

## **Minutes of the Game, Fish, and Parks Commission July 8-9, 2021**

Vice Chairman Doug Sharp called the meeting to order at 1:00 p.m. CT. Commissioners Travis Bies, Jon Locken, Doug Sharp, Charles Spring, Robert Whitmyre were present. Public and staff were able to listen via SDPB livestream and participate via video conference or in person with approximately 70 total participants via zoom and 50 in person.

### **DIVISION OF ADMINISTRATION**

#### **Conflict of Interest Disclosure**

Vice Chairman Sharp called for conflicts of interest to be disclosed. None were presented.

#### **Approval of Minutes**

Sharp called for any additions or corrections to the June 3-4, 2021 regular meeting minutes or a motion for approval.

Motion by Whitmyre with second by Bies TO APPROVE THE MINUTES OF THE June 3-4, 2021 MEETING. Motion carried unanimously.

#### **Additional Commissioner Salary Days**

Sharp called for additional salary days. None were requested.

#### **Distinguished Service Award**

Kevin Robling, department secretary, and Tom Kirschenmann, wildlife division director, presented the distinguished service award to Emmett Lenihan and the Shikar Safaris award to Conservation Officer Eric Voigt.

#### **Strategic Plan Update**

Emily Kiel provided the Commission with an update on the department's statewide strategic plan with a recap of the vision while Secretary Kevin Robling updated the group on a revised mission statement. The new mission statement is a simplified version of what we do: We serve and connect people and families to the outdoors through effective management of our state's parks, fisheries and wildlife resources. Kiel went on to provide a review of each of the four goals and how each of the four priorities – habitat and access, asset management, customer service, operational excellence - aligns within each of those goals.

#### **Pheasant Hunting Marketing and Season Outlook**

Emily Kiel, Nick Harrington, and Tom Kirschenmann worked collaboratively to provide an update on the pheasant hunting marketing and the 2021 season outlook. Kiel provided details on what the department has done with marketing South Dakota as a world-class pheasant hunting destination and the key efforts underway for the 2021 campaign. Harrington shared details on 2020 harvest information with over 120,000 hunters who harvested over 1.1 million birds; averaging 9.14 birds per hunter. Additionally, Harrington identified that with a mild winter, enhanced efforts on habitat management and intense predator control through the nest predator bounty program

(ended July 1) that we should expect to see fantastic bird numbers for the upcoming season so long as weather patterns hold. Kirschenmann confirmed this by speaking to the current weather conditions and anecdotal notes from landowners about what we expect to see this fall. He went on to note that because of the favorable weather conditions over the winter months, we are seeing birds in record numbers. While early season reports are positive, and so long as Mother Nature continues to be kind throughout July, August and September, hunters can anticipate even more pheasants on the landscape by the start of the 2021 season.

### **Hunt for Habitat**

Nick Harrington, communications manager, provided the Commission an update on Hunt for Habitat noting number of tickets purchased and funds raised to-date.

### **Nest Predator Bounty Program**

Keith Fisk provided an update on the bounty program stating the program ran from April 1 – July 1, 2021 and had a total of 2,773 participants that removed 53,642 nest predators. Participants ranged in age from 2 to 95 years of age and approximately 30% of the program participants were youth (i.e. 17 or younger). Majority of predators (91%) were taken from eastern South Dakota with the top five counties including: Minnehaha, Beadle, Brookings, Yankton, and Grant counties. To encourage youth, GFP provide a give-away drawing every week and included three live traps, knife, and trapping booklet.

### **E-Commerce/Hard Card Update**

GFP staff in conjunction with the Terry Redlin Art Center and Brandt presented information on a partnership to offer licensing hard cards with Redlin prints.

### **PUBLIC HEARING**

The Public Hearing began at 2:00 p.m. and concluded at 2:22 p.m. The minutes follow these Commission meeting minutes.

### **OPEN FORUM**

Jon Kotilnek, senior staff attorney, opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda.

James Joint – Custer, SD - was not present to speak on the record

Dan Loveland, President Pickerel Lake Conservancy – Sioux Falls, SD – as a 501c3 nonprofit his group works to preserve the natural beauty and water quality of Pickerel Lake and does several activities in conjunction with GFP and other agencies to ensure this.

Fears the sale of the property will negatively impact the water quality of the lake. Feels this land should remain a GPA to provide a buffer and protect the integrity of Pickerel Lake.

David Pearson – Edina, MN – lake has a severe water quality problem and is heavily used due to adjacent state parks. Feels the sale of this property would hinder

current conservation efforts. Should be preserved as a place to see nature like wildflowers.

Zack Hunke, SD Wildlife Federation President – Watertown, SD - Does not support the sale of any GPA's.

