA  
DIVISION

# The Izaak Walton League of America

DEFENDERS OF SOIL, AIR, WOODS, WATERS, AND WILDLIFE

March 30, 2020

South Dakota Game, Fish and Parks Commission  
523 East Capital Avenue  
Pierre, SD 57501

Dear Commissioners,

The South Dakota Division of the Izaak Walton League of America (Division) thanks you for this opportunity to comment on the Youth Waterfowl Season proposal.

This proposal would include residents and nonresidents hunters who aren't 18 years old by the opening day of the season. To participate the youth must be accompanied by an adult and be properly licensed to hunt waterfowl in South Dakota, unless they're taking part in a mentored hunt as described in law.

This would create an added opportunity for 16 and 17-year-old hunters to participate in the youth waterfowl season. Engaging this age demographic hopefully will get them excited about waterfowl hunting and recruit them into the activity. The proposal supports the R3 goals of Recruit, Retain and Reactivate that the Division also supports.

The South Dakota Division of the Izaak Walton League of America urges the Commission to approve this proposal and we appreciate the opportunity to comment on it.

Sincerely,

Kelly Kistner  
National IWLA President and President of the South Dakota Division of the IWLA  
603 Lakeshore Drive  
McCook Lake, SD 57049  
605-232-2030 (H) – 712-490-1726 (C)  
[iwlasdpresident@outlook.com](mailto:iwlasdpresident@outlook.com)



**Bob Berens** ▶ **Snowgoose Migration**



1 hr · 🌐

**Just starting to get good in South Dakota with lots of cancellations with coronavirus. No place safer than South Dakota right now with great lodging. Bob 651-230-4935**



👍 20

4 Comments

👍 Like

💬 Comment

➦ Share



**Chris Greene**  
Thought all the geese moved north?



**Bob Berens**





**Joe Olson** shared his first post.



**New Member** · March 25 at 5:15 PM

Now that MN is on lockdown, are there any of you guys still going to SD to hunt snows? I'm supposed to go next weekend. Can you still legally travel to hunt? It's really not essential. Lol. Could a guy get in trouble. Thoughts? TIA.

10

144 Comments



Like



Comment



Share

[View 46 more comments](#)



**Riverview Retreats** The lockdown specifically says you can leave for outdoor recreation like hunting and fishing



Like · Reply · 4d



**Jon Ray** We're here now

Like · Reply · 2d



Write a comment...





**Spencer Vollmer**

17 hrs



Anyone think there will be birds left in northern South Dakota in two weeks



3

15 Comments



Like



Comment



Share

View 11 more comments



**Tyson Warner** Nope

Like · Reply · 11h



**Eric Davidson** We are supposed to get snow Thursday in North Dakota

Like · Reply · 9h



Write a comment...





South Dakota Snows shared a post.

Like Page



15 hrs

The last 3 days have been 🔥🔥 We can still sneak one more group in here this week yet - first come first serve basis. 605-728-2815



60

8 Comments 1 Share

Like

Comment

Share

Ronan 1 of 2\_Jacks....pdf

March\_26\_2020\_IA....zip

IAC



Write a comment...



Nick Posusta shared a post.



20 hrs

Welcome to the show!



[WWW.EAGLEHEADOUTDOORS.COM](http://WWW.EAGLEHEADOUTDOORS.COM)

**Spring Snow Goose Hunting in South Dakota & Missouri – Eaglehead Outdoors**

[Learn More](#)

12,063 Views

**Eaglehead Outdoors**  
February 28

[Like Page](#)

It's about to get ugly 🤔  
[#skvbustinatothernorth](#)



Roberta Atkins



# Public Comments

## Administrative Rules Review

---

**Duke Remitz**

**Frederick SD**

**Position:** oppose

**Comment:**

Please DO NOT approve the increased non-resident waterfowl licenses. This measure not only sells out the resident waterfowlers but most importantly selling ducks for bucks. That's NOT conservation !!! That's rape !!! That money only goes into the few hands that have leased property. Don't turn SD into Arkansas. Very little money will be spread to other businesses.

I know GFP has been hit hard budget wise. I understand that. There are other avenues to pursue to increase revenue. The stamp might be one way, 1 penny gas tax, Cut down the states staff ect...

We have to change the mindset of the landowner. Does it mean incentivize them??? Maybe. Idea: Instead of paying \$250,000 for tails why not ,say, give \$5.00 more per acre for landowners who sign up new CRP. If my SD math is correct that could be up to 50,000 acres let's say for 5 years? Put the money in the ground for all wildlife. Thanks, Duke Remitz Frederick SD.

---

**Jamie Al-Haj**

**Rapid City SD**

**Position:** support

**Comment:**

I am in favor of changing the live trap removal date from September 1st to July 1st in order to match the 2020 Nest Predator Bounty Program (NPBP) time frame.

## Other

---

**Eugene Zach**

**Rapid City SD**

**Position:** oppose

**Comment:**

your computer is system is the most asinine garbage I've ever dealt with.

---

**Charlene Clifford**

**Howard SD**

**Position:** other

**Comment:**

Beautiful Day at Lake Herman  
Gods blessings My Best friend and Good freinds  
Look what I caught  
Thank you for a Beautiful Day  
Charlene Clifford

---

**Jerry Wilson**

**Vermillion SD**

**Position:** oppose

**Comment:**

River Otter delisting. I oppose delisting the river otter. I am an avid outdoorsman, and I have NEVER seen a river otter in South Dakota! Yet, with very limited scientific data, you propose opening trapping on otters!?

This makes no sense. Please don't do it.

## River Otter Delisting

---

**Daniel Bjerke**

**Rapid City SD**

**Position:** oppose

**Comment:**

My family has owned property in Grant County that the South Fork of Yellowbank River runs through since the mid-1930s. The number of River Otters that I personally have seen on the South Fork of Yellowbank River you can count on one hand in my life time and I am 71 years old and I have been a lot of time on our property. There just aren't that many that occupy the South Fork of Yellowbank River. I am curious what statistics the GF&P has on the numbers of River Otters in SD in recommending delisting the River Otter. What's the advantage to the GF&P for delisting them? Please vote not to delist them. Thank you.

---

**Ross Wright**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

I oppose the decision to de-list river otters. This decision needs more study and deliberation. Any move to de-list river otters at this time is likely to be met with costly litigation exposing tax-payers to unnecessary expenses. Discretion seems to be the better part of valor here. Please gather more information to make a fully informed decision as there is no public pressure here to de-list otters. Unlike grizzlies or wolves eating elk, deer, and live-stock, the current handful of otters are harmless and are worth more alive than dead. Plenty of other fur-bearers for folks to trap. Please vote no to de-list otters. For all the time I have spent on the Big Sioux, I have yet to see one. I'd like to someday.

---

**David O'hara**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

We have too little data on this species' current population. Given the fact that it has come close to extirpation in the recent past, it would be unwise to delist it now. The otter is a key species for moderating the populations of all of its prey species, and it is also a charismatic species whose presence draws tourists to observe our waters in kayaks and canoes. My Augustana ecology students look for them and very rarely observe them. Let's keep them on the list until we can demonstrate with hard data that they are a stable and strong population.

David O'Hara, Ph.D.  
Professor of Environmental Studies  
Director of Sustainability  
Augustana University, Sioux Falls

---

**Teddy Thoms**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

PLEASE LEAVE THE OTTERS ALONE - DON'T BE SO TRIGGER HAPPY.

THANKYOU

---

**Hannah Norem**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

No comment text provided.

---

**Katie Tlusty**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

I think it may be too early to delist the otter. The ecosystem in which they live and their numbers are not stable enough to delist.

---

**Andrew Reinartz**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

Given the lack of a full enough u see standing if the resiliency of such a small population, it seems much too soon to consider delisting the River Otter.

---

**Jordan Deffenbaugh**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

No comment text provided.

---

**Garrett Schempp**

**Sioux Falls SD**

**Position:** other

**Comment:**

I am a frequent runner in the Sioux Falls area and one of the most exiting experiences I have had on the trails was witnessing three river Otters on a frozen over Big Sioux River in the middle of winter in 2018. It was late, dark and cold as I trotted along the Yankton Trail by the soccer fields on the south side of town. With my music playing and mind focused, I attempted to focus in the cold. Yet, all of a sudden I noticed motion out of the corner of my eye. To my amazement, I spotted three River Otters in the middle of the River. Two were standing on top the eyes with the third bobbing in the hole that had been created. This lasted maybe a minute before they took off under the ice. I say this was amazing because prior to this experience I did not know the Big Sioux maintained an Otter population. I even reached out to a local friend to ask if what I had seen was possible. Once confirmed, I've remembered that run ever since. And this is the power of nature. To transcend and awe those of us unaccustomed to witnessing such events. Therefore, I am skeptical of the proposal to delist the River Otter from the endangered species list for the very simple reason of data. In my mind, if the goal is to truly re-create and support a thriving River Otter population then opening up the population to trapping too early would not only waste the past years of rebuilding, but also cause issues going forward as the only outcome would be to re-list them in the future. Now, I'm sure, or at least would hope, that if this proposal were approved it would come with a continued proactive stance regarding population support. With that in mind, I'm aware that I may be missing some facts regarding this proposal. However, what I would really like to convey to those looking at the proposal is the idea that once you commit resources to a cause, DO NOT pull out prematurely do to the "minimal requirements" being met. I believe here in the Mid-West we have cultivated a culture of "Doing the job right the first time" and would like to believe it will continue going forward. Thank you for your time and good luck with making the right decision.

---

**Roger Foote**

**Watertown SD**

**Position:** oppose

**Comment:**

In my 18 years of working along the Big Sioux River from Watertown to Summit, I have only observed a single individual and that was within the city limits. I do not believe the population numbers are sufficient to justify delisting. thank you

---

**Dr. Carl Scott**

**Provo UT**

**Position:** oppose

**Comment:**

This is not so common an animal as is presumed in the proposed in listing. How many South Dakotans have had the opportunity to observe one in the wild?

---

**James Jennings**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

No comment text provided.

---

**Craig Spencer**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

I am an aquatic ecologist with a PhD and I've been working on lakes and rivers in South Dakota for the last 30 years as a professor at Augustana University. I am opposed to the delisting of river otter because I don't feel there is sufficient scientific data to justify this. While 40 sightings per year is certainly a good thing compared to the paucity of sightings in the past, there are still large areas of the Big Sioux watershed where no sightings have been reported. Moreover there appear to be no scientific studies quantifying the population size, rates of reproduction, growth, and survival of the various subpopulations in the basin.

Without this type of population data, I believe that delisting is risky. For example, sightings alone could produce erroneously high population estimates, as a relatively small number of animals could result in multiple sightings in multiple locations, given their mobility.

Let's not jeopardize the success of the reintroduction thus far by premature delisting, until such time as there is a more accurate database of population metrics together with a more widespread distribution in eastern SD.

---

**Mark Barker**

**Hermosa SD**

**Position:** oppose

**Comment:**

I don't think that there are near enough otters to delist them. Thanks.

---

**Susanne Skyrn**

**Vermillion SD**

**Position:** oppose

**Comment:**

I oppose delisting the river otter as a threatened and protected species in SD. There is little knowledge on relative population size. There is little to no scientific data on the population size, density, or health. The only data is 40-42 verified sightings per year across SD. That is not enough to support delisting for these animals. They need more time to rebound from historic low numbers.

---

**Larry Bowden**

**Hot Springs SD**

**Position:** support

**Comment:**

As a member of Western SD Fur Harvesters and SD Trappers Associations I support the river otter delisting.

---

**Andrew Olson**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

It seems absurd to delist the river otter. I honestly don't understand why you would, at all. Please, please, reconsider this.

---

**Mick Zerr**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

A species almost made extinct, is reintroduced, considered sacred by Native Americans, beloved by children, one of most intelligent mammals, a potential tourist attraction should not be offered up for a few license dollars from the few trappers in the state who could care less about the assets of the otter for the state. The state is guessing their numbers at best. Some groups, with thousands of members and followers are planning a massive publicity program if the otter is delisted. SD does not need any more bad publicity.

---

**James Strain**

**Rapid City SD**

**Position:** oppose

**Comment:**

SD GFP has never adequately surveyed River otter populations in this state or taken any proactive steps to improve otter habitat and maintain sustainable populations. It appears this proposed action is to appease trappers who accidentally trap otters or sport fisherman who mistakenly believe that otters adversely impact game fish populations. River Otters deserve more protection in South Dakota, not less.

---

**Jerry Travis**

**Brandon SD**

**Position:** support

**Comment:**

Guys I think it's time for them to be delisted. I have them in every tributary and river i trap. Setting conibears for beaver it's really tough even putting triggers on far side. Killed one and released 3 this year and jut don't even set where I need to anymore because catching one is inevitable.

---

**Nash Smith**

**Webster SD**

**Position:** oppose

**Comment:**

No comment text provided.

---

**Gene Pinkert**

**Big Stone City SD**

**Position:** support

**Comment:**

The river otter needs to be delisted as they seem to be everywhere along the north branch of the yellow bank river in grant county. Have seen lots of families of otters during the summer and fall moving around so reproduction is definitely happening.

---

**Philip Neuharth**

**Menno SD**

**Position:** support

**Comment:**

It is time to delist, and start managing this wonderful resource. Thanks.

---

**Kris Hoffman**

**Vermillion SD**

**Position:** support

**Comment:**

In my line of work I talk to a fair amount of trappers and have been hearing more recently (last few years) about run ins that people have been having with otters. Also, I do know that some trappers are very hesitant to trap beaver because they do not want to catch an incidental otter.

---

**Jenna Glassburner**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

At last count there were less than 50 otters in the state, so delisting seems a very hasty and ill-advised move at this point. Please reconsider.

---

**Jerry Herbst**

**Pukwana SD**

**Position:** support

**Comment:**

If the their numbers support it that should be the next step.

---

**Kasey Abbott**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

I have lived in SD almost all of my 60+ years and am an avid outdoorsman. I have never seen a river otter. I find it hard to believe that there are enough of them to delist as a threatened and protected species.

---

**Michelle Hentschel**

**Brandon SD**

**Position:** oppose

**Comment:**

I'm opposed to delisting the river otter because it seems there is not enough data to support their population being stable. Please either wait until higher numbers are observed or until a proper study can be done.

---

**Paul Kuhlman**

**Avon SD**

**Position:** support

**Comment:**

I think the de-listing of the bobcat for some East River counties has been a great success and I believe the same could happen with otters. I highly recommend that you follow the GFP advice on this as they have done some excellent research on the topic.

---

**Stephen Humphreys**

**Pringle SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Tyler Kari**

**Bison SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Vince Logue**

**Oelrichs SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Mike Evert**

**Sheboygan WI**

**Position:** support

**Comment:**

No comment text provided.

---

**Dana Loseke**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

Twenty years ago the Flandreau Santee Sioux tribe introduced thirty- five river otters in Moody County. Today the GF & P study shows an average annual sighting of forty-two otters for the past five years. An increase of seven otter sightings from what was introduced is not indicative of a booming population. Clearly, the data from the GF & P indicates the delisting is not based on science.

As a citizen who has tremendous respect for the work of the department this move to delist is premature at best.

1. Otters are not overrunning our lakes and streams. The GF & P data illustrates that fact.
2. They eat fish in the Blg Sioux which is comprised primarily of carp. If there were more otters maybe we'd get rid of some of the lousy carp.
- 3.. Otters do no economic damage They don't eat crops, they don't cut down trees. They use old burrows from other animals so they don't damage streabanks.
4. They don't eat eggs so they cause no harm to upland game birds.
5. Otters need clean fresh water, vegetated stream banks and food to survive. If South Dakota rivers and streams were not full of sediment we may have a higher population of otters.

Our volunteer organization , Friends of the Blg Sioux River, is working for clean water in the Blg Sioux watershed. Our logo is the river otter. We teach kids that otters need clean water, riparian buffers, and fish for food which is why otters are so rare to see. At school events and school classes we present videos of otters ( these are film from other states as we have not spotted an otter in South Dakota to film) enjoying life. As a fan of GF & P I don't think it would be in the best interests of the department to have school children, teachers, and parents learn that these wonderful animals are not protected due to actions taken by this commission.

---

**Suzan Nolan**

**Rapid City SD**

**Position:** oppose

**Comment:**

I am opposed to delisting the otter. They are few enough as it is and to put them at greater risk of being trapped makes little sense to me. I think otters should be introduced into western SD and they should not be trapped anywhere nor delisted.

---

**Nancy Hilding**

**Black Hawk SD**

**Position:** oppose

**Comment:**

Nancy Hilding,  
President  
Prairie Hills Audubon

We attach a courtesy copy of our alert on the de-listing of the river otter, which we object to.

We thank Eileen Dowd Stukel & Silka Kempema for their work to protect "at risk" species.

---

**Susan Braunstein**

**Rapid City SD**

**Position:** oppose

**Comment:**

No comment text provided.

---

**Jamie Al-Haj**

**Rapid City SD**

**Position:** oppose

**Comment:**

I oppose the delisting of the River Otter! The state of South Dakota does not have solid population numbers and arbitrary counting does not justify taking any animal off of a threatened list. Trapping annihilated the River Otter in the past, do not be so irresponsible as to allow history to repeat itself!

---

**(Donald) Peter Carrels**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

Delisting the river otter is a premature action. This animal remains relatively scarce in South Dakota. There has been inadequate field research to determine the status of the river otter. We do know that river otters were once common in the state, but as recently as 1977 there was not a single sighting of this animal in South Dakota. The primary reason there is a population at all is because there was a release of about 34 otters by the Flandreau Santee Sioux Tribe in 1998 and 2000. The State of South Dakota must become more undertake an serious effort to restore populations on South Dakota rivers. Until there is a reasonable effort underway the animal must remain protected.

---

**Nancy Hilding**

**Black Hawk SD**

**Position:** oppose

**Comment:**

Nancy Hilding  
President  
Prairie Hills Audubon Society

We attach our second letter on the river otter. This one questions SD GFP knowledge about the river otter at La Creek National Wildlife Refuge and asks for a continued re-introduction effort at the Refuge. To our knowledge last verified sighting was Feb 2018 and an unverified sighting in summer of 2019.

---

**Cheyne Cumming**

**Rapid City SD**

**Position:** oppose

**Comment:**

I strongly oppose the delisting of the River Otter. Their numbers do not justify this action. We have none in West River. There is no scientific data to justify this. Habitat continues to be destroyed or compromised. DO NOT DELIST!

---

**Ray Maize**

**Pierre SD**

**Position:** support

**Comment:**

I support Delisting the River Otter and would like a trapping season for them. Thank you.

---

**Nancy Hilding**

**Black Hawk SD**

**Position:** oppose

**Comment:**

Nancy Hilding  
President  
Prairie Hills Audubon Society,

I attach our third letter on the otter de-listing, that challenges de-listing criteria and choice of recovery area.

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD, 57718  
nhilshat@rapidnet.com  
605-787-6466  
May 3rd, 2020

SD Game, Fish and Parks Commission  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501

Dear Commissioners.

Below we send you a courtesy copy of our alert on the proposal from SD Game, Fish and Parks to de-list the river otter.

We object to the criteria for the de-listing proposal, we want an estimate of the otter population numbers or more scientific/thorough way of collecting verified sightings, before de-listing moves forward. We want the reintroduction at La Creek National Wildlife Refuge completed and other west river before delisting occurs.

But below (beginning on page 2) find a copy of our alert sent out Sunday night to our e-mail mailing list.

It includes a link where you can watch the video recording of a presentation on the otter that Silke Kempema gave our members via Zoom on April 29th.

=====  
Please skip forward to page 2  
=====

Help protect SD River Otters - object to their removal from SD's threatened species list and/or request their reintroduction west river.

