

Comes, Rachel

From: Worth, Calley
Sent: Friday, February 02, 2018 11:54 AM
To: Comes, Rachel; Kiel, Emily
Subject: RE: 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: 39
Petitioner Name: Joel Bich
Address: Lower Brule Sioux Tribe
PO Box 246
Lower Brule, SD 57548
Email: joelbichwfr@gmail.com
Phone: 605-473-5313
Rule Identification: SDCL 41:05:02:68 MISSOURI RIVER REFUGES
Describe Change: The Lower Brule Sioux Tribe proposes the removal of the areas on the Lower Brule Sioux Reservation from the DeGrey and Joe Creek State water-line Waterfowl Refuges
Reason for Change: The significant changes in waterfowl fall migration patterns have affected the timing and quality of waterfowl hunting along the Missouri River reservoirs. Typically, ducks and geese are arriving later and later in the fall and moving through our area faster and less consistently which results in greatly diminished hunting opportunities. In the past few years, waterfowl staging numbers on the Lake Sharpe downstream from Pierre have gone from hundreds of thousands for several months to the tens of thousands for a few weeks or even days. It is no longer feasible for many goose hunting operations to function; the Lower Brule Sioux Tribe's Mni Sho Sho (Clark) goose camp (see map) has been closed since 2016 and converted to a walk-in hunting area. The DeGrey and Joe Creek State Waterfowl refuges are no longer holding large numbers of waterfowl for significant periods of time in the fall. Changes in refuges are necessary to increase hunting opportunity while maintaining refuges that are continuing to provide intended functions. The Lower Brule Sioux Tribe desires to improve waterfowl hunting opportunities for tribal members and non-members on the Reservation lands and waters with this proposal. The Lower Brule Sioux Tribe Department of Wildlife, Fish and Recreation and the South Dakota Department of Game, Fish and Parks have enjoyed a productive, cooperative working relationship for many years; this proposal is another step in the co-management of the natural resources that we share.

Calley Worth | *Digital Content Strategist*
South Dakota Game, Fish and Parks

From: Comes, Rachel
Sent: Friday, February 02, 2018 11:45 AM
To: Worth, Calley; Kiel, Emily
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Thanks!

Proposed Changes to State Waterfowl Refuges on the Lower Brule Sioux Reservation

Department of Wildlife, Fish and Recreation

Lower Brule Sioux Tribe

February 1, 2018

Background

The significant changes in waterfowl fall migration patterns have affected the timing and quality of waterfowl hunting along the Missouri River reservoirs. Typically, ducks and geese are arriving later and later in the fall and moving through our area faster and less consistently which results in greatly diminished hunting opportunities. In the past few years, waterfowl staging numbers on the Lake Sharpe downstream from Pierre have gone from hundreds of thousands for several months to the tens of thousands for a few weeks or even days. It is no longer feasible for many goose hunting operations to function; the Lower Brule Sioux Tribe's Mni Sho Sho (Clark) goose camp (see map) has been closed since 2016 and converted to a walk-in hunting area. The DeGrey and Joe Creek State Waterfowl refuges are no longer holding large numbers of waterfowl for significant periods of time in the fall. Changes in refuges are necessary to increase hunting opportunity while maintaining refuges that are continuing to provide intended functions. The Lower Brule Sioux Tribe desires to improve waterfowl hunting opportunities for tribal members and non-members on the Reservation lands and waters with this proposal. The Lower Brule Sioux Tribe Department of Wildlife, Fish and Recreation and the South Dakota Department of Game, Fish and Parks have enjoyed a productive, cooperative working relationship for many years; this proposal is another step in the co-management of the natural resources that we share.