Carolyn Grover Schunaman – Aberdeen, SD –3rd generation landowner adjacent to GPA that is proposed for sale. Supports keeping Pickerel Lake pristine and natural by keeping this land a natural habitat including wildflowers and grasses. Could possibly add a nature trail to provide another use opportunity as identified in GFP strategic plan

Christopher Vondracek – Fargo, ND - was not present to speak on the record

Jonathan Gruba – Pickerel Lake, SD – says the area is becoming more developed causing the loss of natural habitat. Feels the 9 acres is large enough to be kept for animals. And thinks the encroachment issues would stop if those specific cabin owners were spoken to.

Nancy Hilding, Prairie Hills Audubon Society – Black Hawk, SD – Spoke regarding beaver rule to extend the season and offer an alternative rule to be open sunrise on November 1 through sunset on March 31 to catch, trap or hunt beaver in all of South Dakota except US Forest Service lands. Regarding wildlife action plan beaver, bison, prairie dogs there is no plan to restore or preserve the beaver and wants a separate management plan to identify goals. Don't think staff know where the beaver are and are not teaching people non-lethal methods to remove the beaver.

Julie Anderson – Rapid City, SD – spoke about amendment the petition regarding hound hunting on GFP land and is in opposition. Wants all people's recommendations presented. Fears the cougars will be hunted where there are no trees. Opposes mountain lion hunting specifically hound hunting

Kevin Gruenwald – Brookings, SD - direct neighbor to the property and supports the sale to see if properly maintained. Has not seen any use of the property in the past 6 years. Agrees with sale of parcels that are not being adequately used.

## **PETITIONS**

Kirschenmann explained the petition process and introduced the petition received and presented the departments position

## **Spearfishing**

Brian Pauly, petitioner presented his petition to open all inland waters, including the Missouri River system within SD, to game fish spearing, May 1 - March 31 annually. New rule would allow harvest via spearfishing of all legal game fish species open to angling on the same waters, except sturgeon statewide, paddlefish statewide, musky in current musky fisheries closed to spearing, walleye in managed walleye fisheries where harvest is limited to a single fish daily, and salmonids in the black hills. Except in lakes managed specifically for muskies, pike and catfish could still be open year-round as currently allowed. All border water rules regarding spearing would remain unchanged.

Motioned by Spring, second by Bies TO APPROVE THE PEITION. Motion carried unanimously.

### **Mountain Lion Season Restrictions**

Brad Tisdall, petitioner presented his petition to change rules to also the use of dogs to hunt mountain lion to include all property owned by the Department of Game, Fish and Parks and also the land commonly known as Grasslands managed by the Forest Service.

Motioned by Locken, second by Spring TO APPROVE THE PEITION. Motion carried unanimously.

### **Use of Horses and Tracking Dogs on GFP Lands**

Norvil Dykstra, petitioner presented his petition to be able to run tracking dogs on GFP land including GFP land adjacent to the Missouri river. Also, for horse traffic to follow tracking dogs.

Motioned by Bies, second by Locken TO DENY THE PEITION. Motion carried unanimously.

Motioned by Locken, Second by Bies TO APOPT RESOLUTION 21-18 (Appendix D) DENYING THE PETION. Motion carried unanimously.

## **FINALIZATIONS**

### **Furbearer/Trapping**

Keith Fisk presented the proposal to modify the season dates in counties east of the Missouri River to align with western South Dakota to create on year-round beaver season.

Motioned by Bies, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGES TO THE BEAVER HUNTING SEASON. Motion carried unanimously.

Fisk presented the change to amend the season to modify the harvest limit to 20 river otters for the season November 1 – December 21, 2021. Motion carried unanimously.

Motioned by Whitmyre, second by Bies to approve the amended change. Motion carried unanimously.

Motioned by Whitmyre second by Locken to approve the changes as recommended. Motion carried unanimously.

Fisk presented the recommended changes to modify trapping prohibitions to allow body-grip or killer traps set in accordance with ARSD 41:08:02:06 to be used for beaver in all counties east of the Missouri River to align with west river and correct an error regarding the end date that traps can be placed in or on a muskrat house east of the river to be April 30.

Motioned by Bies, second by Whitmyre TO APPROVE THE CHANGES TO THE BEAVER HUNTING SEASON. Motion carried unanimously.

### **Antelope**

Chad Switzer, wildlife program administrator, presented the recommended change to simplify administrative rule by combining West River and East River antelope units into one rule.

Motioned by Bies, second by Locken to approve the amended change. Motion carried unanimously.

Motioned by Bies, second by Whitmyre to approve the changes as amended. Motion carried unanimously.

## **PROPOSALS**

### **Fish Limits and Hoop Nets and Setlines**

John Lott, wildlife fisheries chief, presented the recommended changes as follows:

1. Change catfish regulations on Iowa/SD border waters to allow 10 channel catfish daily, 5 flathead catfish daily with allowance for, at most, one flathead catfish 30 inches or longer in length as part of the daily limit and one blue catfish daily.
2. Standardize gear types in inland waters of the Missouri River, western tributaries, Angostura Reservoir, Belle Fourche Reservoir and Shadehill Reservoir allowing hoop nets, traps, setlines and floatlines (add definition to general provisions chapter) to be used to target catfish and rough fish according to regulations.
3. Change title of chapter 41:07:08 to Hoop nets, traps and setlines.