Take action by **Sunday May 3rd before midnight CT** (by posting comments to GFP on-line for public record) or **by Thursday, May 7th 2 pm CT** (testify via teleconference or by e-mailing individual commissioners at their 8 individual e-mail addresses)

Scroll down towards bottom of e-mail for details on how to comment to GFP Commission and for a link to watch the recording of our Zoom meeting on otters, (4/29/20) as well as links to other references.



Northern River Otter

Photo by Tom Koerner/USFWS

<https://creativecommons.org/licenses/by/2.0/deed.en>

### **Discussion of Issues.**

SD river otters have been listed as threatened under the SD Endangered Species Act since 1977. They may have once been extirpated from the state and 35 otter were reintroduced by Flandreau Sioux Tribe to the Big Sioux River in 1998 & 1999. SD Game, Fish and Parks staff has proposed to de-list the species, believing it's population distribution east river, indicates recovery. The SD GFP Commission will consider whether to de-list otters (or not) at a virtual meeting May 7th-8th conducted by teleconference.

### **We object to the delisting on the following major points**

1. GFP needs to base delisting criteria on estimates of population numbers & also on population structure, not just on population distribution. GFP is basing the delisting on the population distribution in drainages in the far eastern side of the state.
2. Verified population numbers of otters are still too low
3. GFP should insure the river otter is successfully reintroduced to river(s) in western SD before it is delisted: at least restarting the reintroduction effort at La Creek National Wildlife Refuge

4. Delisting review shows insufficient consideration of the status of the threats to the river otter and their habitat
5. Otters are fun to watch and the wildlife watchers are not less important than trappers. SDGFP should insure that otters are spread around SD in greater numbers & to west river before delisting.

### FOR MORE INFORMATION

We believe otter will likely be trapped as fur bearers once they are delisted and wildlife watchers should have otters better distributed across SD, in higher numbers for watchers to enjoy, before more population reduction from trapping starts. Otters are fun to watch. We want some west river.

GFP acknowledges they are now found in the Big Sioux, Vermillion, James, Jorgenson, Little Minnesota, Whetstone, Yellow Bank, Kim Cree/Big Slough river drainages and the Missouri River downstream from Pierre. SD GFP identified a recovery area in far eastern SD. Otters have been found existing in 40% of the sub-basins in the recovery area & breeding in basins that make up 60% of recovery area. Both criteria were met for 2 of 5 years prior to delisting proposal. The highest number of verified otters sightings in SD in any recent year was 42 otters in 2016. Verified sightings for the last 6 years are: 2014 - 33 otters, 2015 - 23 otters, 2016 - 42 otters, 2017- 33 otters, 2018 - 38 otters, 2019 - 40 otters. However more otters will exist than folks are seeing/finding, reporting and that GFP can verify. Half the reports are from Grant, Moody and Roberts Counties. Study of dead otters found, shows they substantially died at 2 years or younger.

Possible west river reintroduction sites are identified by GFP as the Little White River, the Cheyenne and Belle Fourche Rivers. La Creek National Wildlife Refuge and the Little White River have suitable habitat and have had a very small but sort of successful reintroduction. Two otter were reintroduced to La Creek National Wildlife Refuge in 2013. The female died of heart problems but had given birth to a pup before hand. Fate of the male and pup is uncertain, but there were verified sightings (including photos) of single otters up to 2018 and also a not-verified otter sighting in summer 2019. If there is just one otter or two of the same sex, they can't breed.

Otters are associated with beaver, who help create suitable habitat for them in a drainage system. Most otter are currently killed in SD, as incidental take during beaver trapping. The second leading cause of death is being run over by vehicles. Of 117 reported river otters killed in South Dakota from 1979 through 2016, 73% were killed incidental to legal trapping activities; 15% of the 117 reported river otter mortalities resulted from being struck by vehicles. SD otter eat fish, frogs and crayfish and live in aquatic systems: streams, ponds, marshes but they travel cross country from one surface water to the other. They need vegetation along the banks for habitat. Water systems located east river can see change to their edges & size as water levels rise and fall due to variance in rain fall or due to drainage tiling. We face era of climate change & uncertain weather. We question if they should disclose more info on status of the threats to otter, especially from climate change, water pollution (especially from agriculture) and wetlands drainage. In the west river prairie of SD beavers are hunted 365 days. We need to insist on a reduction in the level of beaver trapping west river, to reduce the human predation on any otters reintroduced.

Trout are a non-native introduced species, the Black Hills native fishes were too small for fishing and our Black Hills streams are stocked full of exotics. Trout are difficult for otters to catch (trout swim too fast). We should request that GFP explore managing some stream(s) in Black Hills for fish species that otters can catch, so we can re-establish them in at least one drainage in the Hills.

### THE FUTURE - MORE WORK WILL BE NEEDED

If we fail to prevent the delisting of the otter, we must work to delay the immediate approval of an otter fur bearer season and once one is approved make sure it is very small. Please note most otters are killed currently are killed via incidental takes during trapping. Such death can involve drowning under water while restrained. We can also work to protect beavers. Percentages of otter death by type of trapping are: 53.7 % for beaver trapping, 32.4 % for unknown trapping, 8.8 % for raccoon trapping, 2.3 % for fish trapping , 1.4% for mink trapping and other 1.4%

We need to insist on reintroduction to La Creek National Wildlife Refuge or to the Little White River, working with either GFP, USFWS and/or Rosebud Sioux Tribe. We can work for introductions on Cheyenne & Belle Fourche Rivers, working with GFP and/or tribes. The work to protect the otter will not be over on May 7th, no matter what happens - so write in support of otter recovery and west river reintroduction, even if you miss the May 3rd or May 7th deadlines.

## HOW TO COMMENT

You can comment on any proposed rule change (or anything else) in writing by midnight CT of May 3rd  
Post comments on line at: <https://gfp.sd.gov/forms/positions/>

Or you can comment by teleconference on the afternoon of the 7th.

Teleconferencing details are on this web site (<https://gfp.sd.gov/commission/information/>)

*The public hearing will begin at 2:00 p.m. CT. The conference call number available for the public to call in starting at 2:00 p.m. CT to provide comments is 1-866-410-8397; Conference Code 5451787643#. The public is encouraged to call in from their home, but is encourage to get off the phone after testifying to not clog up the lines. You can livestream meetings at: <https://www.sd.net/>*

You can testify for 3 minutes on any subject during the "open forum" and for 3 minutes during the rule making hearing on each rule up for review (that is when you testify on the otter de-listing or other rules up for finalization). Rules up for finalization besides River Otter Delisting include:  
, Archery Deer Season, Youth Waterfowl Season, Youth Pheasant Season, Flathead Catfish – NE & SD Border Waters. Normally comments on rule making come before the open forum. The River otter is currently listed as the 7th rule to be considered, but order can change at discretion of the Commission.

Link to see the Commissioner's contact info

<https://gfp.sd.gov/commission/members/>

Here are the e-mails of Commissioners serving in 2019, you can e-mail them directly at any time, but your e-mail will not go into the official records of GFP, unless you also post it at: <https://gfp.sd.gov/forms/positions/>.

Late submissions end up in the next months "Commission Book".

You can call them at home, but please be polite and respectful.

[MaryAnne.Boyd@state.sd.us](mailto:MaryAnne.Boyd@state.sd.us), Jensen, Gary

<[Gary.Jensen@state.sd.us](mailto:Gary.Jensen@state.sd.us)>, [Russell.Olson@state.sd.us](mailto:Russell.Olson@state.sd.us), [Doug.Sharp@state.sd.us](mailto:Doug.Sharp@state.sd.us), [Travis.Bies@state.sd.us](mailto:Travis.Bies@state.sd.us),  
[Robert.Whitmyre@state.sd.us](mailto:Robert.Whitmyre@state.sd.us), [Jon.Locken@state.sd.us](mailto:Jon.Locken@state.sd.us)

## REFERENCES

*We had a Zoom meeting Wednesday, 4/29/20)by Zoom,  
Topic: **South Dakota's River Otters***

**Time: Apr 29, 2020, 6:30 PM Mountain Time**

*Speaker: Silka Kempema of SD Game, Fish and Parks (GFP) Wildlife Diversity Program*

*Link to recording of the meeting (already happened)*

<https://us02web.zoom.us/rec/share/4ZBrI-6u2WhJYrfc5UPEfasvMtjbX6a8gCBKrqFczk8oRnoPBZv5F7PbJmyTrwuE>

**Password: 5K%KE1B&**

Nancy was a little late starting the recording and missed the first three slides, which included the title slide, a slide titled

Mustelid - which had 4 characteristics listed (carnivore, long body, short legs, scent glands) and a slide titled Biology, which had 3 points.- (adapted to life in water, indicator of water quality, associated with beaver.)

To read de-listing proposal

[https://gfp.sd.gov/UserDocs/meetings/PRO\\_2020\\_River\\_Otter\\_Delisting.pdf](https://gfp.sd.gov/UserDocs/meetings/PRO_2020_River_Otter_Delisting.pdf)

Link to SD GFP's status review for endangered and threatened Species. -  
See page 122 for the North American river otter section, page 127 for recovery criteria/goals:

<https://gfp.sd.gov/UserDocs/nav/status-reviews.pdf>

"Determination of river otter (*Lontra canadensis*) distribution and evaluation of potential sites for population expansion in South Dakota", 2011- 2015,

See page 69 for Melquist's recommended parameters to be met before de-listing and also reintroduction recommendations

<https://gfp.sd.gov/images/WebMaps/Viewer/WAP/Website/SWGSummaries/FINAL%20REPORT%20Melquist%20River%20Otters%20T-55.pdf>

Link to GFP's 2012 SD Otter Management Plan

<https://gfp.sd.gov/UserDocs/nav/OtterPlan2012.pdf>

SD GFP Commissions March 5th meeting had a discussion of the proposed delisting..if you go to the meeting archives you can scroll through page till you find "Proposal River Otter Delisting" with small image of an audio horn to the right

<https://gfp.sd.gov/commission/archives/>

SD Endangered Species laws

[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)

SD Endangered Species Rules

<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=41:10:02>

2020 SD House concurrent resolution to de-list otter and manage as a harvested furbearer (resolutions are not law, just legislative suggestions)

[http://sdlegislature.gov/Legislative\\_Session/Bills/Bill.aspx?Bill=HCR6014&Session=2020](http://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=HCR6014&Session=2020)

Best Management Practices for Trapping River Otter, Association of Fish and Wildlife Agencies

[https://www.fishwildlife.org/application/files/8015/2105/3073/Otter\\_BMP\\_2014\\_F.pdf](https://www.fishwildlife.org/application/files/8015/2105/3073/Otter_BMP_2014_F.pdf)

US Forest Service North American River Otter - A Technical Conservation Assessment, 2006

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5210168.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5210168.pdf)

The Black Hills Pioneer had an article on the proposed delisting, February 29th, 2020. <https://www.bhpioneer.com>

=====

End of our alert

Thanks,



Nancy Hilding, President, Prairie Hills Audubon Society

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD, 57718  
nhilshat@rapidnet.com  
605-787-6466  
May 3rd, 2020

SD Game, Fish and Parks Commission  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501

Dear Commissioners,

This is our second letter on the river otter, Our first was a courtesy copy of our alert on the de-listing proposal.

We include below text from the SDGFP delisting proposal found at  
[https://gfp.sd.gov/UserDocs/meetings/PRO\\_2020\\_River\\_Otter\\_Delisting.pdf](https://gfp.sd.gov/UserDocs/meetings/PRO_2020_River_Otter_Delisting.pdf)

*The delisting report says:*

*"Melquist reported in 2015 that river otter distribution included the following: Big Sioux, Vermillion and James River drainages, Jorgenson River, Little Minnesota River, Whetstone River, Yellow Bank River, Jim Creek/Big Slough and the Missouri River downstream from Pierre (Melquist 2015)."*

We include text from the Status Review of 2018 that can be found at

Page 124 and pages 125-126 and :  
<https://gfp.sd.gov/UserDocs/nav/status-reviews.pdf>

**Conservation / Management Considerations:**

*"Known threats to river otters in South Dakota include incidental trapping and road kills. Of 117 reported river otters killed in South Dakota from 1979 through 2016, 73% were killed incidental to legal trapping activities; 15% of the 117 reported river otter mortalities resulted from being struck by vehicles (South Dakota Department of Game, Fish and Parks, unpublished data). Degradation of streams, loss of riparian habitat and seasonal variations in water levels also threaten long-term population stability. The impact of agricultural chemical run-off is unknown. A year-round beaver trapping season west of the Missouri River and a focus on non-native trout management in Black Hills streams will impair statewide recovery of river otters. Due to these issues and evidence of more suitable habitat in eastern South Dakota, the focus of recovery is on watersheds within the eastern part of the state."....*

*"Suitable reintroduction or translocation sites to address river otter depredation complaints were selected based upon riparian habitat, water permanence, available prey, evidence of current beaver activity and banks with suitable resting sites (Melquist 2015). Potential reintroduction sites were located on the Cheyenne, Belle Fourche and Little White rivers. No evidence of recent otter occurrence exists in the areas selected for reintroduction. Note that current conservation challenges west of the Missouri River (as listed above) impair recovery at these sites. Translocation sites were recommended on the James, Missouri and Vermillion rivers. At least one site was recommended in each administrative Wildlife Division region of SDGFP*

*Two incidentally captured otters (one male and one female) were radio-marked and released on the Little White River Game Production Area in Bennett County (Figure 1) on 14 126*

November 2013 to further evaluate habitat suitability on the Little White River (Melquist 2015). Radio contact with the male was last obtained on 25 March 2014. The female occupied both the Little White River and Lacreek National Wildlife Refuge giving birth to at least one pup on the refuge during the spring of 2014. The adult female was found dead on 19 January 2015. Hypertrophic cardiomyopathy is the suspected cause of death (U.S. Geological Survey, National Wildlife Health Center Diagnostic Services case report #26185). Portions of the Little White River and the Lacreek National Wildlife Refuge have suitable year-round otter habitat."

(Emphasis added)

This story on the reintroduction effort at La Creek National Wildlife Refuge, seems not to have been updated since Melquist's report ended in 2015. It seems when he left he had no proof of continued otter presence at the refuge. It seems GFP has not been communicating since then with the La Creek NWR.

I provide two quotes from e-mails from Todd Schmidt the refuge manager. I have forwarded these e-mails to Silka Kempema. Below find two e-mail texts dated May 1st from Schmidt and one on May 3rd from Tom Beck, a Game, Fish and Parks employee :

=====

**From:** "Schmidt, Todd" <todd\_schmidt@fws.gov>  
**Subject:** Re: [EXTERNAL] Can you give me an update on river otters La Creek?  
**Date:** May 1, 2020 at 1:26:23 PM MDT  
**To:** Nancy Hilding <nhilshat@rapidnet.com>

"We had sightings about every year after the relocation up until February of 2018. Not sure if it is more than one, we never had more than one in a picture. And nobody on staff ever saw more than one at a time after the female died. You might contact Tom Beck the Bennett County Conservation Officer with the GFP and he might have more info on nearby sightings.

His number 605-381-6433  
or email [tom.beck@state.sd.us](mailto:tom.beck@state.sd.us)

**Todd Schmidt**  
**Lacreek National Wildlife Refuge**  
**Martin, SD**  
**Office: 605-685-6508"**

=====

"Hi Nancy.

The last confirmed sighting of a river otter was in February of 2018. We have a few nice trail camera pictures of an otter during that winter. We have not seen sign of an otter or heard of any reports of an otter at Lacreek NWR since that time period.

Yes, we are currently teleworking, sorry we are not answering our office phone.

Todd

**Todd Schmidt**  
**Lacreek National Wildlife Refuge**  
**Martin, SD"**

=====

This is a May 3rd e-mail from Tom Beck

**From:** "Beck, Tom" <Tom.Beck@state.sd.us>

**Subject: Re: sightings of river otters at La Creek**

**Date:** May 3, 2020 at 8:18:35 AM MDT

**To:** Nancy Hilding <nihilshat@rapidnet.com>

Nancy

We have not had any sightings on or around LaCreek National Wildlife Refuge for over a year. I'm not seeing tracks or slides, eaten fish, or other signs that any are present anymore, which is unfortunate.

Tom

Tom

=====

At our April 29th Zoom meeting on the River Otter, Dan Snethen, a biology teacher at Little Wound High School, in Kyle reported that he has seen a river otter near La Creek (but not on La Creek) on some not specified date, but Dan knew someone who saw a river otter in the Summer of 2019. He said the name of the person, but I don't remember it. He said this person hunts bears with Melquist.

It thus seems the Fall 2018 determination by SD GFP that Little White River has no recent otter occurrence may need to be re-examined. At the very least otter(s) seem to been noticed with verified sightings at La Creek National Wildlife Refuge up till 2018 (including photos).

As the story is that a male and female were reintroduced in November 2013 and the male radio emissions were lost in 2014 and the female died of heart troubles in early 2015 and she gave birth to a pup (fate unknown). It is possible that we have two males out there or one male or one female and they are surviving but not able to breed.

There is suitable habitat at La Creek NWR and along the Little White River, including on the Rosebud Reservation.

SD Game, Fish and Parks needs to prioritize very quickly adding some more river otters to the La Creek NWR population and perhaps Rosebud Sioux Tribe might join Flandreau Sioux Tribe in helping with otter reintroduction.

Prairie Hills Audubon Society is located west River and we would like to be able to watch river otters at La Creek or at other rivers in western SD. We don't want the river otter delisted until this is accomplished. However if the river otter is delisted we want no trapping or hunting season West River until some reintroductions west river are successful. Why do just east river people get to watch or trap otters?

We ask for SD GFP to check with tribes to see what cultural significance the otters have to tribes (if any), especially as Flandreau took the initiative to re-introduce them. You should do that check before delisting.

Thanks,



Nancy Hilding  
President  
Prairie Hills Audubon Society

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD, 57718  
nhilshat@rapidnet.com  
605-787-6466  
May 3rd, 2020

SD Game, Fish and Parks Commission  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501

Dear Commissioners,

We question the delisting criteria chosen by SD GFP for the river otter, back in 2018. We object to them as insufficient and incomplete. We object to having only a recovery area of the far east side of South Dakota.

These criteria are expressed on page 127 of the Status Review:

**"Delisting of the river otter will be recommended when the following conditions are met:**

- \_confirmed reports of reproduction are documented in three of the five basins (60%) within the recovery area, AND
- \_within each of these basins, the presence of river otters has been documented by verified reports in at least 40% of the subbasins.

Both of these criteria shall be met during two of the five years prior to proposed delisting."

- Wayne E. Melquist, Ph.D. , CREX Consulting , was hired to write a report for SD GFP's Wildlife Diversity Program a report titled: " **FINAL REPORT** Determination of river otter (*Lontra canadensis*) distribution and evaluation of potential sites for population expansion in South Dakota, 1 October 2011 - 30 January 2015", dated May 2015 .

On page 69-70 he recommends more strict de-listing criteria than SD GFP chose & he also offers a choice of recovery goals - recovery in just eastern SD or recovery in both eastern & western SD. But he suggests that to recover both eastern & western SD you need to bring in out-of-state otters due to limited otter supply in SD & also GFP would need to reduce beaver trapping west river.

**"RECOMMENDATIONS**

Parameters for Delisting

Demographic parameters, including size, structure, and distribution of the South Dakota otter population will be necessary for delisting to go forward and for any consideration of a harvest. I recommend that biological data (e.g., sex, age, reproductive condition, presence of parasites) continue to be collected from dead otters recovered by SDGFP. Age structure of this "unintentional harvest" can be useful in gauging the reproductive health and dynamics of the otter population. Trend data and the expansion of otters into previously unoccupied areas can provide insight into the health of the existing population and the suitability of the habitat in previously unoccupied areas.

While biologists still haven't been able to develop a method to accurately estimate population density based on survey data, distribution and population trend data can be obtained through some variation of bridge sign surveys. I would recommend that standardized winter bridge sign surveys be established.