Proposal

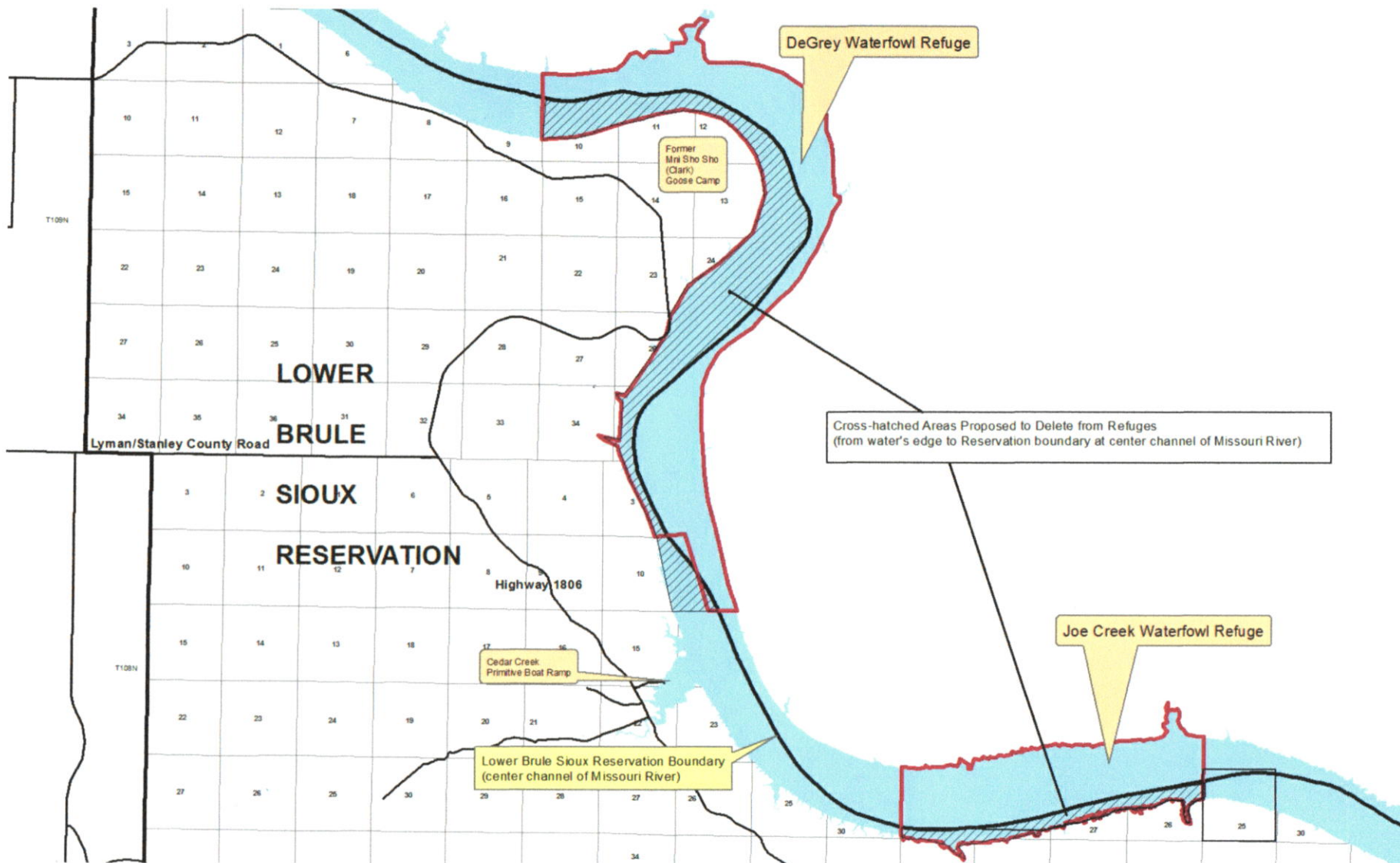
The Lower Brule Sioux Tribe proposes the removal of the areas on the Lower Brule Sioux Reservation from the DeGrey and Joe Creek State water-line Waterfowl Refuges (see map below).