Motioned by Bies, second by Spring to APPROVED THE RECOMMENDED CHANGES TO THE FISH LIMITS, HOOP NETS AND SETLINES RULES. Motion carried unanimously.

### **Bait Regulations, Private Hatchery and Tournaments**

Lott presented the recommended changes as follows:

1. Remove requirement for monthly and annual reporting by licensed retail bait dealers.
2. Remove size restrictions on trap entrance size and mesh size restriction for noncommercial bait seines, nets, and traps.
3. Eliminate annual fish health and AIS inspection requirement for private hatcheries.
4. Change the definition of fishing tournaments so that youth events with participants under the age of 18 (currently 17) would not be considered a tournament.

Motioned by Whitmyre, second by Locken to APPROVED THE RECOMMENDED CHANGES TO THE BAIT, PRIVATE FISH HATCHERIES AND FISHING TOURNAMENT RULES. Motion carried unanimously.

### **Aquatic Invasive Species**

Lott presented the recommended changes to the aquatic invasive species rules as follows:

1. Create an exemption to the prohibition on possessing and transporting AIS for a shoreline property owner to transport aquatic invasive species for disposal, in a manner that minimizes possible introduction to new waters.
2. Create an exemption to prohibitions for launching a boat, dock, or boat lift into waters within the state that is not clean, drained, and dried or that is not cleaned, drained, and dried, following removal from waters for:
  - a. An owner or agent of the owner of a boat, dock, or boat lift with dreissenid mussels attached that is subsequently launched directly into the infested water from which it was removed, if the boat, dock, or boat lift was stored on the riparian property of the owner or at a marina business property, prior to launch.
  - b. An owner or agent of the owner of a boat with a shooting or observational blind constructed of aquatic macrophytes cut above the water line, attached to or in boat.
3. Repeal current administrative rules requiring decontamination of boats that have used infested waters and were in the water for three or more days or have one gallon or more of water remaining after draining.

Motioned by Bies, second by Whitmyre TO APPROVED THE RECOMMENDED CHANGES TO THE AQUATIC INVASIVE SPECIES RULES ARE PRESENTED. Motion carried unanimously.

### **Blow Guns**

John Lott, wildlife fisheries chief, presented the recommended changes to the fishing season rules to allow the use of blowguns as a legal method of take for fish as presented via petition in May.

Motioned by Locken, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGE TO ALLOW FOR THE USE OF BLOW GUNS IN THE TAKE OF FISH. Motion carried unanimously.

### **Spring Turkey**

Switzer presented the recommended changes to the spring turkey hunting season to Eliminate Unit BST-BH2, which is the second license currently available for residents within the Black Hills Fire Protection District for the month of May.

Motioned by Bies, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGE TO THE SPRING TURKEY HUNTING SEASON. Motion carried unanimously.

### **Mountain Lion Hunting Season & Information on Population Status**

Andy Lindbloom and Andrew Norton, senior wildlife biologists explained the Department conducts several surveys and assessments to better understand mountain lion population abundance and trends in the Black Hills. Data that are evaluated include but are not limited to harvest surveys, non-harvest mortalities, removals and total mortality densities, mark/recapture population estimates, and catch per unit effort. Although not all trend indices assessed by the SDGFP are in agreement, several surveys and population projections suggest mountain lions increased following several years of low harvest rates through 2018/19. The past 2 years (2019/20 and 2020/21) of increased harvest and other documented mortalities, however, are not sustainable and will result in a decreasing population.

Switzer presented the recommended changes to clean up the mountain lion hunting season to state: The mountain lion hunting season in the Black Hills Fire Protection District is open December 26 through April 30, provided that the department shall close the mountain lion hunting season in the Black Hills Fire Protection District if the harvest limit for that area is reached prior to ~~March 31~~ April 30.

Motioned by Whitmyre, second by Bies TO APPROVE THE RECOMMENDED CHANGE TO THE MOUNTAIN LION SEASON. Motion carried unanimously.

## **DIVISION OF PARKS AND RECREATION**

### **Bush's Landing Ramp Project**

Ryan Persoon, park manager, provided an update on the boat ramp at Bush's Landing.

### **Expiring Concession Contracts**

Al Nedved, parks and recreation deputy division director, provided an update on expiring concessions contracts.

### **June Parks Events (Fort Sisseton, Trail Trek)**

Nedved provided an update on two recent parks events held in June, the Fort Sisseton Historical festival and Mickelson Trail Trek.

**Recreational Trails Program Awards** will be presented at a future meeting

### **Lewis and Clark Recreation Area Fire**

Parks and Recreation staff presented information on the recent fire at Lewis and Clark Recreation Area.

### **Revenue, Camping and Visitation Report**

Al Nedved, Parks and Recreation Deputy Director, provided June's revenue, visitation and camping report.