Survey options could be similar to those used in Nebraska, where they don't leave the bridge (Wilson 2011), in Ohio, where they survey 300 m upstream and downstream from the bridge (Prange 2011), or the methods employed by Shardlow et al. (2009) in Kansas. I would also encourage exploring survey options used in other Midwestern states in an effort to find an appropriate survey method suitable for South Dakota.

#### Need for reintroductions to expand otter populations in South Dakota

I believe there are options available to SDGFP for increasing the density and expanding the distribution of otters in the state. The 2 options offered here are based on different assumptions for recovery goals. Option 1 is based on the assumption that otter restoration in only East River streams is necessary to meet recovery goals.

This option would focus on using only resident otters to augment existing populations on the James River and Vermillion River drainages. The source of otters for this augmentation would be the Big Sioux River drainage and tributaries of the Minnesota River. Available otters could be those incidentally live-trapped, conflict otters that require moving, or otters intentionally captured for the purpose of moving them. This option makes sense if a determination is made that West River streams are neither part of the recovery effort nor necessary for achieving recovery goals.

Option 2 is based on the assumption that otter restoration in East River and West River streams is necessary to meet recovery goals.

There probably wouldn't be an adequate supply of otters available in South Dakota to augment small East River populations and establish viable breeding populations in West River streams. Therefore, this option would require purchasing otters from a source or sources outside of South Dakota for release at previously identified locations on the Cheyenne River, Belle Fourche River, and Little White River in order to expand the otter population west of the Missouri River. However, beaver harvest regulations, as described below, should be changed or the restoration effort may be fortuitous. Also under this option, I would recommend that East River streams continue to be augmented, but only by resident South Dakota otters. Kiesow (2003) outlined a reintroduction protocol and recommended a release of 120 otters in the state, with a minimum of 100. While the number may seem somewhat arbitrary and based on releasing otters in 5 streams, most parts of the protocol appear reasonable. I recommend a review of past successful restoration efforts in other states be combined with Kiesow's protocol and recommendations prior to establishing the number of otters for release in the West River streams."

*Emphasis added.*

We don't see an estimate by SD GFP of what number of otters is needed for a viable population. We believe that distribution goals, rather than population numbers was chosen as it is difficult to count otters and perhaps SD Wildlife Diversity program has a limited budget. But we are under the understanding that if you substitute distribution for population numbers, you need a more scientific and thorough method of counting otters than was used.

Sincerely,



Nancy Hilding  
President  
Prairie Hills Audubon Society

# Rolling Budget Summary Report

FY 2021

Center 06	GAME, FISH, AND PARKS							
	Actual FY18	Actual FY19	Budgeted FY20	Inflation FY21	Exp/Red FY21	Request FY21	Recommended FY21	Rec. Inc/Dec FY21
<b>Personal Services</b>								
EMPLOYEE SALARIES	25,352,429	25,483,636	26,801,025	0	687,283	26,947,645	27,488,308	687,283
EMPLOYEE BENEFITS	7,830,385	7,660,542	8,474,910	0	468,842	8,533,559	8,943,752	468,842
FTE	570.8	570.0	580.9		3.0	583.9	0.0	
<b>Funding Types</b>								
GENERAL	2,906,540	2,915,318	3,057,580	0	91,814	3,161,209	3,149,394	91,814
FEDERAL	5,042,118	4,955,951	5,831,969	0	158,003	5,831,969	5,989,972	158,003
OTHER	25,234,155	25,272,909	26,386,386	0	906,308	26,488,026	27,292,694	906,308
Total PS	33,182,813	33,144,178	35,275,935	0	1,156,125	35,481,204	36,432,060	1,156,125
<b>Operating Expenses</b>								
TRAVEL	978,884	1,015,752	1,995,241	0	-47,433	1,947,808	1,947,808	-47,433
CONTRACTUAL SERVICES	29,505,900	30,337,168	31,694,796	0	403,127	32,054,662	32,097,923	403,127
SUPPLIES & MATERIALS	6,504,812	7,656,395	7,302,786	0	61,764	7,364,550	7,364,550	61,764
GRANTS AND SUBSIDIES	2,546,337	2,314,598	3,497,381	0	35,992	3,533,373	3,533,373	35,992
CAPITAL OUTLAY	15,643,282	16,880,393	15,965,784	0	1,899,945	17,865,729	17,865,729	1,899,945
OTHER	696,726	538,354	534,909	0	0	534,909	534,909	0
<b>Funding Types</b>								
GENERAL	3,411,358	3,290,773	3,296,586	0	-10,769	3,285,817	3,285,817	-10,769
FEDERAL	19,778,846	20,332,928	22,073,965	0	-1,053,581	21,019,230	21,020,384	-1,053,581
OTHER	32,685,739	35,118,958	35,620,346	0	3,417,745	38,995,984	39,038,091	3,417,745
Total OE	55,875,942	58,742,659	60,990,897	0	2,353,395	63,301,031	63,344,292	2,353,395
<b>TOTAL FOR 06</b>								
<b>Funding Types</b>								
GENERAL	6,317,898	6,206,091	6,354,166	0	81,045	6,447,026	6,435,211	81,045
FEDERAL	24,820,964	25,288,879	27,905,934	0	(895,578)	26,851,199	27,010,356	-895,578
OTHER	57,919,893	60,391,867	62,006,732	0	4,324,053	65,484,010	66,330,785	4,324,053
<b>Total</b>	89,058,755	91,886,837	96,266,832	0	3,509,520	98,782,235	99,776,352	3,509,520

# Rolling Budget Summary Report

FY 2021

Center 0601	Administration								3 10 Inc/Dec
	Actual FY18	Actual FY19	Budgeted FY20	Inflation FY21	Exp/Red FY21	Request FY21	Recommended FY21	Rec.	FY21
<b>Personal Services</b>									
EMPLOYEE SALARIES	1,615,426	1,611,704	1,771,708	0	104,841	1,845,728	1,876,549		104,841
EMPLOYEE BENEFITS	473,338	470,852	625,637	0	52,574	655,246	678,211		52,574
<b>FTE</b>	26.0	25.8	27.6		1.0	28.6	0.0		
<b>Funding Types</b>									
GENERAL	147,060	140,191	151,017	0	5,927	254,646	156,944		5,927
FEDERAL	0	0	0	0	0	0	0		0
OTHER	1,941,704	1,942,365	2,246,328	0	151,488	2,246,328	2,397,816		151,488
<b>Total PS</b>	<b>2,088,764</b>	<b>2,082,556</b>	<b>2,397,345</b>	<b>0</b>	<b>157,415</b>	<b>2,500,974</b>	<b>2,554,760</b>		<b>157,415</b>
<b>Operating Expenses</b>									
TRAVEL	111,789	99,588	210,764	0	0	210,764	210,764		0
CONTRACTUAL SERVICES	1,447,771	1,495,610	1,542,712	0	7,126	1,540,048	1,549,838		7,126
SUPPLIES & MATERIALS	266,754	239,327	330,765	0	0	330,765	330,765		0
CAPITAL OUTLAY	64,804	64,892	16,715	0	0	16,715	16,715		0
OTHER	0	0	2,000	0	0	2,000	2,000		0
<b>Funding Types</b>									
GENERAL	821,510	824,951	825,135	0	-2,664	822,471	822,471		-2,664
FEDERAL	0	0	0	0	0	0	0		0
OTHER	1,069,608	1,074,466	1,277,821	0	9,790	1,277,821	1,287,611		9,790
<b>Total OE</b>	<b>1,891,118</b>	<b>1,899,417</b>	<b>2,102,956</b>	<b>0</b>	<b>7,126</b>	<b>2,100,292</b>	<b>2,110,082</b>		<b>7,126</b>
<b>TOTAL FOR 0601</b>									
<b>Funding Types</b>									
GENERAL	968,570	965,142	976,152	0	3,263	1,077,117	979,415		3,263
FEDERAL	0	0	0	0	0	0	0		0
OTHER	3,011,312	3,016,831	3,524,149	0	161,278	3,524,149	3,685,427		161,278
<b>Total</b>	<b>3,979,882</b>	<b>3,981,973</b>	<b>4,500,301</b>	<b>0</b>	<b>164,541</b>	<b>4,601,266</b>	<b>4,664,842</b>		<b>164,541</b>

# Rolling Budget Summary Report

FY 2021

Center 0620	State Parks and Recreation							
	Actual FY18	Actual FY19	Budgeted FY20	Inflation FY21	Exp/Red FY21	Request FY21	Recommended FY21	Rec. Inc/Dec FY21
<b>Personal Services</b>								
EMPLOYEE SALARIES	8,834,289	8,971,000	9,294,260	0	187,101	9,294,260	9,481,361	187,101
EMPLOYEE BENEFITS	2,377,481	2,349,520	2,646,751	0	141,054	2,646,751	2,787,805	141,054
FTE	245.7	243.8	250.2		0.0	250.2	0.0	
<b>Funding Types</b>								
GENERAL	2,759,480	2,775,127	2,906,563	0	85,887	2,906,563	2,992,450	85,887
FEDERAL	503,142	546,040	1,027,320	0	24,996	1,027,320	1,052,316	24,996
OTHER	7,949,148	7,999,353	8,007,128	0	217,272	8,007,128	8,224,400	217,272
Total PS	11,211,770	11,320,520	11,941,011	0	328,155	11,941,011	12,269,166	328,155
<b>Operating Expenses</b>								
TRAVEL	170,955	148,159	325,424	0	5,000	330,424	330,424	5,000
CONTRACTUAL SERVICES	9,197,103	9,104,528	9,719,080	0	30,501	9,737,975	9,749,581	30,501
SUPPLIES & MATERIALS	2,354,454	2,466,499	2,556,989	0	6,000	2,562,989	2,562,989	6,000
GRANTS AND SUBSIDIES	1,055,287	472,579	1,100,000	0	0	1,100,000	1,100,000	0
CAPITAL OUTLAY	539,290	1,454,305	853,942	0	0	853,942	853,942	0
OTHER	504,525	476,097	532,909	0	0	532,909	532,909	0
<b>Funding Types</b>								
GENERAL	2,589,848	2,465,822	2,471,451	0	-8,105	2,463,346	2,463,346	-8,105
FEDERAL	2,456,875	1,985,584	2,990,151	0	-4,469	2,985,151	2,985,682	-4,469
OTHER	8,774,892	9,670,759	9,626,742	0	54,075	9,669,742	9,680,817	54,075
Total OE	13,821,615	14,122,165	15,088,344	0	41,501	15,118,239	15,129,845	41,501
<b>TOTAL FOR 0620</b>								
<b>Funding Types</b>								
GENERAL	5,349,328	5,240,949	5,378,014	0	77,782	5,369,909	5,455,796	77,782
FEDERAL	2,960,017	2,531,624	4,017,471	0	20,527	4,012,471	4,037,998	20,527
OTHER	16,724,041	17,670,112	17,633,870	0	271,347	17,676,870	17,905,217	271,347
<b>Total</b>	25,033,385	25,442,685	27,029,355	0	369,656	27,059,250	27,399,011	369,656

# Rolling Budget Summary Report

FY 2021

Center 0621	State Parks and Recreation - Dev/Imp								
	Actual FY18	Actual FY19	Budgeted FY20	Inflation FY21	Exp/Red FY21	Request FY21	Recommended FY21	Rec. Inc/Dec FY21	IS 12/20 Dec FY21
<b>Personal Services</b>									
EMPLOYEE SALARIES	0	0	0	0	0	0	0	0	0
EMPLOYEE BENEFITS	0	0	0	0	0	0	0	0	0
FTE	0.0	0.0	0.0		0.0	0.0	0.0		
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0	0	0
FEDERAL	0	0	0	0	0	0	0	0	0
OTHER	0	0	0	0	0	0	0	0	0
Total PS	0	0	0	0	0	0	0	0	0
<b>Operating Expenses</b>									
TRAVEL	0	0	0	0	0	0	0	0	0
CONTRACTUAL SERVICES	90,202	596,914	0	0	0	0	0	0	0
SUPPLIES & MATERIALS	0	89,579	0	0	0	0	0	0	0
GRANTS AND SUBSIDIES	0	0	0	0	0	0	0	0	0
CAPITAL OUTLAY	9,114,298	9,660,359	10,587,875	0	1,311,945	11,899,820	11,899,820	1,311,945	1,311,945
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0	0	0
FEDERAL	2,672,750	3,185,750	3,747,250	0	-1,682,350	2,064,900	2,064,900	-1,682,350	-1,682,350
OTHER	6,531,750	7,161,102	6,840,625	0	2,994,295	9,834,920	9,834,920	2,994,295	2,994,295
Total OE	9,204,500	10,346,852	10,587,875	0	1,311,945	11,899,820	11,899,820	1,311,945	1,311,945
<b>TOTAL FOR 0621</b>									
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0	0	0
FEDERAL	2,672,750	3,185,750	3,747,250	0	(1,682,350)	2,064,900	2,064,900	-1,682,350	-1,682,350
OTHER	6,531,750	7,161,102	6,840,625	0	2,994,295	9,834,920	9,834,920	2,994,295	2,994,295
<b>Total</b>	9,204,500	10,346,852	10,587,875	0	1,311,945	11,899,820	11,899,820	1,311,945	1,311,945

# Rolling Budget Summary Report

FY 2021

Center 0610	Wildlife - Info							
	Actual	Actual	Budgeted	Inflation	Exp/Red	Request	Recommended	Rec. Inc/Dec
	FY18	FY19	FY20	FY21	FY21	FY21	FY21	FY21
<b>Personal Services</b>								
EMPLOYEE SALARIES	14,643,967	14,741,028	15,400,178	0	388,644	15,472,778	15,788,822	388,644
EMPLOYEE BENEFITS	4,908,203	4,782,864	5,120,656	0	272,103	5,149,696	5,392,759	272,103
<b>FTE</b>	291.9	296.5	294.0		2.0	296.0	0.0	
<b>Funding Types</b>								
GENERAL	0	0	0	0	0	0	0	0
FEDERAL	4,538,977	4,409,912	4,804,649	0	133,007	4,804,649	4,937,656	133,007
OTHER	15,013,193	15,113,981	15,716,185	0	527,740	15,817,825	16,243,925	527,740
Total PS	19,552,170	19,523,893	20,520,834	0	660,747	20,622,474	21,181,581	660,747
<b>Operating Expenses</b>								
TRAVEL	683,305	762,202	1,404,299	0	-52,433	1,351,866	1,351,866	-52,433
CONTRACTUAL SERVICES	18,657,590	19,004,837	20,289,528	0	365,182	20,633,163	20,654,710	365,182
SUPPLIES & MATERIALS	3,729,175	4,647,028	4,230,282	0	55,764	4,286,046	4,286,046	55,764
GRANTS AND SUBSIDIES	1,393,107	1,662,501	2,084,881	0	35,992	2,120,873	2,120,873	35,992
CAPITAL OUTLAY	2,691,805	1,873,321	2,215,252	0	53,500	2,268,752	2,268,752	53,500
OTHER	192,201	61,866	0	0	0	0	0	0
<b>Funding Types</b>								
GENERAL	0	0	0	0	0	0	0	0
FEDERAL	13,096,871	12,386,024	13,909,314	0	102,738	14,011,429	14,012,052	102,738
OTHER	14,250,312	15,625,730	16,314,928	0	355,267	16,649,271	16,670,195	355,267
Total OE	27,347,183	28,011,755	30,224,242	0	458,005	30,660,700	30,682,247	458,005
<b>TOTAL FOR 0610</b>								
<b>Funding Types</b>								
GENERAL	0	0	0	0	0	0	0	0
FEDERAL	17,635,848	16,795,936	18,713,963	0	235,745	18,816,078	18,949,708	235,745
OTHER	29,263,506	30,739,711	32,031,113	0	883,007	32,467,096	32,914,120	883,007
<b>Total</b>	46,899,353	47,535,647	50,745,076	0	1,118,752	51,283,174	51,863,828	1,118,752

# Rolling Budget Summary Report

FY 2021

Center 0612		Wildlife -Development/Improvement - Info							
	Actual	Actual	Budgeted	Inflation	Exp/Red	Request	Recommended	Rec. Inc/Dec	
	FY18	FY19	FY20	FY21	FY21	FY21	FY21	FY21	
<b>Personal Services</b>									
	0	0	0	0	0	0	0	0	0
FTE	0.0	0.0	0.0			0.0	0.0	0.0	
<b>Operating Expenses</b>									
CONTRACTUAL SERVICES	0	15,146	0	0	0	0	0	0	0
CAPITAL OUTLAY	3,032,135	3,665,199	2,028,000	0	534,500	2,562,500	2,562,500		534,500
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0	0	0
FEDERAL	1,552,350	2,775,570	1,427,250	0	530,500	1,957,750	1,957,750		530,500
OTHER	1,479,785	904,775	600,750	0	4,000	604,750	604,750		4,000
Total OE	3,032,135	3,680,344	2,028,000	0	534,500	2,562,500	2,562,500		534,500
<b>TOTAL FOR 0612</b>									
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0	0	0
FEDERAL	1,552,350	2,775,570	1,427,250	0	530,500	1,957,750	1,957,750		530,500
OTHER	1,479,785	904,775	600,750	0	4,000	604,750	604,750		4,000
Total	3,032,135	3,680,344	2,028,000	0	534,500	2,562,500	2,562,500		534,500

# Rolling Budget Summary Report

FY 2021

Center 0622	Snowmobile Trails - Info								
	Actual	Actual	Budgeted	Inflation	Exp/Red	Request	Recommended	Rec. Inc/Dec	00 10 FY21
	FY18	FY19	FY20	FY21	FY21	FY21	FY21	FY21	FY21
<b>Personal Services</b>									
EMPLOYEE SALARIES	258,746	159,903	334,879	0	6,697	334,879	341,576		6,697
EMPLOYEE BENEFITS	71,363	57,306	81,866	0	3,111	81,866	84,977		3,111
<b>FTE</b>	7.2	4.0	9.1		0.0	9.1	0.0		
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0		0
FEDERAL	0	0	0	0	0	0	0		0
OTHER	330,109	217,209	416,745	0	9,808	416,745	426,553		9,808
<b>Total PS</b>	<b>330,109</b>	<b>217,209</b>	<b>416,745</b>	<b>0</b>	<b>9,808</b>	<b>416,745</b>	<b>426,553</b>		<b>9,808</b>
<b>Operating Expenses</b>									
TRAVEL	12,835	5,803	54,754	0	0	54,754	54,754		0
CONTRACTUAL SERVICES	113,234	120,133	143,476	0	318	143,476	143,794		318
SUPPLIES & MATERIALS	154,429	213,963	184,750	0	0	184,750	184,750		0
GRANTS AND SUBSIDIES	97,943	179,518	312,500	0	0	312,500	312,500		0
CAPITAL OUTLAY	200,950	162,317	264,000	0	0	264,000	264,000		0
OTHER	0	392	0	0	0	0	0		0
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0		0
FEDERAL	0	0	0	0	0	0	0		0
OTHER	579,391	682,125	959,480	0	318	959,480	959,798		318
<b>Total OE</b>	<b>579,391</b>	<b>682,125</b>	<b>959,480</b>	<b>0</b>	<b>318</b>	<b>959,480</b>	<b>959,798</b>		<b>318</b>
<b>TOTAL FOR 0622</b>									
<b>Funding Types</b>									
GENERAL	0	0	0	0	0	0	0		0
FEDERAL	0	0	0	0	0	0	0		0
OTHER	909,501	899,335	1,376,225	0	10,126	1,376,225	1,386,351		10,126
<b>Total</b>	<b>909,501</b>	<b>899,335</b>	<b>1,376,225</b>	<b>0</b>	<b>10,126</b>	<b>1,376,225</b>	<b>1,386,351</b>		<b>10,126</b>