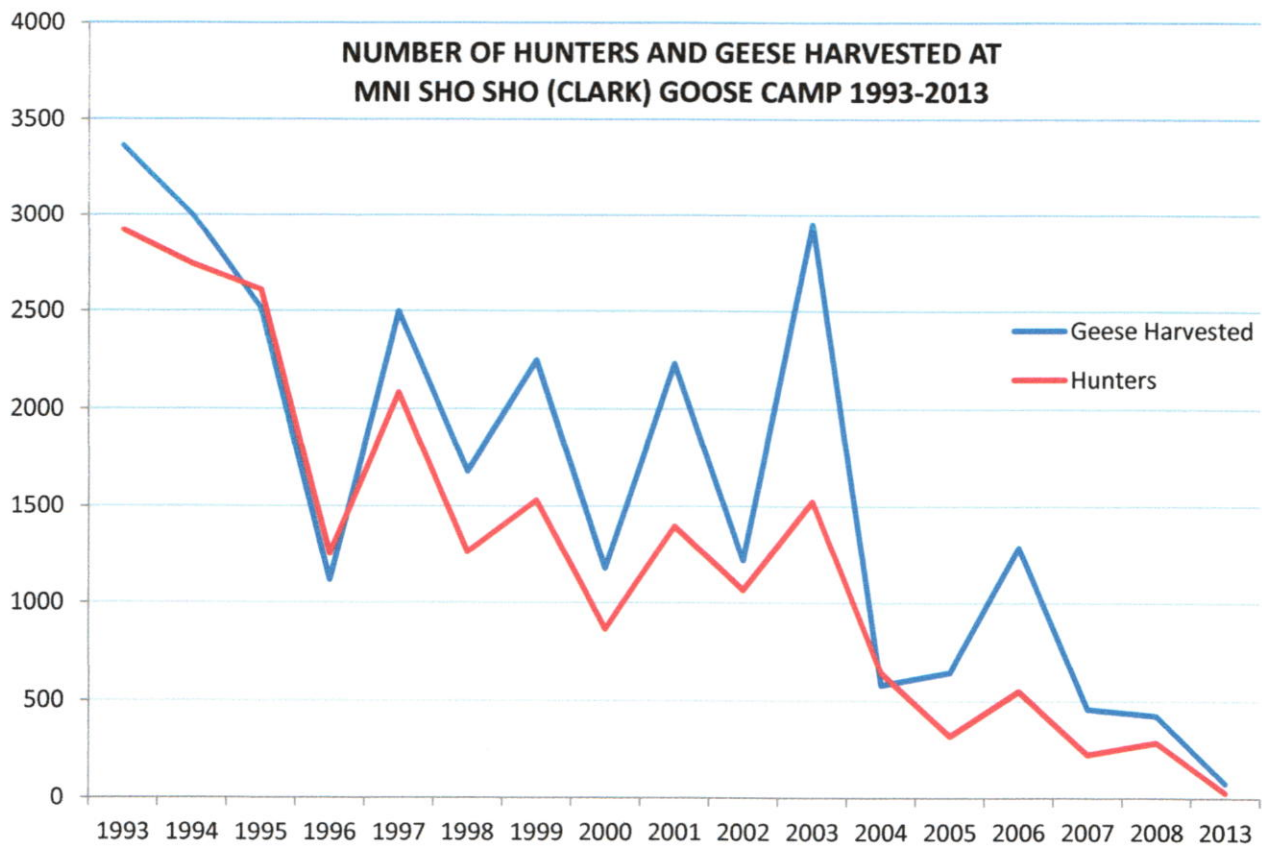
Affects of this Change

This change will allow increased waterfowl hunting opportunities from land as well as from boat. While these two refuges currently provide a fraction of the originally intended refuge function, this change will not negatively impact the protection that refuges provide for waterfowl because increased hunting activities will be limited to shoreline areas on the Lower Brule Sioux Reservation; over half the open water areas of the refuges will still be protected. Because of limited boat ramp access in this area, the anticipated minimal increase in boat hunter traffic will not cause significant disturbance to resting waterfowl.

Additional Information

One of the on-going goals of the Lower Brule Sioux Tribe's Department of Wildlife, Fish and Recreation is to provide hunting opportunities for Tribal Members and non-members. Within the last few years, the harvest of geese at the tribally-operated Mni Sho Sho Goose Camp has dramatically declined (see figure below). Since 2014, our department has ceased on-site management of the area and it is now a walk-in area for all hunting including waterfowl. Because of changes in waterfowl migration patterns, hunting opportunity has plummeted.





Beyond the above-stated loss of goose hunting, there is an overall decline in hunting and other outdoor activities, especially among the youth. This proposed change would provide some new hunting opportunities. Both Tribal Member and non-member hunters would be able to utilize this area for hunting; the Tribe has hunting/fishing jurisdiction for Tribal Members and land-based non-members while the State has jurisdiction for over-water hunting and fishing for non-members (the jurisdictional line is the water's edge).

In February, 2018 the Tribe rescinded its waterfowl refuge for Tribal Members that is on the same area as the DeGrey and Joe Creek State waterfowl refuges.

Annually over the past 5 years, the Tribe has licensed an average of 25 Tribal Members and 150 non-members for waterfowl hunting. It is anticipated that this proposed change would result in a slight increase in these numbers due to increased opportunity.

Proposed Language Change

SDCL 41:05:02:68. Missouri River refuges.

(13) The DeGrey State Waterfowl Refuge comprises an area on Lake Sharpe enclosed by a line beginning at the junction of the **water's edge** and the west section line of section 3, township 109 north, range 76 west of the fifth principal meridian, Hughes County; then south along the section line ~~across the Big Bend reservoir on the west section line of section 10, township 109 north, range 76 west, Stanley County~~ along the water's edge to the south section line of section 3, township 108 north, range 76 west, then easterly to the center of the reservoir, then south to the Hughes County line, then along the county line to a point of junction with the south section line of section 12, township 108 north, range 76 west in Hughes County; then east along the section line to the water's edge at the south section line of section 12, township 108 north, range 76 west; then upstream along the water's edge to the north section line of section 12, township 108 north, range 76 west; then east along the section line to the Corps of Engineers take line; then north along the Corps of Engineers take line to the East DeGrey area access road; then southerly along the access road to the water's edge; then upstream along the water's edge to the point of beginning;

(14) The Joe Creek State Waterfowl Refuge comprises an area on Lake Sharpe ~~within the water's edge bounded~~ enclosed by a line beginning at the junction of the water's edge and ~~on the upstream side by a north-south line extending across the reservoir and~~ the west section line of section 21, township 108 north, range 75 west of the fifth principal meridian in Hughes County then south along the section line to the east section line of section 30, township 108 north, range 75 west in Lyman County Hughes County line, and ~~bounded on the downstream side by a north-south line across the reservoir from then~~ downstream along the county line to the east section line of section 25, township 108 north, range 75 west in Hughes County, then north along the section line to the water's edge, then upstream along the water's edge to the point of beginning;