## **DIVISION OF WILDLIFE**

### **Disposal GPA Resolution**

Paul Coughlin, wildlife program manager, presented the disposal of six GPA's (West Lake Poinsett, South Buffalo Lake East, Mondry Portion of Pickerel Lake, Mallard Slough, North Sanborn, Shartner Ditch) as they provide limited value as wildlife habitat for public hunting opportunity and the sale of these properties would allow the Department to use the proceeds for future GPA acquisitions.

Motioned by Bies, second by Whitmyre TO ADOPT RESOLUTION 21-17 (Appendix C) AUTHORIZING THE DISPOSAL OF SIX GPA'S AS IDENTIFIED BY THE DEPARTMENT. Motion carried unanimously.

### **Ducks Unlimited Addition to Renziehausen GPA**

Coughlin presented information regarding the proposed donation of 160 acres from Ducks Unlimited adjacent to the Renziehausen Slough GPA in Marshall County. He explained the Departments request to accept this property because parcels that improve public use on and access to existing Department lands; in-holding and round-

out parcels that consolidate or connect existing Department lands; and parcels that facilitate more efficient and effective wildlife habitat or recreation management and development activities on existing Department lands.

Motioned by Locken, second by Bies TO ADOPT RESOLUTION 21-16 (Appendix B) AUTHORIZING THE DEPARTMENT TO ACCEPT THE GENERIOUS DONATION OF LAND FROM DUCKS UNLIMITED. Motioned carried unanimously.

### **Ulmer Wilderness GPA addition**

Coughlin presented information regarding the proposed purchase of property (Smidt 12.58 acres and Diede property 2.5 acres) as additions to the Ulmer Wilderness GPA 20 miles northwest of Yankton to be used as a GPA.

Motioned by Whitmyre, second by Spring TO ADOPT RESOLUTION 21-15 (Appendix A) AUTHORIZING THE DEPARTMENT TO PURCHASE THE DIEDE AND SMIDT PROPERTIES. Motion carried unanimously.

### **Elk Raffle License**

Tom Kirschenmann, wildlife director, presented a request for elk raffle license from the Rocky Mountain Elk Foundation (RMEF) to be raffled off to raise funds for their program which protects and enhances habitat for the elk population and other species.

Motioned by Bies, second by Spring TO PPROVE THE REQUEST FROM ROCKY MOUNTAIN ELK FOUNDATION TO OBTAIN AN ELK LICENSE TO BE RAFFLED OFF IN MAY FOR THE 2022 SEASON. Motion carried unanimously.

### **Habitat and Access Plan**

Kirschenmann, Kanta, Jungwirth and Coughlin briefed the Commission on the recently completed Habitat and Access Program plan. The plan serves as a roadmap for directing GFP resources to meeting the agency's principal strategic plan objective of expanding and creating new partnerships with landowners and conservation groups, and remaining focused on improving existing aquatic and terrestrial habitat on private and public lands while seeking additional habitat acres. By doing so GFP will enhance South Dakota's strong outdoor heritage by providing additional public access to privately owned lands while continuously improving access to existing public lands.

### **Elk Management Plan**

The Department has completed a Draft Elk Action Plan that is available for public comment until mid-August. The Action plan was developed with input from a public Stakeholder group, consisting of hunter and landowner representation in the Black Hills and across the State. The Management priorities in the Action Plan are habitat management, population surveys, and depredation program. Population objectives and management strategies to meet those priorities are covered in detail in the Action Plan.

### **License Sales Update**

Tom Kirschenmann, wildlife division director, provided an update on resident and nonresident license sales.

### **Adjourn**

Meeting adjourned at 10:00 a.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Kevin Robling', with a long horizontal stroke extending to the right.

Kevin Robling, Department Secretary

**Public Hearing Minutes of the Game, Fish and Parks Commission  
July 8, 2021**

The Commission vice chair Doug Sharp began the public hearing at 2:00 p.m. CT. Commissioners Travis Bies, Jon Locken, Doug Sharp, Charles Spring, and Robert Whitmyre were present. Kotilnek indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Kotilnek then invited the public to come forward with oral testimony. Written comments attached.

**Furbearer/Trapping**

Nancy Hilding, Prairie Hills Audubon Society – Black Hawk, SD – complaint that 3 minutes is not enough time as administrative rule says a reasonable amount of time should be given. Objected to delisting and level of hunting. Says there was not enough data and the Flandreau Santee Sioux Tribe was not consulted.

Elizabeth Wakeman, Flandreau Santee Sioux Tribe – Flandreau, SD - Emmett Keyser, GFP Wildlife Regional Supervisor provided information on Wakeman's behalf. The tribe would like to see a more conservative harvest and provided written comment.

Sandra Stever, Rapid City, SD – thinks we should have respect for beavers as a keystone species.

**Antelope**

Zack Hunke, SD Wildlife Federation President – Watertown, SD - Concerned with making changes when the season is already set similar to what was noted for deer petitions recently presented. Recommend making changes when reviewing the

Doug Abraham, SD Landowner Alliance – Pierre, SD - Supports the finalization of the antelope hunting season specifically the special allocation of licenses, noting there is not a biological impact, but provides more opportunities for residents and nonresidents. Understands the sale of GPA's to utilize the sale of those funds on spaces that would provide more opportunity.