Object Totals by G,F,O

Operating

FYR 2021 Version A1

59

Department 06 GAME, FISH, AND PARKS  
 Center 0601 Administration

Object	General	Federal	Other	Total	FTE
SALARIES	121,918	0	1,754,631	1,876,549	
BENEFITS	35,026	0	643,185	678,211	
<b>PS Total</b>	<b>156,944</b>	<b>0</b>	<b>2,397,816</b>	<b>2,554,760</b>	<b>28.6</b>
TRAVEL	3,536	0	207,228	210,764	
CONTRACTUAL	817,618	0	732,220	1,549,838	
SUPPLIES	1,317	0	329,448	330,765	
GRANTS	0	0	0	0	
CAPITAL	0	0	16,715	16,715	
OTHER	0	0	2,000	2,000	
<b>OE Total</b>	<b>822,471</b>	<b>0</b>	<b>1,287,611</b>	<b>2,110,082</b>	
<b>TOTAL</b>	<b>979,415</b>	<b>0</b>	<b>3,685,427</b>	<b>4,664,842</b>	

**Object Totals by G,F,O**

**Operating**

FYR 2021    Version A1

60

Department    06                    GAME, FISH, AND PARKS  
 Center         0620                    State Parks and Recreation

Object	General	Federal	Other	Total	FTE
SALARIES	2,744,389	873,598	5,863,374	9,481,361	
BENEFITS	248,061	178,718	2,361,026	2,787,805	
<b>PS Total</b>	<b>2,992,450</b>	<b>1,052,316</b>	<b>8,224,400</b>	<b>12,269,166</b>	<b>250.2</b>
TRAVEL	0	49,970	280,454	330,424	
CONTRACTUAL	2,463,346	1,340,289	5,945,946	9,749,581	
SUPPLIES	0	493,673	2,069,316	2,562,989	
GRANTS	0	1,100,000	0	1,100,000	
CAPITAL	0	1,750	852,192	853,942	
OTHER	0	0	532,909	532,909	
<b>OE Total</b>	<b>2,463,346</b>	<b>2,985,682</b>	<b>9,680,817</b>	<b>15,129,845</b>	
<b>TOTAL</b>	<b>5,455,796</b>	<b>4,037,998</b>	<b>17,905,217</b>	<b>27,399,011</b>	

Object Totals by G,F,O

Operating

FYR 2021 Version A1

19

Department 06 GAME, FISH, AND PARKS  
 Center 0621 State Parks and Recreation - Dev/Imp

Object	General	Federal	Other	Total	FTE
SALARIES	0	0	0	0	
BENEFITS	0	0	0	0	
<b>PS Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
TRAVEL	0	0	0	0	
CONTRACTUAL	0	0	0	0	
SUPPLIES	0	0	0	0	
GRANTS	0	0	0	0	
CAPITAL	0	2,064,900	9,834,920	11,899,820	
OTHER	0	0	0	0	
<b>OE Total</b>	<b>0</b>	<b>2,064,900</b>	<b>9,834,920</b>	<b>11,899,820</b>	
<b>TOTAL</b>	<b>0</b>	<b>2,064,900</b>	<b>9,834,920</b>	<b>11,899,820</b>	

**Object Totals by G,F,O**

**Operating**

FYR 2021    Version A1

62

Department    06                    GAME, FISH, AND PARKS  
 Center         0610                    Wildlife - Info

Object	General	Federal	Other	Total	FTE
SALARIES	0	3,690,774	12,098,048	15,788,822	
BENEFITS	0	1,246,882	4,145,877	5,392,759	
<b>PS Total</b>	<b>0</b>	<b>4,937,656</b>	<b>16,243,925</b>	<b>21,181,581</b>	<b>296.0</b>
TRAVEL	0	329,862	1,022,004	1,351,866	
CONTRACTUAL	0	10,516,404	10,138,306	20,654,710	
SUPPLIES	0	1,424,681	2,861,365	4,286,046	
GRANTS	0	1,731,105	389,768	2,120,873	
CAPITAL	0	10,000	2,258,752	2,268,752	
OTHER	0	0	0	0	
<b>OE Total</b>	<b>0</b>	<b>14,012,052</b>	<b>16,670,195</b>	<b>30,682,247</b>	
<b>TOTAL</b>	<b>0</b>	<b>18,949,708</b>	<b>32,914,120</b>	<b>51,863,828</b>	

Object Totals by G,F,O

Operating

FYR 2021 Version A1

63

Department 06 GAME, FISH, AND PARKS  
 Center 0612 Wildlife -Development/Improvement - Info

Object	General	Federal	Other	Total	FTE
SALARIES	0	0	0	0	
BENEFITS	0	0	0	0	
<b>PS Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
TRAVEL	0	0	0	0	
CONTRACTUAL	0	0	0	0	
SUPPLIES	0	0	0	0	
GRANTS	0	0	0	0	
CAPITAL	0	1,957,750	604,750	2,562,500	
OTHER	0	0	0	0	
<b>OE Total</b>	<b>0</b>	<b>1,957,750</b>	<b>604,750</b>	<b>2,562,500</b>	
<b>TOTAL</b>	<b>0</b>	<b>1,957,750</b>	<b>604,750</b>	<b>2,562,500</b>	

Object Totals by G,F,O

Operating

FYR 2021 Version A1

Department 06 GAME, FISH, AND PARKS  
 Center 0622 Snowmobile Trails - Info

Object	General	Federal	Other	Total	FTE
SALARIES	0	0	341,576	341,576	
BENEFITS	0	0	84,977	84,977	
<b>PS Total</b>	<b>0</b>	<b>0</b>	<b>426,553</b>	<b>426,553</b>	<b>9.1</b>
TRAVEL	0	0	54,754	54,754	
CONTRACTUAL	0	0	143,794	143,794	
SUPPLIES	0	0	184,750	184,750	
GRANTS	0	0	312,500	312,500	
CAPITAL	0	0	264,000	264,000	
OTHER	0	0	0	0	
<b>OE Total</b>	<b>0</b>	<b>0</b>	<b>959,798</b>	<b>959,798</b>	
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1,386,351</b>	<b>1,386,351</b>	

## Comes, Rachel

---

**From:** info@gfp.sd.us  
**Sent:** Friday, May 15, 2020 4:38 PM  
**To:** ajrick03@gmail.com  
**Cc:** Comes, Rachel  
**Subject:** Petition for Rule Change Form

**Categories:** Commission

## South Dakota - Game, Fish, and Parks

# Petition for Rule Change

A new form was just submitted from the <http://gfp.sd.gov/> website with the following information:

**ID:** 90

**Petitioner Name:** Andrew Rick

**Address:** 402 Mary Lane  
Hartford, SD 57033

**Email:** ajrick03@gmail.com

**Phone:** 605-940-8953

**Rule Identification:** Beginning 2021

**Describe Change:** Nonresident walleye/sauger fishing season of May 1 through December 31 on Missouri River from Fort Randall Dam to the Spillway LUA boat ramp, Francis Case Lake from Big Bend Dam through the point 2 miles downstream, and Lake Sharpe from Oahe Dam to the Highway 14 Bridge.

**Reason for Change:** Large amounts of anglers, primarily nonresidents, congregate in these areas early in the year. The large amount of pressure reduces the quality of angling experience for resident anglers. This change would allow for residents to have these areas exclusively to themselves, leaving for a much better angling experience. Leaving the other areas of the lakes and river open would still let nonresident anglers come fish.

## Comes, Rachel

---

**From:** info@gfp.sd.us  
**Sent:** Thursday, May 28, 2020 3:22 PM  
**To:** Wardenbaldwin@yahoo.com  
**Cc:** Comes, Rachel  
**Subject:** Petition for Rule Change Form

**Categories:** Commission

## South Dakota - Game, Fish, and Parks

# Petition for Rule Change

A new form was just submitted from the <http://gfp.sd.gov/> website with the following information:

**ID:** 92

**Petitioner Name:** Jason Baldwin

**Address:** 2145 Lancaster Loop  
Pierre, SD 57501

**Email:** Wardenbaldwin@yahoo.com

**Phone:** 605-222-5069

**Rule Identification:** Any applicant that has more than 20 years of preference in a big game lottery will be given a license from the available allotment. Any leftover licenses after that occurs will be available in the regular draw. If there are more applicants with more than 20 years preference than licenses they will be placed into a lottery draw.

**Describe Change:** Give anyone with 20 plus years of preference a tag. In the 2020 archery elk draw for unit 2 there were 5 applicants that had 21 years of preference. None of those individuals drew a tag.

**Reason for Change:** To give people that have been trying to hunt elk in SD a chance to get a tag before they die or are too old to hunt. These applicants will also have paid more in lottery fees than any other applicants.

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## License Forms and Fees Chapters 41:08:01

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>June 4-5, 2020</b>	<b>Pierre</b>
	<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Ft. Pierre</b>
	<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Ft. Pierre</b>

### DEPARTMENT RECOMMENDATION

**Recommended changes from last year:**

1. Modify 41:06:02:03(16) as follows:

Current Rule

(16) Resident-landowner-on-own land deer or antelope license, one-half the fee of the deer or antelope license which has been applied for;

Recommended Rule

(16) Landowner-on-own land deer or antelope license, one-half the fee of the deer or antelope license which has been applied for;

### SUPPORTIVE INFORMATION

Enacted during the 2020 South Dakota Legislative Session, House Bill 1184 provides for nonresident landowner licenses to qualifying landowners for the West River deer hunting season and firearm antelope hunting season. House Bill 1184 indicated the GFP Commission shall promulgate rules, in accordance with Chapter 1-26, to establish fees for licenses issued under this section.

License Type	Any Deer	Any Deer + Any Antlerless Deer	Any Antelope	Any Antelope + Doe/Kid
Nonresident Regular License Fee	\$280	\$330	\$280	\$330
Nonresident Landowner-Own Land License Fee	\$140	\$165	\$140	\$165

\*In addition to license fee, applicant would be charged \$5.00 surcharge.

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Public Water Zoning Chapters 41:04:02

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>June 4, 2020</b>	<b>Pierre, SD</b>
	<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Pierre, SD</b>
	<b>Finalization</b>	<b>July 16, 2020</b>	<b>Pierre, SD</b>

### DEPARTMENT RECOMMENDATION (S)

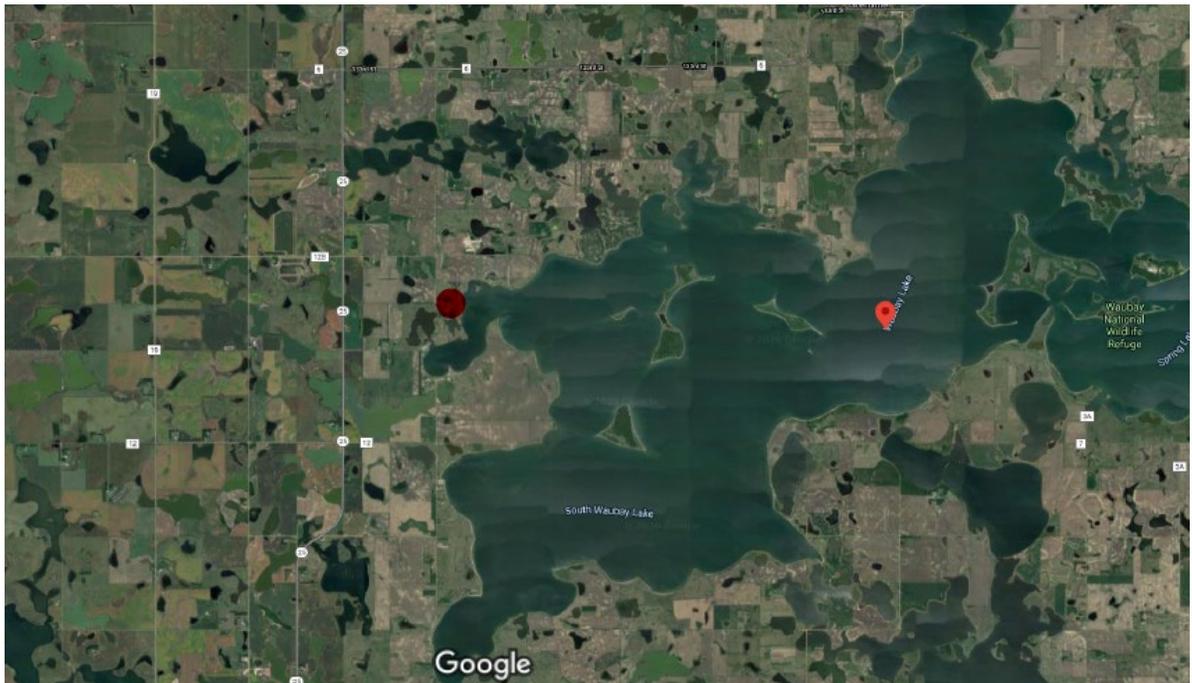
#### Recommended changes:

1. The Department recommends adding a no boating zone on a small bay that is immediately adjacent to a cattle operation. (See Map)

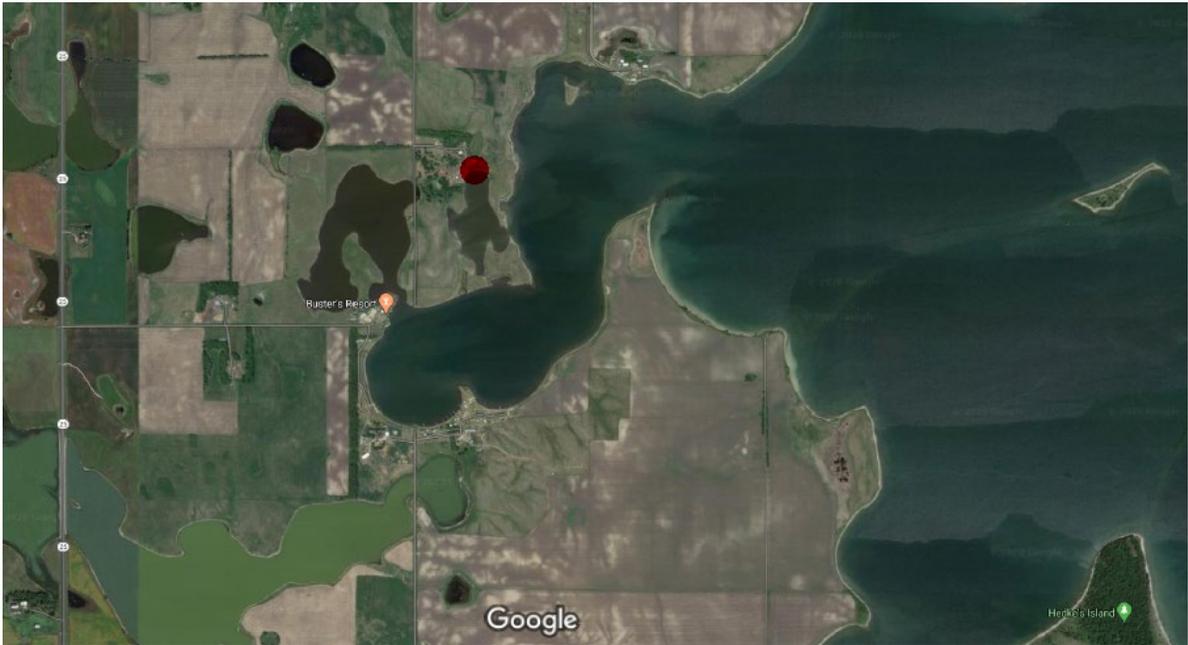
### SUPPORTIVE INFORMATION

The Rumpca's have a cattle operation located on the southwestern side of Waubay Lake. The lake has flooded to an elevation that has created a small bay that fisherman have been accessing and disturbing cattle operations.

Waubay Lake



Close up of Waubay Lake



#### RESIDENT/NONRESIDENT CRITERIA

Not Applicable

#### RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate? Yes
2. Does the regulation increase the opportunity for new and existing users? No
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? It takes away opportunity but at the same time builds that respect from landowners.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? No.

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Park License and Trail Use Pass

Chapters 41:03:03

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>June 4, 2020</b>	<b>Teleconference</b>
	<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Pierre</b>
	<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Pierre</b>

### DEPARTMENT RECOMMENDATION (S)

#### Recommended changes:

1. Provide for an exemption to the requirement to purchase a park entrance license at North Point Recreation Area, Fort Randall South Shore Recreation Area, Randall Creek Recreation Area and Fort Randall Spillway Lakeside Use Area for enrolled members of the Yankton Sioux Tribe and their families.

### SUPPORTIVE INFORMATION

This exemption would provide members of the Yankton Sioux Tribe and their immediate families greater access to local outdoor recreational opportunities. These four park units are located within proximity to the Yankton Sioux Tribe reservation area. This exemption does not apply to other fees such as camping, lodging, picnic shelter reservations, or equipment rentals.

### RESIDENT/NONRESIDENT CRITERIA

Not Applicable

### RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate? No
2. Does the regulation increase the opportunity for new and existing users? Yes. It will remove any financial barrier to participation in day use activities such as swimming, hiking, biking, picnicking, and fishing.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? It will allow for family members of all ages to participate and pass on recreational traditions to future generations.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? Yes. Outdoor recreational activities such as swimming, hiking, and nature appreciation are known to improve cognition, physical and mental health.

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## River Otter Trapping Season Chapters 41:08:01

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>May 7, 2020</b>	<b>Teleconference</b>
	<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Pierre</b>
	<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Pierre</b>

### COMMISSION PROPOSAL

**Duration of Proposal:** 2020 trapping season

**Proposed changes from last year:** To establish a conservative river otter trapping season.

1. Establish a trapping season that is open from sunrise on November 1 to sunset on December 31 in all counties of the state.
2. Limit of one river otter per trapper per season.
3. Statewide harvest limit of 15 river otters. Season will end prior to December 31 if the harvest limit is reached.
4. Trapping season open to residents only with a furbearer license.
5. A river otter shall be reported to the Department within 24 hours of harvest. At time of reporting, arrangements will be made to check-in carcass and detached pelt at a GFP office or designated location for registration and tagging of the pelt within 5 days of harvest. Additionally, once the season has closed (last day of season or harvest limit reached), a person has 24 hours to notify the Department of a harvested river otter.
6. The pelt shall be removed from the carcass and the carcass shall be surrendered to the Department. After the pelt has been tagged, it shall be returned to the trapper. Upon request, the carcass may be returned to the trapper after the carcass has been inspected and biological data collected.
7. Any river otter harvested after the 24-hour period following the close of the season, will be considered incidental take and shall be surrendered to the Department.
8. A person may only possess, purchase or sell raw river otter pelts that are tagged through the eyeholes with the tag provided by the Department or if the river otter was harvested on tribal or trust land of an Indian reservation or another state and is properly and securely tagged with a tag supplied by the governmental entity issuing the license.

### DEPARTMENT RECOMMENDATION

Recommended changes to proposal: None.

### SUPPORTIVE INFORMATION

River otter populations in South Dakota continue to grow and expand into available habitat. A statewide season will provide harvest information from across the state. It also provides the greatest opportunity to pursue trapping of river otter. Over the last five years (2015-2019) the Department has received an average of 16.6 incidentally trapped river otter/year. River otter are most frequently incidentally taken during the beaver trapping season given similarity of habitat and trapping methods. The majority (72%) of the 83 incidentally trapped river otter reported over the last five years were taken in November. Updates on river otter harvest will be available on the Department website and by calling a designated phone number. A press release and other information tools will be used when the harvest limit has been met, similar to the mountain lion harvest notification process.