The public Hearing concluded at 2:22 p.m.

Respectfully Submitted,



Kevin Robling, Department Secretary

Appendix A  
RESOLUTION 21 - 15

WHEREAS, the Department of Game, Fish, and Parks (DEPARTMENT) has expressed an interest in acquiring real property presently owned by Wayne R. Diede, Yankton, SD 57078, which property is described as:

That part of Lot 2 of Section 11, Township 96 North, Range 57 West of the 5th P.M., lying West of the public highway running North and South through said Lot 2, containing 2.50 acres, more or less, and located in Yankton County, South Dakota, and hereto referred to as the DIEDE PROPERTY; and

WHEREAS, the DEPARTMENT has expressed an interest in acquiring real property presently owned by Michael J. Smidt and Kay J. Smidt, Menno, SD 57045, which property is described as:

That part of Lot 2 of Section 11, Township 96 North, Range 57 West of the 5th P.M., lying East of the public highway running North and South through said Lot 2, containing 12.58 acres, more or less, and located in Yankton County, South Dakota, and hereto referred to as the SMIDT PROPERTY; and

WHEREAS, said properties are to be acquired by and utilized by DEPARTMENT as Game Production Areas; and

WHEREAS, SDCL 41-4-1.1 requires that before it purchases property, DEPARTMENT must notify owners of land located adjacent to the property to be acquired by publishing notice of the same once in each legal newspaper of the county in which the property to be purchased is located; and

WHEREAS, DEPARTMENT has published the required legal notice 30 days prior to the date of action by the Game, Fish and Parks Commission authorizing the intended purchases, which notice included the time and location of the meeting at which Game, Fish and Parks Commission action is expected and by giving notice of instructions for presenting oral and written comments to the Game, Fish and Parks Commission; and

WHEREAS, the Game, Fish and Parks Commission has reviewed any and all comments received relative to the intended purchases, and after consideration of the same, the Game, Fish and Parks Commission approves the purchase of said properties for use as Game Production Area;

NOW, THEREFORE, BE IT RESOLVED, the DEPARTMENT is authorized to complete negotiations for the purchase of the DIEDE PROPERTY and execute and consummate an agreement with Wayne R. Diede, which is acceptable to DEPARTMENT to acquire by purchase at the price of \$7,600.00 the DIEDE PROPERTY for use as a Game Production Area.

BE FURTHER RESOLVED, the DEPARTMENT is authorized to complete negotiations for the purchase of the SMIDT PROPERTY and execute and consummate an agreement with Michael J. Smidt and Kay J. Smidt, which is acceptable to DEPARTMENT to acquire by purchase at the price of \$38,000.00, the SMIDT PROPERTY for use as a Game Production Area.

Appendix B  
RESOLUTION 21 - 16

WHEREAS, Ducks Unlimited owns real property (PROPERTY) described as:

The SE1/4 of Section 30 in Township 127 North, Range 59 West of the 5th P.M., Marshall County South Dakota; and

WHEREAS, pursuant to its wishes, Ducks Unlimited desires to gift and transfer title to the PROPERTY to the South Dakota Department of Game, Fish and Parks (DEPARTMENT) for use as a Game Production Area; and

WHEREAS, the DEPARTMENT has evaluated and determined the PROPERTY would serve very well as a Game Production Area, offering wildlife habitat, public hunting, and other wildlife related outdoor recreational opportunities; and

WHEREAS, the DEPARTMENT is authorized to accept gifts of property for Game Production Area as per SDCL 41-2-19 and desires to accept the gift of the PROPERTY upon confirmation of the gift by the Game, Fish and Parks Commission; and

WHEREAS, the Game, Fish and Parks Commission desires to acknowledge the Department's acceptance of this gift of property from Ducks Unlimited for use as a Game Production Area, and further acknowledge the extreme generosity of Ducks Unlimited.

NOW, THEREFORE, BE IT RESOLVED, that the Game, Fish and Parks Commission does hereby confirm the decision by the DEPARTMENT to accept the transfer and gift of the PROPERTY from Ducks Unlimited to be used as a Game Production Area.

BE IT FURTHER RESOLVED, that the Game, Fish and Parks Commission, on behalf of the citizens and sportspersons of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to Ducks Unlimited for its generosity, and further acknowledge the outdoor recreation opportunities this gift will provide to South Dakotans for many years to come.

**Appendix C**  
**RESOLUTION 21 - 17**

WHEREAS, the State of South Dakota (for the use and benefit of the Department of Game, Fish and Parks) (DEPARTMENT) owns the following Game Production Areas (GPAs) described as:

West Lake Poinsett GPA: SW1/4NE1/4 and the North 2 rods of Government Lot 6 lying West of US Hwy 81 all in Section 36 of Township 113 North, Range 53 West of the 5th P.M., Hamlin County South Dakota; and

South Buffalo Lake East GPA: SE1/4NW1/4 and W1/2SW1/4NE1/4 in Section 14 of Township 125 North, Range 53 West of the 5th P.M., Marshall County South Dakota; and

Mondry Portion of Pickerel Lake GPA: The east 7.5 acres of Lot "B" in the Webster Pickerel Lake Parks Association Platted Subdivision of Government Lot 3 in Section 34 of Township 124 North, Range 53 West of the 5th P.M., Day County South Dakota, which tract is more fully described by metes and bounds in that certain deed recorded in Book YY of Deeds on page 613 in the office of the Register of Deeds in Day County; and

Mallard Slough GPA: NE1/4NW1/4 and NW1/4NE1/4 in Section 36 of Township 113 North, Range 61 West of the 5th P.M., Beadle County South Dakota; and

North Sanborn GPA: Lot C1 in the NE1/4 of Section 12; Lot C1 in the SE1/4 of Section 1; Lot C1 of Lot 1 in the NE1/4 of Section 1; and Lot A1 of Lot C1 of Lot 1 in the NE1/4 of Section 1; all in Township 108 North, Range 62 West of the 5th P.M., Sanborn County South Dakota; and

Shartner Ditch GPA: Tract No. 2 in Lot 3 and in the NE1/4SW1/4 of Section 30 of Township 100 North, Range 55 West of the 5th P.M., Turner County, South Dakota; and

WHEREAS, SDCL § 41-2-29.1 provides the DEPARTMENT shall sell real property owned by the state and held by the DEPARTMENT if such real property is no longer needed for game, fish, or parks purposes, with such sale to be conducted pursuant to the procedure more fully set out in SDCL § 41-2-29.1; and

WHEREAS, these GPAs were acquired by the DEPARTMENT to provide wildlife habitat and public hunting opportunity; and

WHEREAS, the DEPARTMENT has determined the GPAs provide limited value as wildlife habitat and for public hunting opportunity; and

WHEREAS, the Game, Fish and Parks Commission hereby determines these GPAs no longer serve the purposes for which they were originally acquired and are no longer needed for game, fish, or park purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Game, Fish and Parks Commission hereby directs the DEPARTMENT to sell and transfer title to these GPAs according to the procedures provided for in SDCL § 41-2-29.1, and authorizes the DEPARTMENT to execute and consummate agreements relative to the sales deemed appropriate by the Department.

**Appendix D**  
**RESOLUTION 21-18**

WHEREAS, Norvil Dykstra of Stickney, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated June 27, 2021, requesting that the Game, Fish and Parks Commission amend ARSD § 41:03:01:14 (Horses and riding prohibited – Exception) – to allow for the use of horses while hunting mountain lion on department property 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 allowing for the use of horses while hunting mountain lion on department property; and

WHEREAS, the Commission believes it would be appropriate to consider the inclusion of horses in the proposed rule changes to mountain lion hunting season per the petition adopted which would expand lion hunting on Game Production Areas; and

WHEREAS, many areas along the Missouri River are very rough terrain that is not fenced, and hunters on horseback following tracking dogs can cover a lot of ground in a short time it would be difficult to ride horses through without trespassing on adjoining private land; and

WHEREAS, the mountain lion season is open year-round outside of the Black Hills and this creates potential for conflict with other users during other seasons.

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, Norvil Dykstra of Stickney, South Dakota.

# Public Comments

## Furbearer/Trapping Seasons

---

**Butch Anderson**

**Gettysburg SD**

**Position:** oppose

**Comment:**

We're just starting to see river otters so why try and desimate the population for the enjoyment of a few trappers.

---

**Brenda Larson**

**Keystone SD**

**Position:** oppose

**Comment:**

Please reconsider trapping seasons of possums/ skunks / fox etc. these animals eat countless rodents and insects.

In reality our pheasant population is not going to be greatly impacted.

In fact why not begin a program of farmers raising pheasants for release. Then there are plenty for hunting. \$ derived from hunting should NEVER come at the cost of killing so many beneficial small animals.

---

**Steven Peterson**

**Ramona, Sd SD**

**Position:** support

**Comment:**

I fully support the proposed furbearer seasons. I also believe that additional otter tags are a great addition. This is well thought out fact based wildlife management that is based on years of GF&P research.

---

**Adrian Laurendeau**

**Mitchell SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Frank Moser**

**New Underwood SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Keisha Tran**

**Sioux Falls SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Kris Hoffman**

**Vermillion SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Dale Halling**

**Bryant SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Charlie Bode**

**Scotland SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Aaron Doyscher**

**Volga SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Todd Martel**

**Pierre SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Nancy Bennett**

**Colman SD**

**Position:** support

**Comment:**

No comment text provided.

---

**John Almquist**

**Watertown SD**

**Position:** support

**Comment:**

No comment text provided.