## RESIDENT/NONRESIDENT CRITERIA

1. The Issue
  - Why make the change, what are the change alternatives, how will public/stakeholder input be solicited, and how will the change be evaluated if implemented?
    - i. River otter populations in South Dakota continue to grow and expand into available habitat. In reviewing the number of river otters incidentally trapped, the population can sustain a conservative harvest by trappers. Public input will be solicited during the Commission process. If implemented, Department staff will collect biological data, evaluate season structure and bring any recommended changes to the Commission for consideration for future seasons.
2. Historical Considerations – River otters were classified as a furbearer by the South Dakota Legislature in 2019 and were removed from the state’s list of threatened species by the Commission in 2020 after meeting delisting criteria.
3. Biological Considerations
  - What is the current and projected status of the population and habitat conditions for these populations?
    - i. As already indicated, river otter populations in South Dakota continue to grow and expand into available habitat.
4. Social Considerations
  - The allowance of a restrictive trapping season will provide additional opportunities for resident trappers. It is recommended to limit this season to residents only, given the limited opportunity and expected high interest from resident trappers.
5. Financial considerations – Not Applicable.

## RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user’s ability to participate? Not applicable.
2. Does the regulation increase the opportunity for new and existing users?
  - Yes, the inclusion of a conservative trapping season for river otters will provide additional opportunities for existing trappers and likely spark interest from new trappers.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? Provides additional trapping opportunity.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? Yes.

# GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

## Fall Wild Turkey Hunting Season

Chapter 41:06:14

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>April 2, 2020</b>	<b>Teleconference</b>
	<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Ft. Pierre</b>
	<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Ft. Pierre</b>

### COMMISSION PROPOSAL

**Duration of Proposal:** 2020 and 2021 hunting seasons

**Season Dates:** November 1 – January 31

**Licenses:**

Black Hills:	200 resident and 16 nonresident single tag “any turkey” licenses
Prairie Units:	Residents: 400 single tag and 35 double tag “any turkey” licenses Nonresidents: 28 single and 3 double tag “any turkey” licenses

**Requirements and Restrictions:**

1. One-half of the fall turkey licenses are available for landowner preference applicants.
2. A person may not use any firearm on the south unit and the signed portion of the north unit of the Bureau of Land Management Fort Meade Recreation Area.
3. No person may shoot a turkey that is in a tree or roost.

**Proposed changes from last year:**

1. Offer 125 less resident single tag licenses and 35 more resident double tag licenses for Prairie Units compared to 2019.
2. Close prairie units 30A (Gregory County), 50A (Mellette County), and 60A (Tripp County).
3. Establish and open prairie unit 12A (Bon Homme County).

### DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

### SUPPORTIVE INFORMATION

Harvest management strategy table of the Wild Turkey Management Plan and updated unit-specific population objectives provided guidance for the recommended changes to the respective prairie units.

Year	Prairie				Black Hills			
	Licenses Sold	Tom Harvest	Hen Harvest	Success	Licenses Sold	Tom Harvest	Hen Harvest	Success
2014	1,910	422	224	33%	810	100	114	27%
2015	1,936	422	227	33%	433	66	62	29%
2016	908	173	72	26%	434	91	55	34%
2017	898	194	56	26%	433	87	52	32%
2018	548	142	52	35%	220	27	26	25%

### RESIDENT/NONRESIDENT CRITERIA

Not applicable.

### RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user’s ability to participate? No.
2. Does the regulation increase the opportunity for new and existing users? No, but slightly less hunting opportunity.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? Not applicable.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? No, but slightly less hunting opportunity.

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

**Fall Turkey Hunting Seasons – Hunting Unit License Allocations**

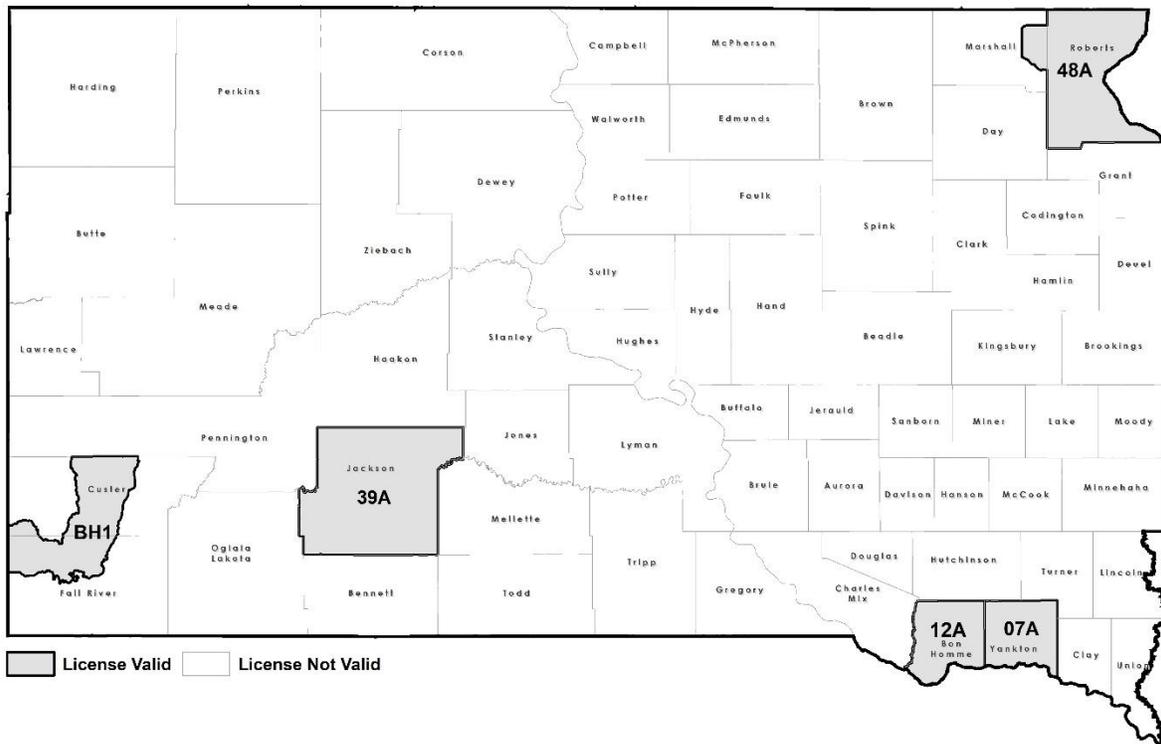
<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>April 2-3, 2000</b>	<b>Sioux Falls</b>
	<b>Public Hearing</b>	<b>June 4, 2020</b>	<b>Pierre</b>
	<b>Finalization</b>	<b>June 4-5, 2020</b>	<b>Pierre</b>

**LICENSE ALLOCATION BY UNITS**

See Attached Spreadsheets

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

# FALL TURKEY UNITS



## 2020 & 2021 Fall Turkey Licenses

Unit	Licenses
07A	150
12A	150
39A	35
48A	100
BH1	200

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## License Forms and Fees

Chapter 41:06:02

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>April 2-3, 2020</b>	<b>Teleconference</b>
	<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Ft. Pierre</b>
	<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Ft. Pierre</b>

### COMMISSION PROPOSAL

#### **41:06:02:01.03. Replacement of lost or destroyed license, permit, or game tag.**

Administrative fees payable to the department to replace lost or destroyed licenses, permits, or game tags shall be \$20.

License agents may, and the department shall, charge the license agent's fee established by SDCL 41-6-66.1 in issuing a permit in lieu of a lost license and any other authorized replacement licenses, permits, or game tags.

#### **Proposed changes from last year:**

1. Remove the \$20 administrative fee for lost or destroyed licenses, permits or game tags. The license agent's fee established by SDCL 41-6-66.1 would still be charged by license agents and the Department.

### DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

### SUPPORTIVE INFORMATION

After considering public comment and a review of this administrative fee for all license types, the Department recommends removing this administrative fee. Authorized license agents and the department as per SDCL 41-6-66.1 will charge a license agent's fee of \$4 for resident and \$8 for nonresident licenses.

### RESIDENT/NONRESIDENT CRITERIA

Not applicable.

### RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate? No.
2. Does the regulation increase the opportunity for new and existing users? Not applicable.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? It might remove a financial barrier for those who have lost their licenses, permits, or game tags.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? Not applicable.

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Administrative Rule Review

Article 41:08

<b>Commission Meeting Dates: Proposal</b>	<b>April 2-3, 2020</b>	<b>Good Earth State Park</b>
<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Fort Pierre</b>
<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Fort Pierre</b>

### DEPARTMENT RECOMMENDATION

The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

#### Chapter 41:08:01 – Furbearer Seasons

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 restrictions—Tagging requirements
41:08:01:08.02	Skunk, opossum, fox, raccoon, and badger trapping and hunting season established
41:08:01:08.03	Jackrabbit hunting season established
41:08:01:09	Areas not open
41:08:01:11	Permit required to trap in parks and recreation areas—Time restriction
41:08:01:12	Nonresident restrictions

#### Chapter 41:08:02 – Trapping Prohibitions

41:08:02:01	Water-sets prohibited—Dates—Exceptions
41:08:02:02	Flagging of muskrat houses prohibited
41:08:02:04	Exposed bait prohibited
41:08:02:05	Snare restrictions
41:08:02:07	Possession and transportation of snares
41:08:02:10	Pole traps prohibited—Exception
41:08:02:13	Traps to be rendered inoperable—Removal of trapping devices
41:08:02:14	Traps and associated equipment prohibited on public lands open to trapping—Dates

#### Chapter 41:08:05 – Possession of Live Furbearers

41:08:05:01	Possession of live furbearer prohibited—Exception
41:08:05:03	Purchase of live furbearer prohibited
41:08:05:04	Killing or release of furbearer required—Exception for pet
41:08:05:05	Possession of physically altered furbearer prohibited—Exception
41:08:05:07	Seizure and disposition of live furbearer possessed unlawfully

#### Chapter 41:08:06 – Aerial Hunting

41:08:06:03	County permits—Selection
41:08:06:04	Expiration of permits
41:08:06:06	Hunting area limited

41:08:06:07	Daily record required
41:08:06:08	Quarterly reporting required
41:08:06:09	Cancellation

#### **SUPPORTIVE INFORMATION**

During the 2019 Legislative Session HB 1162 was introduced by Representative Gosch. The intent of the bill was to have the Department conduct a systematic review of our administrative rules. During the review the Department was to identify rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. After discussions with Representative Gosch, the Department agreed to conduct the systematic review without legislation and to report its findings and corrective changes back to the Executive Board of the Legislative Research Council.

#### **NON-RESIDENT CRITERIA**

Not Applicable

#### **RETENTION, REACTIVATION, AND RECRUITMENT CONSIDERATIONS (R3)**

The suggested changes correct inconsistencies, remove unnecessary barriers and arrange rules logically thus promoting an administrative code that benefits current, former and new users.

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Administrative Rule Review

Article 41:09

<b>Commission Meeting Dates: Proposal</b>	<b>April 2-3, 2020</b>	<b>Good Earth State Park</b>
<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Fort Pierre</b>
<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Fort Pierre</b>

### DEPARTMENT RECOMMENDATION

The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

#### Chapter 41:09:01 – Private Shooting Preserves

41:09:01:01	Operation plan to be submitted with application
41:09:01:02	Release of male birds required—Harvest limited
41:09:01:02.01	Notification required prior to release of birds
41:09:01:03	Birds that may be released—Minimum release age—Marking of birds
41:09:01:03.01	Daily bag limit—Shooting hours
41:09:01:04.01	Private shooting preserve processing permit—Exception
41:09:01:05	Fee for kill tags—Deadline
41:09:01:05.01	Game release and guest register records required—Deadlines
41:09:01:06	Applications-New and renewal—Single season and three-year season permits authorized—Fees
41:09:01:06.02	Issuance of permit for shooting preserve located within one mile of publicly owned shooting area
41:09:01:07	Minimum area of preserve
41:09:01:08	Definition of “other publicly owned shooting areas”
41:09:01:10	Adjustment to preserve acreage
41:09:01:11	Training required

#### Chapter 41:09:02 – Captive Game Birds

41:09:02:00	Definition of terms
41:09:02:01	Expiration date of license
41:09:02:02	Possession of captive game birds prohibited—Exceptions—License types and fees
41:09:02:02.01	License application
41:09:02:03	Captive waterfowl—Compliance with federal regulations
41:09:02:06.01	Release to the wild prohibited
41:09:02:08	Records required—Contents—Inspection—Submission of annual report
41:09:02:08.01	Premises to be open to inspection

#### Chapter 41:09:04 – Bait

41:09:04:02.01	License fees
41:09:04:02.05	Noncommercial limits defined
41:09:04:02.06	Eligibility for bait dealers, agents and employees
41:09:04:03	Waters closed to the taking of bait
41:09:04:04	Seines, nets, and traps limited
41:09:04:05	Trap spacing limited—Emptying required
41:09:04:16.01	Records required for bait taken in South Dakota waters

41:09:04:16.02	Records required for bait imported into South Dakota
41:09:04:16.03	Records required for bait sold at retail in South Dakota
41:09:04:16.04	Records required for bait sold at wholesale in South Dakota
41:09:04:16.05	Records required for bait purchased and transported out of South Dakota
41:09:04:16.06	Records required for nonresident bait dealers for bait sold or purchased in South Dakota
41:09:04:17	Conviction for violation may be cause for revocation and non-renewal of bait dealer license

#### Chapter 41:09:06 – Raptors

41:09:06:17	Definitions
41:09:06:18	Application for falconry permit—Requirements—Limitations
41:09:06:20	Inspection of facilities
41:09:06:21	Taking or acquisition of raptors—Trapping requirements
41:09:06:22	Threatened and endangered species protected
41:09:06:28	Hunting by falconry—Requirements—Restrictions
41:09:06:29	Captive-bred raptors—Requirements—Restrictions
41:09:06:30	Annual reports
41:09:06:31	Suspension and revocation of permits
41:09:06:32	Standards for falconry

#### Chapter 41:09:07 – Private Fish Hatcheries

41:09:07:03.02	License approval criteria
41:09:07:05	Records required
41:09:07:06.01	Hatchery licenses available for inspection
41:09:07:06.02	Hatchery license in possession while transporting live fish or fish reproductive products
41:09:07:06.03	Inspection by department representative
41:09:07:06.04	Fish health inspection required

#### Chapter 41:09:08 – Importation of Fish

41:09:08:03.04	Importation requirements for fish or fish reproductive products
----------------	---

#### Chapter 41:09:10 – Fur Dealers

41:09:10:02	Resident fur dealers' records—Reporting
41:09:10:03	Grounds for refusal to issue fur dealer license
41:09:10:04	License fees

#### Chapter 41:09:11 – Taxidermists

41:09:11:01	License fee and validity
41:09:11:02	Definitions
41:09:11:06	Violation is cause for revocation of license—Immediate return of specimens—Exception

#### Chapter 41:09:12 – Persons with Disabilities

41:09:12:01	Special crossbow permit
41:09:12:02	Crossbow and bolt specifications
41:09:12:03.01	Definitions
41:09:12:03.02	Disabled hunter permit—Eligibility requirements
41:09:12:03.05	Denial of permit or revocation of existing permit—Reasons—Appeal process
41:09:12:04	License requirements, privileges, and restrictions

41:09:12:06	Application procedure for licenses issued for a reduced fee based on total disability and other qualifications
41:09:12:06.01	Fee—Duration of validity of fishing and hunting licenses
41:09:12:07	Designated shooter permit
41:09:12:07.01	Permit authorities, limitations, and conditions

Chapter 41:09:13 – Dog Training

41:09:13:01	Sporting dog training and field trials
41:09:13:02	Bird marking required
41:09:13:03	Release traps or fluorescent streamers required for pheasants
41:09:13:05	Sporting dog trials permitted on public lands

Chapter 41:09:14 – Nursing Home Group Fishing

41:09:14:01	License fee—Expiration
41:09:14:02	Possession of license required

Chapter 41:09:15 – Fishing Tournaments

41:09:15:01	Definition
41:09:15:03	Application
41:09:15:04	Approval or denial of permit—Special conditions
41:09:15:07	Factors considered for issuance of a permit
41:09:15:08	Application period and issuance of permit
41:09:15:09	Restricted times of fishing tournaments
41:09:15:11	Violation of chapter

Chapter 41:09:16 – Scientific Collectors

41:09:16:03	Conditions of license
41:09:16:04	Reporting required
41:09:16:05	Violations

Chapter 41:09:18 – Wildlife Rehabilitation

41:09:18:05	Inspection of facilities
41:09:18:07	Release of wildlife
41:09:18:10	Indemnification and liability
41:09:18:11	Suspension and revocation of permits

**SUPPORTIVE INFORMATION**

During the 2019 Legislative Session HB 1162 was introduced by Representative Gosch. The intent of the bill was to have the Department conduct a systematic review of our administrative rules. During the review the Department was to identify rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. After discussions with Representative Gosch, the Department agreed to conduct the systematic review without legislation and to report its findings and corrective changes back to the Executive Board of the Legislative Research Council.

**NON-RESIDENT CRITERIA**

Not Applicable

**RETENTION, REACTIVATION, AND RECRUITMENT CONSIDERATIONS (R3)**

The suggested changes correct inconsistencies, remove unnecessary barriers and arrange rules logically thus promoting an administrative code that benefits current, former and new users.

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Administrative Rule Review

Article 41:10

<b>Commission Meeting Dates: Proposal</b>	<b>April 2-3, 2020</b>	<b>Good Earth State Park</b>
<b>Public Hearing</b>	<b>July 16, 2020</b>	<b>Fort Pierre</b>
<b>Finalization</b>	<b>July 16-17, 2020</b>	<b>Fort Pierre</b>

### DEPARTMENT RECOMMENDATION

The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

#### Chapter 41:10:02 – Endangered and Threatened Species

41:10:02:03	List of endangered mammals
41:10:02:05	List of endangered fish
41:10:02:06	List of threatened fish
41:10:02:07	List of endangered reptiles
41:10:02:17	Harassment defined
41:10:02:18	Harassment prohibited
41:10:02:19	Endangered species permit exemption

### SUPPORTIVE INFORMATION

During the 2019 Legislative Session HB 1162 was introduced by Representative Gosch. The intent of the bill was to have the Department conduct a systematic review of our administrative rules. During the review the Department was to identify rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. After discussions with Representative Gosch, the Department agreed to conduct the systematic review without legislation and to report its findings and corrective changes back to the Executive Board of the Legislative Research Council.

### NON-RESIDENT CRITERIA

Not Applicable

### RETENTION, REACTIVATION, AND RECRUITMENT CONSIDERATIONS (R3)

The suggested changes correct inconsistencies, remove unnecessary barriers and arrange rules logically thus promoting an administrative code that benefits current, former and new users.

STATE OF SOUTH DAKOTA  
DEPARTMENT OF GAME, FISH AND PARKS  
SEASONAL RECREATION CABIN PERMIT

Permission is hereby given to \_\_\_\_\_ of \_\_\_\_\_ hereinafter called the Permittee, to use the following described lands in LOT # \_\_\_\_\_, Angostura Reservoir for a period from January 1, 2021 to December 31, 2025 (expiration date) for the purpose of maintaining a seasonal cabin for personal use only. Use under this Permit is not for permanent residence and is not intended in any way to cause development that will increase local government or state expenditures. YEAR-LONG OCCUPANCY OF THIS SEASONAL RECREATION CABIN IS PROHIBITED.

**(1) GENERAL**

Angostura Reservoir is under the jurisdiction of the Bureau of Reclamation (Reclamation), Dakotas Area Office, Rapid City, South Dakota. The lands within the reservoir boundaries are Federal lands which are open to the public for recreational use. Under a Memorandum of Understanding (MOU) Agreement, Contract No. 6-AG-60-07300, dated February 2, 1996 and as modified on October 18, 2000, between Reclamation and the South Dakota Department of Game, Fish and Parks (Department), the Department administers a cabin site program which allows a Permittee to maintain a private cabin on Federal lands. Any Permittee issued a permit for a cabin site on Federal lands must obey the provisions of this Permit.