---

**John Hopple**

**Black Hawk SD**

**Position:** support

**Comment:**

The South Dakota Trappers Association supports all proposed seasons by the GFP. We strongly urge the Commissioners to disregard the inputs of those who are submitting comments based on emotion and not science as backed by the professional biologists within GFP staff.

John Hopple  
SDTA President

---

**Ray Maize**

**Pierre SD**

**Position:** support

**Comment:**

I support the proposed GFP trapping seasons including Otter that are being voted on and finalized at July GFP commission.

---

**Craig Parkhurst**

**Armour SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Jay Saunders**

**Rapid City SD**

**Position:** support

**Comment:**

I fully support the seasons being voted on, including otter. Thank you!

---

**Susan Braunstein**

**Rapid City SD**

**Position:** oppose

**Comment:**

i am opposed to the expansion of the beaver trapping season in East River South Dakota from six months to 12 months. Beavers are crucial for the habitat they create with their dam building. Do you have a current count of beavers?

Also, I am opposed to the increase of otter trapping from 15 to 20. Do you know there are enough otters out there to trap and not deplete the population?

---

**Caryn Lerman**

**Hot Springs SD**

**Position:** oppose

**Comment:**

No comment text provided.

---

## Other

---

**Richard Huffman**

**Sioux Falls SD**

**Position:** other

**Comment:**

The new operator of the Lewis & Clark Marina has increase boat rental prices by double over last year, which makes them at least double the price of other marinas in the state. That sends a message to South Dakotans that Lewis & Clark and the state does not welcome families unless they are wealthy. We'll be going to Chamberlain from now on.

---

**Dan Waldman**

**Aberdeen SD**

**Position:** support

**Comment:**

As a resident bow hunter I 100% fully support the petitions for limiting the current unlimited archery licenses for deer and antelope. I have been out west hunting the past few years and the resident sportsman on public land is in the minority. These petitions will help with overcrowding on the public land while still allowing the landowners and guides to keep their clients on their private land. Thanks for your time.

---

**Greg Berke**

**Sioux Falls SD**

**Position:** other

**Comment:**

Why can't dumpsters be used for fish disposal?

---

**Justin Broughton**

**Sioux Falls SD**

**Position:** support

**Comment:**

I'm writing in support of all 4 petitions put forward by the South Dakota Bowhunters. These petitions are well thought out and supported by factual statistics and biology/herd health. These petitions provide improved opportunity for resident bowhunters and an improved experience for residents and non-resident bowhunters alike.

---

**Martin Larsen**

**Hurley SD**

**Position:** other

**Comment:**

I am commenting on your elk lottery. I would like you to maybe give out the tags to the most preference points for a given time to cut down on the years of preferences. You have some individuals with many points and and not able to draw call it unlucky but also unfair. I would like to visit with someone on this matter. Please email me with a response Thankyou Marty

---

**Mark Swarbrick**

**Cottonwood, Az SD**

**Position:** other

**Comment:**

With no way to pay for a metal detecting permit online, and only an option for getting one by mail, then all tourists are prevented from metal detecting. If you want to enhance tourism in your state you should bring your website into the 21st century and let this be purchased online. Unless this is changed we will not plan any more vacations through South Dakota.

---

**Justin Allen**

**Pierre SD**

**Position:** other

**Comment:**

Emailing in regards to the proposed antelope firearm season. Please discuss a split season in Counties with doe/kid tags. Split season were implemented for a few season around 2005-2010. The split season spreads out the hunter pressure over the 16 day season instead of 90 percent of the hunters hunting opening weekend. Right now in counties like Harding, Butte, Meade, Perkins there is so many licenses that over crowding on public land is a real issue. Hunter satisfaction has dropped with that. I had a Harding Co tag last year. In the 20 years I have hunted Harding Co during the firearm season I have never seen so many hunters. It was unreal. It was not a hunt I enjoyed. I will not be putting in for Harding Co again until license numbers drop or a split season is implemented. I'm happy to see increased licenses numbers but something needs to done to spread out the hunting pressure in high density counties. Also disappointed to see the GFP can't find enough money once again to conduct a antelope population count for the third year in a row. Seems like over harvest could occur real quick when their isn't a good handle on how many goats are really out on the landscape.

# Public Comments

## Furbearer/Trapping Seasons

---

**Jerald Pedersen**

**Estelline SD**

**Position:** support

**Comment:**

No comment text provided.

---

**Sandra Seberger**

**Rapid City SD**

**Position:** oppose

**Comment:**

I object to the extension of the trapping season for beavers and otters. Our state of South Dakota needs the environmental gifts these species bring to our land water and air.

---

**Nancy Hilding**

**Black Hawk, SD**

**Position:** oppose

**Comment:**

I opposed the delisting of the northern river otter in May 2020. I entirely opposed the hunting/trapping season for otters in SD in 2020 and now oppose in 2021. I do not believe you had adequate understanding of your population of otters in 2020 and the population was too small to support hunting. I am especially concerned with inadequate otter population monitoring in 2021. You did not do all the monitoring promised in the otter management plan on pages 9 & 10.