Although the Department administers the Federal lands at Angostura Reservoir on behalf of Reclamation, Reclamation has responsibility and jurisdiction over all of the Federal lands at Angostura Reservoir. Consistent with its legislative authority, Reclamation may take actions that may be inconvenient, costly, or adverse to the Permittee. These actions may or may not be consistent with or approved by the Department. The Permittee's rights under this Permit are limited, are not guaranteed in perpetuity, and may be canceled at any time to meet the needs of the Department and the United States. The Permittee has only these rights and privileges expressly provided for in this Permit. The Permittee expressly understands and agrees that Permittee's violation of any term or condition of this Permit shall constitute grounds for termination of this Permit by the Department.

This Permit does not convey title, interest or property rights to the land being used by the Permittee. By signing this Permit, the Permittee assumes all risks associated with their use of Federal land at Angostura Reservoir. Cabins and other private property improvements at Angostura Reservoir are permitted on public lands in designated areas. This cabin site permit program is designed to generate fair market value revenue for the Department.

In accordance with 43 CFR 429 and 43 CFR Part 21, the cabin site permit program may be wholly or partially discontinued in the future if the Department or Reclamation determines that the public need for the area has grown to a point where continued private cabin use is no longer in the public interest, for health and safety purposes, to prevent resource damage, or for project purposes or emergencies. In such an event, the Permittee agrees to vacate their cabin site and remove their cabin and/or other improvements, at no cost to the Department or Reclamation, within a designated amount of time as described in Article 13.

**(2) NOTICE**

This Permit is issued by the Department subject to the following conditions:

- a. The Permittee will provide the Department with one address for service of notice, correspondence, and service of process to the Permittee. The Permittee will provide this address in writing. It is

the Permittee's responsibility to update this address with the Department in writing. The Department will file every address update. The Department will mail notices to the most current address on file.

- b. The Permittee agrees that any notice mailed by the Department to the last address provide by the Permittee in writing and received by the Department constitutes notice and /or service of process under this Permit and the law. However, service made by the formal methods of personal service, service by mail, service by sheriff, and notice by publication will also be valid if done in accord with the rules of civil procedure of the State of South Dakota.

### **(3) DESCRIPTION AND AUTHORIZED USE OF LAND PERMITTED**

The subject seasonal recreation cabin may be occupied continuously from May 1<sup>st</sup> through October 31<sup>st</sup> of each year covered by this Permit and is subject to the following restrictions.

- a. It is not the intention of the Department or Reclamation to provide Federal lands to private individuals for their permanent residence.
  - (1) Occupancy, as it pertains to this Permit, is defined as presence of any person on the permitted site for any amount of time during a daily period beginning at 4:00 p.m. and ending on 4:00 p.m. of the next day.
  - (2) Occupancy of the cabin site or buildings between the 1<sup>st</sup> of November and the 30<sup>th</sup> of April is limited to no more than ten occupied days per month.
  - (3) Permission may be granted in writing by the Department, for occupancy during the time between the 1<sup>st</sup> of November and the 30<sup>th</sup> of April, for approved construction or maintenance.

The Permittee shall comply with the regulations and polices of the Department and all Federal, state, county and municipal laws, ordinances, regulations, Executive Orders, and Reclamation Policy and Directives and Standards in force now or as promulgated in the future which are applicable to the area covered by this Permit, particularly, but not limited to, those pertaining to fire, sanitation, hazardous materials, electrical facilities and game and fish.

The Permittee shall maintain the improvements and permitted site in an orderly, neat and sanitary state of repair acceptable to the Department.

### **(4) PERMIT RATES AND ADMINISTRATIVE FEES**

The Permittee shall pay to the Department an annual permit and administrative fee as follows:

- a. The Permittee shall pay to the Department the sum of \$ 2,400.00 dollars for 2021. The fee will be adjusted by the Department at the start of each calendar year by the Bureau of Reclamation– Land Indexes - South Dakota found at <https://www.usbr.gov/tsc/techreferences/mands/cct.html>. If the Index is negative for the year, the fee will stay the same as the previous year. A copy of the index and price adjustment will be provided with the Permit fee notice. The Department will send future annual Permit fee notices to the Permittee by December 15, and payment will be due to the Department on or before January 1 each year. If any annual Permit fee is not received by January 1, a late notice will be mailed to the Permittee and a penalty may be assessed in the amount of \$5 per day payment is past due. Failure to pay the Permit fee and penalty within 30 days of the date of the late notice is grounds for termination of this Permit.
- b. The Permittee shall be financially responsible for the entire cost of maintaining the seasonal recreation cabin. This may include costs associated with compliance with the National Environmental Policy Act or with other Federal laws for complex requests. The Department will be responsible for maintaining the main public road which provides access to and through the cabin area. Permittee is responsible for providing and maintaining the individual access road or driveway from the main public road to their cabin. Only one individual access from the main public road will be permitted. New individual accesses or driveways or modifications to existing

driveways are subject to Department approval. In addition, Permittee is responsible for providing utilities and other developments necessary for the establishment of this seasonal recreation cabin and the costs associated thereof.

**(5) TERM OF PERMIT**

The term of this Permit shall be for a period not to exceed 5 years, beginning on January 1, 2021, and expiring on December 31, 2025, unless sooner terminated as herein provided. If on or before the expiration of this Permit the Department determines to permit a continuance of the existing use under similar or new conditions and the Permittee has fully complied with the conditions of this Permit, the Permittee may be considered the preferred applicant for a new permit, or permit renewal subject to the conditions under which new Permits, or Permit renewals for like uses are then granted. The decision to grant a new permit or renew an existing permit shall be based on an evaluation of use consistent with the Department's and Reclamation's policy, regulations, and approved Resource Management Plans.

**(6) TRANSFER OF PERMIT, ASSIGNMENTS AND SUBLEASES**

The transfer, assignment, and subleasing of cabin site permits are subject to the following provisions:

- a. This Permit and the rights and privileges granted hereunder are solely between the Department and the Permittee and may not be sold, bartered, assigned, or transferred or used as collateral by the Permittee.
- b. The temporary use and occupancy of the permitted site and improvements herein described may not be sublet by the Permittee to third parties.
- c. The Permittee may not hold an interest in any other permitted site located on lands managed by the Department or on Reclamation lands in the Great Plains Region of the Bureau of Reclamation, inclusive of sites located on tracts permitted to organized groups on Reclamation reservoirs.
- d. No more than two persons may be signatory parties to this Permit without prior written approval from the Department. Persons listed on the permit shall be jointly and severally responsible for the terms and conditions of this Permit.
- e. This Permit may not include more than one site and no more than one cabin is allowed per permit. No other improvements, such as a shed or garage, or any extraneous recreational vehicle compatible infrastructure or accommodations may be developed to provide additional living space.
- f. This Permit may not be held in the name of a Corporation or Trust.

**(7) SALE, REMOVAL OR TRANSFER OF RENTAL CABIN OR ASSOCIATED PRIVATE PROPERTY**

- a. If the Permittee, through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding under the laws of this state, shall cease to be the owner of the physical improvements situated on the land described in this Permit, this Permit shall be terminated and upon such termination, the Department reserves the right to issue a new permit for the property for the unexpired term of the previous permit. The Department reserves the right to amend any subsequent permits issued to reflect or include all applicable regulations and current policy.
- b. The Permittee must inform prospective buyers of the recreational cabin and associated private property that such sale does not include this Permit or the permitted site, that said Permit terminates upon sale as provided herein and, further, that such prospective buyers must request a new permit from the Department, unless such sold property is to be removed from Federal land, as may be required by 43 CFR 429. Prospective buyers must consult with a Department

representative regarding the terms of the new permit before the Department will approve a new permit. The Department is not obligated to issue a new permit to a person who may have purchased a cabin and improvements. The Permittee will clean up and dispose of all hazardous materials on the cabin site. If the cabin site contains any hazardous materials, trash, rubbish, or debris, after the Permittee vacates the site, the Permittee is fully liable for cleanup and disposal and all associated costs.

#### **(8) RIGHT OF ACCESS**

The Department and Reclamation reserve the right of free ingress and egress at any time of the permitted site and all other lands that may be associated with the site covered by this Permit for administration purposes and for the execution of Department obligations.

The Department and Reclamation may at all reasonable times have full access to the above described permitted site for the purpose of inspecting for compliance with or enforcement of the terms of this Permit, inspecting for compliance with or enforcement of county, state, or Federal laws and/or regulations, examining and inspecting the conditions thereof, or for exercising any of the rights or powers reserved to the Department and the United States under the terms, conditions, and provisions of this Permit. Access to the cabin or outbuildings must be based on consent of the Permittee or reasonable suspicion that a violation has recently, is at the time, or is about to occur.

The Permittee agrees that the Department and or Reclamation and its representatives may have full access to the above described Site. The Department and or Reclamation and its representatives may also, during reasonable daylight hours, have access to and inspect the exterior of the cabin or other improvements, structures, or facilities on the Site. The Department or Reclamation may not inspect the interior of the Cabin or associated improvement without the approval and presence of the Permittee or the Permittee's designated representative. The Department will conduct an annual permit compliance review of all existing cabin sites. Further, pursuant to 43 CFR Part 429 32, at least every 5 years, a review will be made to determine public needs for the area, and whether this permitted private cabin use is in the public interest and that all health and safety and environmental requirements are being met.

The Department reserves for public use the right at any time to travel **on foot** across the permitted site, between seasonal cabins, along any non-motorized trails and along any and all roads leading to the permitted site. Permittee may not restrict or obstruct such access.

#### **(9) BOUNDARIES**

The site management and use boundary markers have been established and the area is indicated in Exhibit A-1 attached hereto and made a part hereof by this reference.

All vehicle and boat parking, all temporary property storage as allowed in the Permit, as well mowing, vegetation control, grounds keeping, landscaping, and other site maintenance must be contained to within the established boundary. Permittee will not expand any of his/her facilities, improvements, or structures beyond the boundary.

All markers are Federal property and are not to be disturbed. It is the responsibility of the Permittee to protect these monuments and notify the Department if any are removed, damaged, or appear to be endangered by human or natural processes. Any monuments damaged, defaced, disturbed, removed, or concealed by the Permittee, or by negligence on the part of the Permittee, shall be corrected by an approved licensed land surveyor at the expense of the Permittee.

The Department and Reclamation reserve the right to modify the management and use boundary.

#### **(10) SANITATION AND WASTE DISPOSAL**

The Permittee shall provide and maintain a wastewater disposal system and existing vault toilets in accordance within all applicable Federal, state or local regulations including those of the South Dakota Department of Environment and Natural Resources. The Department reserves the right to inspect or require the Permittee to have all wastewater disposal systems and vault toilets inspected by a certified wastewater systems installer and provide a certification of the inspection to the Department at the expense of the Permittee.

The Permittee may not allow contamination or pollution of Federal lands, waters, or facilities for which the Permittee has the responsibility for care, operation, or maintenance and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.

Upon discovery of any event which may or does result in contamination of Federal lands, waters, or facilities, the Permittee shall initiate any necessary emergency measures to protect health, safety, and the environment and shall report such discovery and full details or the actions taken to the Department within 24 hours.

Any violations pertinent to this Section require immediate corrective action by the Permittee and shall make the Permittee liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation. Further, the Department reserves the right to require any wastewater system which is not in compliance with applicable regulations to be upgraded or replaced at the expense of the Permittee.

Permitted sites shall be kept free of debris, garbage, trash, and any other unsightly objects. Garbage shall be stored in covered containers and kept out of sight at all times until it is removed from public lands to state approved waste disposal sites. Permittee will be responsible for garbage containment and concealment and all times as well as removal at Permittee's expense. Permittee may not deposit his/her refuse, trash, furniture or other waste originating from the permitted site in Park containers at any time.

Burning of yard waste or refuse on the permitted site is prohibited.

The Department agrees to provide upon request information necessary for the Permittee using reasonable diligence, to comply with the provisions of this Article.

## **(11) CONSTRUCTION, MAINTENANCE, AND SITE DEVELOPMENT REQUIREMENTS**

The Permittee shall complete the building inventory sheet attached as Exhibit A and return it to the Department within 3 months of the effective date of this Permit.

Construction, replacement, maintenance, and modification of the permitted site, structures, and appurtenances shall be subject to the following:

- a. All renovations, alterations or new construction to the permitted site and structures, other than emergency maintenance, must be approved in writing by an authorized Department and Reclamation representative prior to initiation of the project. The project application form (Exhibit B) and written requests for building construction and site development activities, along with detailed plans and a schedule for completion, must be submitted by the Permittee to the Department at least 90 days prior to the start of the proposed construction/work activity. Any changes or modifications to projects must be approved in writing by the Department prior to construction. It is the responsibility of the Permittee to ensure the proposed project is in compliance with state, county and local building codes. Department approval for renovations, alterations or new construction is not guaranteed or obligated to the Permittee's construction schedule.

- b. The application shall also include: Pertinent information regarding off-site construction and site development activities associated with providing utility services, constructing roads, etc. Note: Borrow material shall not be taken from the cabin site area or from any other Federal lands at Angostura Reservoir. All borrow material must be from an approved site.
- c. The Permittee shall be responsible for obtaining all state or county building permits prior to construction, and such permits as are necessary for utility crossings, road crossings, etc. A copy of all such permits shall be provided to the Department before approved construction activities begin. Receipt of a state or county building permit does not constitute permission to begin work, absent written approval from the Department.
- d. All construction, both on and off cabin permit sites, is subject to compliance with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA).
  - (1) The Permittee shall take all reasonable and necessary precautions to protect and preserve historic, prehistoric, archaeological, and paleontologic sites and resources. Should such sites or resources be discovered during land disturbing activities, the Permittee shall immediately cease work within the vicinity of the sites or resource and notify the Department. No work can commence until written approval is received by the Department.
  - (2) No person may possess, excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands as subject to the regulations in the Archaeological Resource Protection Act of 1979. Any person who violates any prohibition contained in an applicable regulation issued under this Act may be assessed a civil penalty by the Federal land manager.
- e. As-built drawings of building construction and/or site development activities shall be submitted to the Department upon completion of construction and/or site development.
- f. Building construction shall be consistent with sound building practices and with the general standards and guidelines set forth below. No expansion will be allowed for existing cabins or associated structures such as sheds, garages, carports, or other structures over the maximums specified herein.
  - (1) Only one (1) single family cabin will be permitted on each site regardless of the site size.
  - (2) The maximum plan/top view size of any cabin shall be 1,280 square feet. The cabins shall be just one level and shall not have a basement. Note: Site width may reduce the maximum size of cabin that can be placed on a site as determined by the Department.
  - (3) The cabin and appurtenances must maintain a 10-foot setback on all sides of the permitted lot.
  - (4) Decks are permitted provided they are not covered, enclosed and do not exceed a total of 400 square feet.
  - (5) No more than one outbuilding per permitted site. This includes carports but excludes outdoor toilets. This outbuilding may not exceed 676 square feet floor space, 15 feet in height from grade to peak, and 9-foot sidewalls.
  - (6) Design and construction of cabins, garages, and associated facilities shall be such that the cabin, garage, or facility can be readily moved off the site in the event the Permit is terminated.
  - (7) Basic infrastructure such as; water, sewer, electric, etc., shall be permitted with written approval from the Department.
  - (8) The Department may require cabins or appurtenances, or other improvements to be engineered by a certified engineer. Proof of compliance as evidenced by a signed inspection certificate from an authorized state or local building inspector must be provided to the Department for each cabin permitted on Federal lands.
  - (9) Colors for cabins, appurtenances and outbuildings must be of an "Earth Tone" and approved by the Department prior to application.
- g. Facilities existing at the effective date of this Permit that exceed any of the maximums pursuant to subsections 11f. (3) and (4) above will be allowed to remain and be maintained. Any requests approved by the Department to expand the size or quantity of authorized decks or outbuildings

existing at the effective date of this Permit will be required to comply with the corresponding provisions of subsections 11f. (5), (7) and (8). This may require removal of existing structures in order to comply with the conditions of this Section.

- h. Construction, restoration, repair, or replacement of the cabin or appurtenances shall be subject to such additional or revised Federal, state and local standards and policies as may be promulgated during the term of this Permit.
- i. The cabin and appurtenances must be kept free of fire and explosion hazards and must conform to applicable Federal, State and local fire and safety codes. All fires must be contained and extinguished prior to leaving the area. The Department may take additional measures necessary to reduce or prevent fire hazards or control the use of fireworks or other explosive materials.
- j. The Permittee shall not cut or damage any trees or otherwise disturb the natural vegetation located inside or outside the permitted site, nor shall trees or shrubs be planted, or other permanent landscaping be conducted inside or outside the boundaries of the permitted site without the prior written approval by the Department.
- k. The Permittee is responsible for the removal of dead or hazard trees and debris from the permitted lot. Tree removal will be at the Permittee's expense. Stump removal and/or removal of healthy specimen trees is subject to prior written approval by the Department.
- l. If any part or all of the cabin and appurtenances are partially or totally destroyed or so damaged by fire or the elements as to make repair and restoration impractical, the Department reserves the right to terminate this Permit and all of the rights of the Permittee hereunder shall terminate as hereinafter provided in Article 13. The Permittee agrees to remove (at the Permittee's expense) within 60 days after destruction, all debris from the land on which said dwelling was formerly located and restore said land to conditions similar to its original appearance prior to development of the permitted site.
- m. Off-site shoreline development, including bank stabilization, is not allowed unless specifically permitted by the Department. The Permittee will be responsible for all costs. Bank stabilization shall be accomplished with rock riprap or other approved materials. Broken pieces of concrete, old car bodies and tires are not authorized for bank stabilization. Erosion control structures, including retaining walls, will only be permitted where the Department determines that such a structure is needed to protect improvements within the permitted site. All erosion control structures must adhere to design standards that Reclamation and Department develop. The Permittee shall obtain a section 10-404 permit from the Corps of Engineers prior to conducting bank stabilization activities or constructing erosion control structures as needed.
- n. The cabin and appurtenances must comply with applicable local, State, and Federal flood plain regulations.
- o. All cabins or appurtenances shall be adequately anchored to prevent movement.

## **(12) MISCELLANEOUS CONDITIONS**

The Permittee shall comply with each of the following conditions:

- a. Use the land in such a manner to promote acceptable conservation of the land and shall control noxious weeds on the permitted site.
- b. Use of pesticides, defined herein as including herbicides, fungicides, insecticides, pesticides, or other similar substances, shall be in accordance with all provisions of Federal and State pesticide laws and amendments thereto. No restricted-use chemicals shall be used.
- c. Take all reasonable precaution to prevent and suppress fires. The Department may impose restrictions as to burning or open flame on the permitted site in response to wildfire danger conditions. All outdoor fireplaces must be approved by the Department prior to installation and maintained in accordance with "Guidelines for Minimum Acceptable Safety Requirements for

Outdoor Fireplaces” developed by the South Dakota Department of Agriculture, Division of Forestry document no. AG-DOF-216-89 included as Exhibit C to this Permit.

- d. Pursuant to 43 CFR Part 423.30(c) no fireworks shall be stored or used on Reclamation lands, including the lands covered by this Permit or in structures thereon.
- e. Disorderly or otherwise objectionable conduct by the Permittee or those occupying the permitted site with his consent shall be cause for the termination of this Permit.
- f. No livestock or fowl shall be kept on the permitted site.
- g. All pets must be contained or on a leash. Department may require pets to be removed from the permitted site if they annoy or endanger other users of the area.
- h. No fences or signs shall be erected upon the permitted site unless written approval has been received from the Department. One “For Sale” sign will be allowed to be posted on the cabin but may not exceed 2’ x 2’ in size.
- i. Motor homes, mobile homes, or other recreation vehicles (RV=s) parked on the permitted site, which are in addition to the permitted seasonal cabin or trailer, are subject to a 14 day camping limit (and fee schedule detailed in 12(k) below) and may only be hooked up to electricity and may not be skirted, blocked or anchored.
- j. All automobiles, boats, boat trailers, motor homes, mobile homes or other RVs must be licensed, in good working order, in a road-ready condition at all times. Permittees may not store such vehicles or boats on the permitted site that are not licensed to them.
- k. Guests of Permittee will be allowed to camp on the permitted site but are subject to the non-electric campsite fees set for Angostura Recreation Area and only two (2) camping units are allowed at any one time.
- l. During the period of November 1 through April 30<sup>th</sup>, no vehicles may be present on the permit site unless it is being occupied.
- m. During the period of November 1 through April 30<sup>th</sup>, no loose possessions or personal property including campers, RVs and boats may be visible on the permitted site unless it is being occupied.
- n. Private business or commercial activities shall not be conducted on the permitted site or on any other project lands.
- o. This Permit is subject to the provisions of the MOU between Reclamation and the Department, and the following exceptions and reservations are made:
  - (1) All rights-of-way heretofore acquired or initiated, or hereafter required, for highways, railroads, irrigation works, or any other purpose.
  - (2) The right to take from said lands material for the construction, operation and maintenance of Reclamation project works.
  - (3) The right at any and all times to continue the construction, operation and maintenance of any Reclamation project works now or hereafter required being located on said lands.
  - (4) The right of the officers, agents, employees, licensees, and Permittees of the United States and State of South Dakota, at all proper times and places, freely to have ingress to, passage over, and egress from all of said lands, for the purpose of exercising, enforcing, and protecting the rights described in and reserved by this Article.
  - (5) There is reserved to the United States all oil, gas, coal, or any other materials, including sand and gravel, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.
  - (6) The right to conduct studies of stream- or reservoir-related flooding and Safety of Dams investigations on the permitted site, and to modify or terminate this Permit or implement any measures deemed necessary to comply with Federal, State, or local flood plain management regulations or to otherwise correct flooding or Safety of Dams problems.
- p. The Permittee will not hold the United States or the State of South Dakota responsible in any way for damage that may be caused from project operations including or from waters stored or held in the reservoir.

- q. The Permittee hereby agrees to indemnify and hold harmless Reclamation or its employees, agents, and assigns from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death arising out of the Permittee's activities under this Permit or on account of the construction, operation and maintenance of the Angostura project.
- r. Permittee agrees to hold harmless and indemnify the State of South Dakota, its officers, agents and employees, from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services or privileges granted hereunder. This Article does not require Permittee to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.

### **(13) TERMINATION OF PERMIT**

- a. This Permit may be terminated (or any other dispositional alternative specified in Article 13e) upon Department providing Permittee with 180 days written notice and all of the rights of the Permittee hereunder shall cease, and the Permittee shall quietly and peaceably deliver to the Department possession of the permitted site under any of the following conditions:
  - (1) Upon expiration or termination of the existing management agreement – Reclamation will not stand in the stead of the Department in the event the MOU between Reclamation and the Department expires or is terminated; or,
  - (2) At any time on the mutual written agreement of all parties to this Permit; or,
  - (3) After failure of the Permittee to observe any of the terms of this Permit.
- b. If upon expiration or termination of the Permit, the Department determines not to issue a subsequent Permit, the Permittee must remove those structures or other properties that are owned or controlled by the Permittee within 90 days of written notification by the Department. Upon failure to remove the structures within the specified period, they shall be considered abandoned and become the property of the United States and be subject to disposal under Federal regulations. Any removal of such improvements or other property and restoration work remaining will be performed by the Department or the United States and the Permittee is liable for all costs therefore.
- c. All permanent improvements to the land including trees, shrubs, turf, wastewater systems, wells, and other similar improvements (the dwelling and directly associated improvements excepted), become fixed property and must remain with the site, unless their removal is otherwise approved in writing or required by the Department. All permanent improvements remaining with the site become the property of Reclamation.
- d. A refund of the annual Permit fee will be allowed only if this Permit is cancelled for project purposes and shall be prorated based upon time used.
- e. In the event of non-use of the Cabin for a period of more than two (2) consecutive calendar years, this Permit shall terminate without right of renewal; where the non-use is the result of death, illness, or military service of the Permittee, the Department may waive this termination clause.
- f. **DISPOSITIONAL ALTERNATIVES** - If the Department finds that one or more of the allegations is supported by a preponderance of the evidence, the Department shall select from among the following alternatives for disposition. The Department and the Permittee may agree upon a dispositional alternative not enumerated below provided it is not in contravention of the law.
  - (1) Terminate the permit; or
  - (2) If the Permittee has come into compliance with the terms of the permit according to the Department's directives, the Department may refrain from terminating the permit.

### **(14) OFFICIALS NOT TO BENEFIT**

No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise here from. Nothing, however, herein contained shall



**EXHIBIT A-2**  
**INVENTORY OF EXISTING ON-SITE & OFF-SITE STRUCTURES**

ON-SITE LOT STRUCTURES: Area: \_\_\_\_\_ Lot No.: \_\_\_\_\_  
Cabin/Trailer - Year built: \_\_\_\_\_ Square feet: \_\_\_\_\_  
Cabin/Trailer Exterior Dimension: \_\_\_\_\_

Water System  
Potable Water Source \_\_\_\_\_ Other Water Source \_\_\_\_\_

Wastewater System Type \_\_\_\_\_  
Installation Date \_\_\_\_\_ Last Inspection \_\_\_\_\_

Outbuilding(s) (Please list type and dimension of each)  
\_\_\_\_\_  
\_\_\_\_\_

Deck(s)  
Square feet: \_\_\_\_\_ Dimension: \_\_\_\_\_

TYPE OF FACILITY / SHORELINE DEVELOPMENT:  
(Fill in the blank as appropriate to identify existing facilities – otherwise fill in N/A)

OFF-SITE LOT STRUCTURES  
Number of Docks: \_\_\_\_\_  
Dock Type(s):  Floatation-type  Wheeled-type  
Dock Size(s) (length): \_\_\_\_\_  
Dock Frame Construction:  Wood  Metal  Other (Specify) \_\_\_\_\_  
Dock Decking:  Wood  Metal  Other (Specify) \_\_\_\_\_  
Flotation:  Foam  Plastic Drum  Other (Specify) \_\_\_\_\_  
Dock Anchorage Type: \_\_\_\_\_

Domestic-Use Water System Using Reservoir Water  
Pump Capacity (gpm): \_\_\_\_\_ Pump Type:  Submersible  Surface-mounted  
Motor Type:  Electric  Gasoline  Other (Specify) \_\_\_\_\_  
Intake Line Support Method:  Anchored To Doc  Float on Inlet  
 Other (Specify) \_\_\_\_\_  
Size and Type of Intake Device: \_\_\_\_\_  
Size and Type of Discharge Waterline: \_\_\_\_\_

Shoreline Access Structures/Facilities  
Structure Type(s):  Walkway  Stairway  Other \_\_\_\_\_  
Brief Description of Shoreline Access (construction materials, approximate length, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bank Stabilization/Shoreline Erosion Control  
Erosion Control Type:  Rock Riprap  Concrete Retaining Wall  
 Other (Specify) \_\_\_\_\_

\_\_\_\_\_  
*Signature of Permittee(s)*

\_\_\_\_\_  
*Date*

Provide additional information as required on a separate sheet.

***EXHIBIT B – PERMITTEE PROJECT APPLICATION***

**For Proposed Trailer/Cabin Permittee Projects on Lands Managed by  
South Dakota Department of Game, Fish and Parks for the Bureau of Reclamation**

**APPLICANT'S NAME:**

**ADDRESS:**

**TELEPHONE** (Area Code and Number):

**PROJECT LOCATION:** Specify legal description, name of trailer or cabin area, land and major features, etc.

**PROJECT DESCRIPTION:** State the type of project / facility requested, quantities, dimensions, off-site utilities required, etc. Provide plans and specifications below or on a separate sheet(s).

**TYPE AND SOURCE LOCATION OF ANY BORROW MATERIAL:** e.g. rock, gravel, topsoil

**PROJECT SCHEDULE:** Proposed dates for project to begin and end.

I hereby request authorization for the above described project and agree that work on the project will not begin until written approval is obtained from the Bureau of Reclamation (if required) and South Dakota Department of Game, Fish and Parks.

\_\_\_\_\_  
**(Signature(s))**

\_\_\_\_\_  
**(Date)**

**APPROVAL:** The applicant is hereby approved to construct and / or develop the project as above-described and as shown on any attached plans, subject to the rules and regulations of the South Dakota Department of Game, Fish and Parks and the Bureau of Reclamation associated with Reclamation Reservoir lands and waters.

**BUREAU OF RECLAMATION  
GAME, FISH & PARKS**

**SOUTH DAKOTA DEPARTMENT OF**

By \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**NOTES AND SPECIAL CONDITIONS: If Bureau of Reclamation review and approval is not required for this project, South Dakota Department of Game, Fish and Parks will note it here.**

Revised 6-29-07

Division of Parks and Recreation					
May 2020 Revenue by Item					
	2019		2020		%
	Number	Dollar	Number	Dollar	Change
Annual	11,095	\$ 332,857	15,618	\$ 562,255	69%
2nd Annual	2,544	\$ 38,157	2,372	\$ 42,691	12%
Combo	9,902	\$ 445,573	11,760	\$ 635,052	43%
Transferable	856	\$ 55,660	819	\$ 65,548	18%
Daily License	9,631	\$ 57,787	11,904	\$ 95,236	65%
Unattended Vehicle Daily	142	\$ 1,423	143	\$ 2,144	51%
GSM Annual Trail Pass	489	\$ 7,335	762	\$ 11,430	56%
GSM Daily Trail Pass	406	\$ 1,624	218	\$ 872	-46%
Motorcoach Permit	894	\$ 2,682	7	\$ 21	-99%
CSP 7 Day Pass	12,972	\$ 259,435	8,305	\$ 166,090	-36%
CSP 7 Day Bike Pass	361	\$ 3,605	484	\$ 9,680	169%
Rally Bike Band	-				
One-Day Special Event		\$ 800		\$ -	
<b>PERMITS</b>	<b>49,292</b>	<b>\$ 1,206,938</b>	<b>52,392</b>	<b>\$ 1,591,018</b>	<b>32%</b>
Camping Services		\$ 1,253,701		\$ 1,919,804	53%
Picnic Reservations		\$ 2,127		\$ 220	-90%
Firewood	7,151	\$ 35,753	8,937	\$ 53,620	50%
Gift Card		\$ 1,590		\$ 715	-55%
Boat Slips		\$ -		\$ 21,660	
<b>LODGING</b>	<b>7,151</b>	<b>\$ 1,293,171</b>	<b>8,937</b>	<b>\$ 1,996,019</b>	<b>54%</b>
<b>TOTAL</b>	<b>56,442</b>	<b>\$ 2,500,109</b>	<b>61,329</b>	<b>\$ 3,587,037</b>	<b>43%</b>

Division of Parks and Recreation					
May YTD 2020 Revenue by Item					
	2019		2020		%
	Number	Dollar	Number	Dollar	Change
Annual	14,860	\$ 445,787	20,159	\$ 725,735	63%
2nd Annual	3,325	\$ 49,872	3,045	\$ 54,817	10%
Combo	13,871	\$ 624,216	16,055	\$ 866,944	39%
Transferable	1,294	\$ 84,094	1,144	\$ 91,503	9%
Daily License	11,829	\$ 70,972	15,514	\$ 124,110	75%
Unattended Vehicle Daily	226	\$ 2,255	185	\$ 2,779	23%
GSM Annual Trail Pass	976	\$ 14,640	2,042	\$ 30,630	109%
GSM Daily Trail Pass	728	\$ 2,912	649	\$ 2,596	-11%
Motorcoach Permit	943	\$ 2,829	797	\$ 2,391	-15%
CSP 7 Day Pass	16,901	\$ 338,028	10,029	\$ 200,576	-41%
CSP 7 Day Bike Band	405	\$ 4,052	484	\$ 9,685	139%
Rally Bike Band	-	\$ -	-	\$ -	
One-Day Special Event		\$ 950		\$ 350	-63%
<b>PERMITS</b>	<b>65,357</b>	<b>\$ 1,640,607</b>	<b>70,103</b>	<b>\$ 2,112,115</b>	<b>29%</b>
Camping Services		\$ 5,523,671		\$ 6,697,400	21%
Picnic Reservations		\$ 6,780		\$ 2,280	-66%
Firewood	7,529	\$ 37,647	9,463	\$ 56,778	51%
Gift Card		\$ 4,956		\$ 4,135	-17%
Boat Slips		\$ -		\$ 69,970	
<b>LODGING</b>	<b>7,529</b>	<b>\$ 5,573,054</b>	<b>9,463</b>	<b>\$ 6,830,563</b>	<b>23%</b>
<b>TOTAL</b>	<b>72,887</b>	<b>\$ 7,213,661</b>	<b>79,566</b>	<b>\$ 8,942,678</b>	<b>24%</b>

**Division of Parks and Recreation**  
**May YTD 2020 Camping by District**

<i>LOCATION</i>	<i>2019</i>	<i>2020</i>	<i>%</i>	<i>LOCATION</i>	<i>2019</i>	<i>2020</i>	<i>%</i>
Pickereel Lake	698	925	33%	Lewis & Clark	5,094	8,114	59%
Fort Sisseton	247	216	-13%	Chief White Crane	1,838	2,879	
Roy Lake	670	1,080		Pierson Ranch	646	1,081	67%
Sica Hollow	2	115		Springfield	143	243	
<b>DISTRICT 1</b>	<b>1,617</b>	<b>2,336</b>	<b>44%</b>	Sand Creek	28	-	-100%
Richmond Lake	249	327		Tabor	-	2	
Mina Lake	405	643	59%	<b>DISTRICT 9</b>	<b>7,749</b>	<b>12,319</b>	<b>59%</b>
Fisher Grove	127	202	59%	North Point	671	1,927	187%
Amsden	4	-		North Wheeler	136	262	
Lake Louise	325	505	55%	Pease Creek	228	295	29%
<b>DISTRICT 2</b>	<b>1,110</b>	<b>1,677</b>	<b>51%</b>	Randall Creek	2	2	
Pelican Lake	838	1,231	47%	South Shore	61	132	116%
Sandy Shore	108	190	76%	South Scalp	8	9	
Lake Cochrane	193	398		Whetstone	77	165	
Hartford Beach	713	1,508	112%	White Swan	25	90	
<b>DISTRICT 3</b>	<b>1,852</b>	<b>3,327</b>	<b>80%</b>	<b>DISTRICT 10</b>	<b>1,208</b>	<b>2,882</b>	<b>139%</b>
Oakwood Lakes	1,174	1,972	68%	Farm Island	1,100	1,460	33%
Lake Poinsett	736	1,571	113%	West Bend	1,646	1,634	-1%
Lake Thompson	1,005	1,259	25%	<b>DISTRICT 11</b>	<b>2,746</b>	<b>3,094</b>	<b>13%</b>
<b>DISTRICT 4</b>	<b>2,915</b>	<b>4,802</b>	<b>65%</b>	Oahe Downstream	1,832	2,284	25%
Lake Herman	699	896	28%	Cow Creek	467	599	28%
Walker's Point	381	661	73%	Okobojo	166	355	114%
Lake Carthage	100	230		Spring Creek	-	1,746	
<b>DISTRICT 5</b>	<b>1,180</b>	<b>1,787</b>	<b>51%</b>	<b>DISTRICT 12</b>	<b>2,465</b>	<b>3,238</b>	<b>31%</b>
Snake Creek	1,736	2,099	21%	West Whitlock	492	616	25%
Platte Creek	235	466	98%	East Whitlock	26	34	31%
Buryanek	462	686	48%	Swan Creek	144	196	36%
Burke Lake	4	35		Indian Creek	1,022	1,332	30%
<b>DISTRICT 6</b>	<b>2,437</b>	<b>3,286</b>	<b>35%</b>	Lake Hiddenwood	-	-	
Palisades	798	1,206	51%	Walth Bay	6	15	150%
Big Sioux	974	1,289	32%	West Pollock	229	302	32%
Lake Vermillion	1,470	2,103	43%	<b>DISTRICT 13</b>	<b>1,919</b>	<b>2,495</b>	<b>30%</b>
<b>DISTRICT 7</b>	<b>3,242</b>	<b>4,598</b>	<b>42%</b>	Bear Butte	81	177	119%
Newton Hills	1,745	2,517	44%	<b>DISTRICT 14</b>	<b>81</b>	<b>177</b>	<b>119%</b>
Good Earth	-	-		Shadehill	725	938	29%
Union Grove	280	412	47%	Llewellyn Johns	45	89	
<b>DISTRICT 8</b>	<b>2,025</b>	<b>2,929</b>	<b>45%</b>	Rocky Point	1,001	1,443	44%
				<b>DISTRICT 15</b>	<b>1,771</b>	<b>2,470</b>	<b>39%</b>
				Custer	5,137	7,297	42%
				<b>DISTRICT 16</b>	<b>5,137</b>	<b>7,297</b>	<b>42%</b>
				Angostura	3,311	4,066	23%
				Sheps Canyon	303	430	42%
				<b>DISTRICT 17</b>	<b>3,614</b>	<b>4,496</b>	<b>24%</b>
				<b>TOTAL YTD</b>	<b>43,068</b>	<b>63,210</b>	<b>47%</b>
				<b>TOTAL for Month</b>	<b>39,024</b>	<b>55,726</b>	<b>43%</b>

**Division of Parks and Recreation**  
**May YTD 2020 Visitation by District**

<i>LOCATION</i>	<b>2019</b>	<b>2020</b>	<b>%</b>	<i>LOCATION</i>	<b>2019</b>	<b>2020</b>	<b>%</b>
Pickerel Lake	10,930	11,734	7%	Lewis & Clark	165,469	299,432	81%
Fort Sisseton	8,025	8,092	1%	Chief White Crane	10,668	12,817	20%
Roy Lake	25,777	39,670	54%	Pierson Ranch	16,050	20,196	26%
Sica Hollow	2,240	8,300	271%	Springfield	28,954	54,973	90%
<b>DISTRICT 1</b>	<b>46,972</b>	<b>67,796</b>	<b>44%</b>	<b>DISTRICT 9</b>	<b>221,141</b>	<b>387,418</b>	<b>75%</b>
Richmond Lake	8,978	16,605	85%	North Point	23,144	27,584	19%
Mina Lake	7,182	13,323	86%	North Wheeler	4,254	4,820	13%
Fisher Grove	4,828	6,062	26%	Pease Creek	8,079	10,005	24%
Lake Louise	9,337	10,535	13%	Randall Creek	12,769	19,944	56%
<b>DISTRICT 2</b>	<b>30,325</b>	<b>46,525</b>	<b>53%</b>	Fort Randall Marina	2,435	2,266	-7%
Pelican Lake	9,717	20,060	106%	<b>DISTRICT 10</b>	<b>50,681</b>	<b>64,619</b>	<b>28%</b>
Sandy Shore	4,693	9,733	107%	Farm Island	43,690	54,412	25%
Lake Cochrane	1,944	6,059	212%	West Bend	9,745	11,744	21%
Hartford Beach	29,863	42,112	41%	LaFramboise Island	27,811	33,862	22%
<b>DISTRICT 3</b>	<b>46,217</b>	<b>77,964</b>	<b>69%</b>	<b>DISTRICT 11</b>	<b>81,246</b>	<b>100,018</b>	<b>23%</b>
Oakwood Lakes	13,046	18,886	45%	Oahe Downstream	85,559	119,942	40%
Lake Poinsett	14,238	21,614	52%	Cow Creek	58,148	61,296	5%
Lake Thompson	12,616	18,073	43%	Okobojo	9,451	16,180	71%
<b>DISTRICT 4</b>	<b>39,900</b>	<b>58,573</b>	<b>47%</b>	Spring Creek	43,816	64,170	46%
Lake Herman	23,902	44,055	84%	<b>DISTRICT 12</b>	<b>196,974</b>	<b>261,588</b>	<b>33%</b>
Walker's Point	9,544	17,125	79%	West Whitlock	7,589	9,276	22%
<b>DISTRICT 5</b>	<b>33,446</b>	<b>61,180</b>	<b>83%</b>	Swan Creek	6,082	6,816	12%
Snake Creek	25,761	43,815	70%	Indian Creek	13,728	18,868	37%
Platte Creek	37,929	51,146	35%	Lake Hiddenwood	-	-	
Buryanek	7,108	12,269	73%	Revhem Bay	15,321	24,562	60%
Burke Lake	7,182	8,065	12%	West Pollock	20,251	27,917	38%
<b>DISTRICT 6</b>	<b>77,980</b>	<b>115,295</b>	<b>48%</b>	<b>DISTRICT 13</b>	<b>62,971</b>	<b>87,439</b>	<b>39%</b>
Palisades	24,594	50,499	105%	Bear Butte	4,810	5,429	13%
Big Sioux	12,303	20,050	63%	<b>DISTRICT 14</b>	<b>4,810</b>	<b>5,429</b>	<b>13%</b>
Beaver Creek	5,907	9,932	68%	Shadehill	10,370	10,390	0%
Lake Vermillion	23,841	39,383	65%	Llewellyn Johns	968	1,252	29%
<b>DISTRICT 7</b>	<b>66,645</b>	<b>119,864</b>	<b>80%</b>	Little Moreau	5,198	4,401	-15%
Newton Hills	27,667	61,053	121%	Rocky Point	16,301	29,608	82%
Good Earth	16,658	37,210	123%	<b>DISTRICT 15</b>	<b>32,837</b>	<b>45,651</b>	<b>39%</b>
Union Grove	3,747	9,488	153%	Custer	362,808	389,456	7%
Lake Alvin	8,602	29,512	243%	<b>DISTRICT 16</b>	<b>362,808</b>	<b>389,456</b>	<b>7%</b>
Spirit Mound	8,299	12,187	47%	Angostura	42,018	60,807	45%
Adams	6,786	10,256	51%	Sheps Canyon	10,459	12,118	16%
<b>DISTRICT 8</b>	<b>71,759</b>	<b>159,706</b>	<b>123%</b>	<b>DISTRICT 17</b>	<b>52,477</b>	<b>72,925</b>	<b>39%</b>
				<b>TOTAL YTD</b>	<b>1,479,189</b>	<b>2,121,446</b>	<b>43%</b>
				<b>TOTAL for Month</b>	<b>686,195</b>	<b>980,208</b>	<b>43%</b>

### ***Commission Information Item: 6.4.2020***

#### ***“3-Splash”: A 2-tiered Waterfowl Regulation Experiment in the Central Flyway.***

- **Waterfowl hunting trends:** Duck hunter participation in South Dakota and the Central Flyway is declining (Figure 1). Historically, duck hunter numbers rose and fell with duck numbers. Unfortunately, since the mid 1990’s this trend has not held with declining hunter numbers and abundant waterfowl (Figure 2).
- **Current duck regulations:** maximize harvest potential, complex system of species-specific regulations. Challenge for inexperienced hunters.
  - The ability to identify ducks on the wing has been identified as a potential barrier to duck hunter recruitment, retention, and reactivation (R3).
- **Potential future regulations:** increase participation in duck hunting by providing two options for all hunters to choose from. Duck hunters would register themselves under one of two different regulatory options
  - **Tier 1:** The current regulatory package: would maximize harvest potential with current species-specific regulations (i.e, current daily bag limits with all species-specific daily bag restrictions).
  - **Tier 2:** A new “3-splash” regulatory package: available only to those who desire it. Simplified regulations (i.e., 3-splash daily bag limit).
- **Regulation development:** Working cooperatively with the all flyways and the USFWS, a study design and evaluation plan has been developed and approved by the Service Regulations Committee (SRC).
  - If approved by both commissions, beginning in the 2021-2022 duck hunting season South Dakota and Nebraska will implement and evaluate a pilot two-tier system of duck hunting regulations for a minimum of 4 years.
- **GOAL:** To see if experimental regulations can flatten the decline, if not increase participation in waterfowl hunting.

Figure 1. The number of active duck hunters in the Central Flyway, 1999-2018 (Dubovsky 2019).

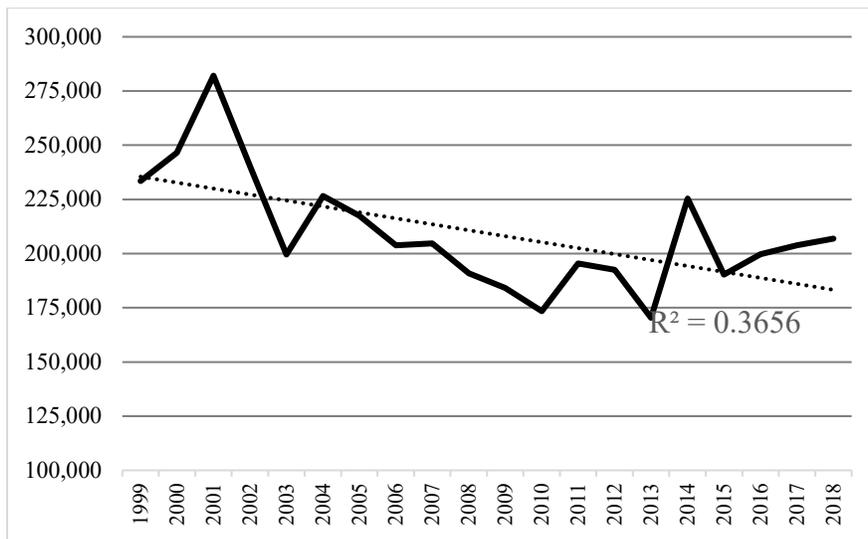
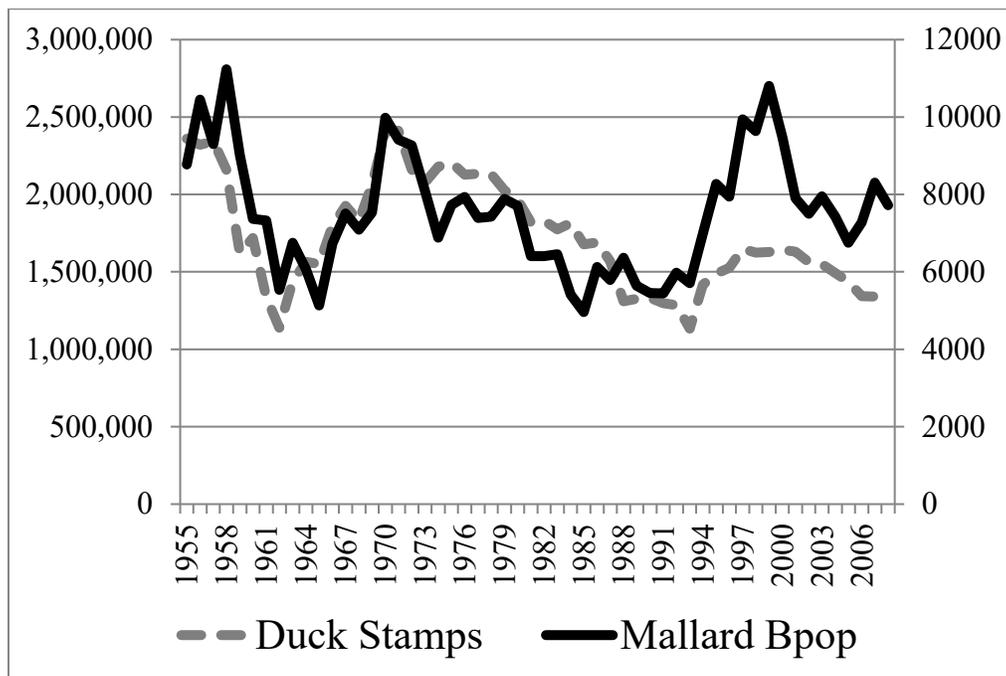


Figure 2. Federal Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) and mallard breeding populations (Bpop), 1955-2008.





# Aquatic Invasive Species Program 2020 Operations Plan



## Watercraft Inspection and Decontamination Stations (WID)

### Primary changes for 2020

- New legislation provides the Game, Fish and Parks additional authorities to require watercraft to undergo inspections and decontaminations.

### WID Program Philosophy for 2020

- The connectivity of waters and the availability of resources to conduct a full WID program means that a comprehensive containment approach, as is used in some western states, is not realistic for eastern South Dakota.
- Preventing the spread to specific, isolated waters is feasible, if enough resources exist.

### 2020 WID Program Objectives:

- Prevent westward expansion to Bureau of Reclamation and Black Hills reservoirs
- Use inspection stations to help develop best management practices by boaters
- Maximize contacts with boaters who may have used containment waters (Missouri River system, MN, IA, NE)

Western SD - Crews will focus on inspecting watercraft prior to launch at Shadehill, Belle Fourche, Pactola, Deerfield, Sheridan, and Angostura reservoirs.

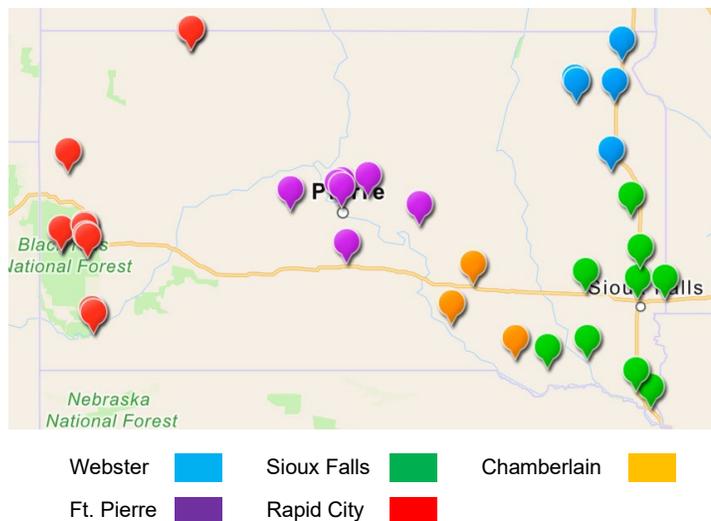
- Partnerships - Bureau of Reclamation (BOR) and U.S. Forest Service
  - 2019 and 2020 (BOR) grants for decontamination units and seasonal salaries

Missouri River System and Eastern SD - Focus inspection efforts on highways or roads where boats going to or coming from a high number of boat ramps can be intercepted.

- Partnerships - SD Departments of Transportation and Public Safety
  - Use of SDDOT compounds and DPS Motor Carrier Division locations

### WID Crew Base Stations and Preliminary Station Locations

Nine, 2-person crews



## Efforts Specific to Containment Waters

- Lewis and Clark – Local Boat Registry continues
- Sharpe and Francis Case – partnering with marinas and homeowners associations to make owners of moored boats aware of decontamination requirement

## AIS Monitoring

- Veliger tows of BOR reservoirs, Oahe, Blue Dog and surrounding lakes, and brood stock and trap and transfer waters
- Substrate samplers and dock inspections in fall
- Citizen Science – PVC samplers for lake associations
- Plant observations during standard fish population surveys

## 2020 Communications Plan

**Goal:** Slow the spread of all aquatic invasive species

### **Strategies:**

- Collaborate with key stakeholders at the state, federal and local levels in South Dakota and border states to share information and increase compliance among all users.
- Raise awareness of new laws and the damage AIS can do
- Educate all users about how to comply with new laws

### **Key Messages:**

- Clean, Drain, and Dry
- Don't move water (bait-related)
- Inspections are easy, if you see a station you need to stop and do your part

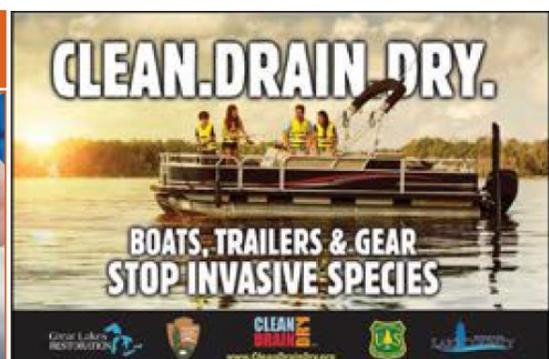
### **Tactics:**

#### S.W.A.G Ideas:

- 1 oz. de-chlorinator bottles to distribute to anglers to encourage them to not move raw water (Communication objective 2).
- Sponges, to remind boaters to Clean, Drain, and Dry (Communication objective 1)

### **Signage:**

- Plugs Must be Out banners (ramps)
- Don't Move Water banners (ramps)
- CLEAN.DRAIN.DRY signs at WID stations

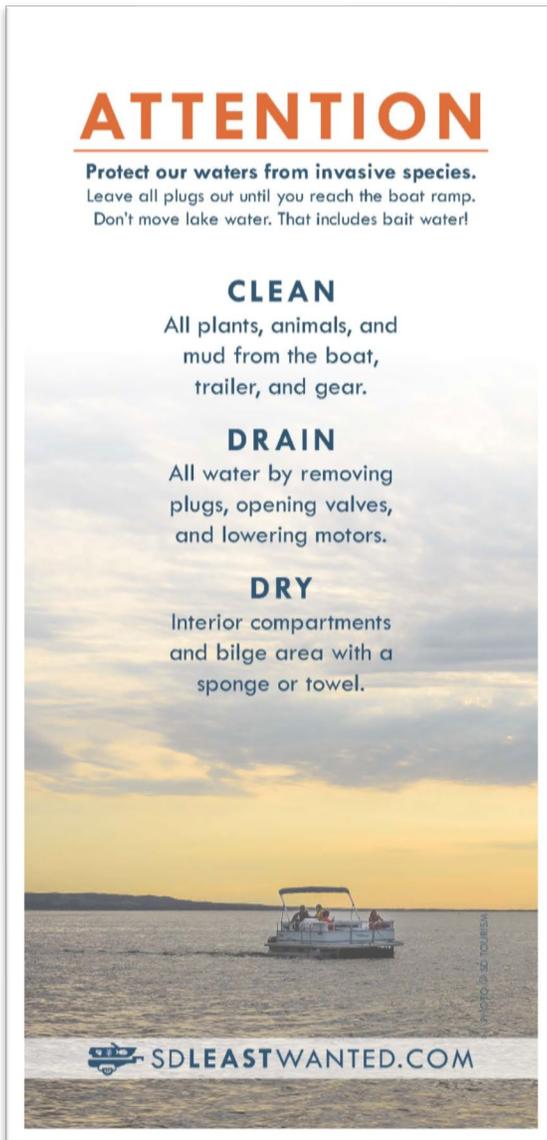


**Video Ideas:**

- PSA by Governor Noem (done)
- Plug In/Plug Out (done)
- How many veligers in 5 gallons?
- How to Decontaminate (share from other states)

**Print:**

- Ads placed in regional outdoor magazines
- Ads in GFP guidebooks – boating, fishing
- Rack cards below)
- Article/pdf poster for Lake associations (done)
- Article in Conservation Digest (done)
- Article in Landowners Matter



**ATTENTION**

**Protect our waters from invasive species.**  
Leave all plugs out until you reach the boat ramp.  
Don't move lake water. That includes bait water!

**CLEAN**  
All plants, animals, and mud from the boat, trailer, and gear.

**DRAIN**  
All water by removing plugs, opening valves, and lowering motors.

**DRY**  
Interior compartments and bilge area with a sponge or towel.



**WATERCRAFT INSPECTION AND DECONTAMINATION GUIDE**

**WHAT DOES THE INSPECTION PROCESS LOOK LIKE?**

- ▶ **1-2 minute risk assessment and visual inspection**
  - › Out-of-state or in an infested water within 30 days
  - › Dirty, crusty, or slimy below the water line
  - › Standing water in the boat or ballast tanks
  - › Complex watercraft (multiple motors or compartments)
- ▶ **A more thorough (5-minute), high-risk inspection is required if:**
  - › Two or more risk factors above are observed
- ▶ **Decontamination is required if a watercraft fails an inspection due to:**
  - › Aquatic Invasive Species (AIS) found on the watercraft
  - › Water cannot be completely drained

**SPEED UP THE PROCESS**

- ▶ Clean, Drain, and Dry after every trip on the water
- ▶ Self-inspect after each trip using the acronym **H.E.A.D.**

**HULL** | Examine both sides of the hull below the water line and the trailer

**ENGINE** | Inspect the engine; look for dark areas, right angles, and rough spots

**ANCHOR** | Examine interior compartments, anchor, and ropes

**DRY** | Pull all plugs and leave them out until your next launch



# License Sales Totals

(as of June 1)

date updated: 2 June 2020

<b>Resident</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>+/- Licenses</b>	<b>+/- Revenue</b>
Combination	36,638	35,960	34,388	31,692	37,330	5,638	\$ 310,090
Junior Combination	4,743	4,582	3,996	3,495	5,995	2,500	\$ 67,500
Senior Combination	6,885	7,384	7,729	7,575	8,616	1,041	\$ 41,640
Small Game	1,521	1,347	1,370	1,274	1,353	79	\$ 2,607
Youth Small Game	750	753	770	662	799	137	\$ 685
1-Day Small Game	230	183	167	248	216	-32	\$ (384)
Migratory Bird Certificate	13,009	13,087	12,539	11,426	12,318	892	\$ 4,460
Predator/Varmint	1,247	975	1,008	996	1,041	45	\$ 225
Furbearer	2,204	2,146	2,453	2,672	2,743	71	\$ 2,130
Annual Fishing	42,273	41,441	37,632	29,921	47,744	17,823	\$ 499,044
Senior Fishing	9,532	9,688	9,285	7,996	10,512	2,516	\$ 30,192
1-Day Fishing	1,726	1,960	1,523	1,218	2,290	1,072	\$ 8,576
Gamefish Spearing/Archery	2,114	2,289	2,424	0	0	0	\$ -
<b>RESIDENT TOTALS =</b>	<b>122,872</b>	<b>121,795</b>	<b>115,284</b>	<b>99,175</b>	<b>130,957</b>	<b>31,782</b>	<b>\$ 966,765</b>

<b>Nonresident</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>+/- Licenses</b>	<b>+/- Revenue</b>
Small Game	2,875	2,189	2,139	2,602	2,663	61	\$ 7,381
Youth Small Game	225	174	147	117	124	7	\$ 70
Annual Shooting Preserve	74	72	68	44	46	2	\$ 242
5-day Shooting Preserve	566	596	566	620	764	144	\$ 10,944
1-day Shooting Preserve	301	217	214	171	174	3	\$ 138
Spring Light Goose	3,965	4,494	4,713	2,810	2,961	151	\$ 7,550
Youth Spring Light Goose	138	159	178	94	122	28	\$ 728
Migratory Bird Certificate	164	191	168	182	218	36	\$ 180
Predator/Varmint	1,910	1,998	2,226	2,018	1,548	-470	\$ (18,800)
Furbearer	3	2	4	6	6	0	\$ -
Annual Fishing	17,752	16,906	16,678	13,107	16,328	3,221	\$ 215,807
Family Fishing	5,817	5,346	5,086	4,266	5,418	1,152	\$ 77,184
Youth Annual Fishing	793	612	587	412	681	269	\$ 6,725
3-Day Fishing	8,402	8,221	8,631	6,594	6,961	367	\$ 13,579
1-Day Fishing	6,448	6,529	5,712	5,034	6,572	1,538	\$ 24,608
Gamefish Spearing/Archery	509	493	547	0	0	0	\$ -
<b>NONRESIDENT TOTALS =</b>	<b>49,942</b>	<b>48,199</b>	<b>47,664</b>	<b>38,077</b>	<b>44,586</b>	<b>6,509</b>	<b>\$ 346,336</b>
<b>GRAND TOTALS =</b>	<b>172,814</b>	<b>169,994</b>	<b>162,948</b>	<b>137,252</b>	<b>175,543</b>	<b>38,291</b>	<b>\$ 1,313,101</b>