However if you persist with wishing to have a season, I suggest that you consider reducing the harvest limit and/or area where the harvest is allowed. You can consider changes to rules not public noticed but raised in public testimony.

Below I suggest 3 alternative options for rule change to consider:

1. Do not increase the harvest limit from 15 to 20 irrespective of how fast otters are trapped or
2. Reduce the harvest limit below 15 to a lower amount such as 10 or 5 and/or
3. Reduce the area that otters can be hunted in, especially to exclude any hunting on the main stem of the Missouri River, so as to better allow the otters to move up the River and into the mouths of various west River tributaries.

---

**Nancy Hilding**

**Black Hawk SD**

**Position:** oppose

**Comment:**

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD 57718  
phas.wsd@rapidnet.com  
July 4th, 2021

Dear Commission,

We resubmit our comment letter on the rule change proposed for extending the length of the beaver trapping season east River. We sent it in at an earlier month -- after the 2021 proposal was first announced. We wish to add this additional comment to it.

We explained that the change is not needed. State law provides that the people who encounter conflict beaver on their lands can call up Game, Fish and Parks and get permission to kill such beaver.

We think you should ask staff to provide you with statistics on how many such requests they get a year? What are the statistics on the types of problems reported? Where are the problems occurring?

We want you to ask the staff about how or if they engage in teaching public about non-lethal conflict management or beaver relocation. Do they attempt to teach the public about the positive value of beavers? We hope you continue with the public calling in to ask permission, so the staff have an opportunity to teach about values of beaver, and teach about non-lethal mitigations and consider relocations.

---

**Nancy Hilding**

**Black Hawk, SD**

**Position:** other

**Comment:**

For Trapping prohibitions, when having a rule allowing larger conibear traps you require them to be set in water. You do not have a required distance from the edge of the water. I express concern for dogs or other wildlife wading into the water to drink or swim and incidentally triggering the traps. I suggest you require a set back from the edge of water, especially if near population areas that may have domestic pets.

---

**Nancy Hilding**

**Black Hawk, SD**

**Position:** oppose

**Comment:**

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD 57718  
phas.wsd@rapidnet.com

We submit our comments in opposition to the otter trapping/hunting season as an attached document.

## GPA Disposal Evaluation

---

**Curtis Gruba**

**Grenville SD**

**Position:** oppose

**Comment:**

I believe the sale of the Mondry portion would be a mistake. This would have a negative impact on both the lake and area wildlife. As far as the encroachment issue goes, I believe this issue could easily be corrected with a fence and/or fines.

## Other

---

**Shauna Winckler**

**Sioux Falls SD**

**Position:** oppose

**Comment:**

Very disappointed with my last weekend spent camping. I felt as though we were constantly being watched like children by certain park staff. We turned our music off at 11 like the rules state. We were gathered around the campfire visiting with our family. That is why you sell firewood is so campsites can use it. We were turned in for being too loud by neighboring campsites when we couldn't hear our own group in our own campers. When you have a bigger group the sound will be louder than a smaller group. We felt as though we couldn't enjoy our stay without someone complaining about something we were doing. People should be able to come down enjoy their guests and stay up talking around their campfires. That's the entire point of camping.



June 24, 2021

James E. Moore  
[James.Moore@woodsfuller.com](mailto:James.Moore@woodsfuller.com)  
Extension 613

**VIA E-MAIL ONLY**

[Russell.Olson@state.sd.us](mailto:Russell.Olson@state.sd.us)

Russell Olson, Chair  
South Dakota Game, Fish & Parks Commission  
221 Lake Ridge Dr.  
Wentworth, SD 57075

Re: Proposed Sale of Mondry Portion of Pickerel Lake GPA

Dear Mr. Olson:

I represent the Pickerel Lake South Park Association, of which I am also a member. The Association is a non-profit entity composed of property owners on the south end of Pickerel Lake. There are currently approximately 50 members of the Association, including property owners adjacent to the real property referred to as the Mondry Portion of Pickerel Lake GPA that is on the Commission's agenda for possible sale.

At the Association's annual meeting on Saturday, June 18, 2021, the members present voted unanimously to advise the Commission that the Association is opposed to the sale. As adjacent landowners, we prefer that the land be retained for game production, natural habitat, and conservation.

Paul Coughlin has shared that the land was appraised based on a highest and best use as backlots for use by adjacent landowners. The appraised per-acre value, which is \$15,000, significantly exceeds the value of crop and pasture land in northeast South Dakota. On average, according to SDSU Extension Service reporting, the average value of crop land is \$4,597 per acre and \$1,845 per acre for pasture. A sale at or exceeding the appraised value would therefore ensure that the property would not be used for agricultural purposes.

A very small percentage of the land is suitable for development—for back lots or any other purpose. Most of the land could not be developed because of the terrain, access issues, and the lack of utilities. As adjacent landowners (the people who would supposedly benefit from the sale), we prefer that the property remain in a natural state for the benefit of everyone who enjoys Pickerel Lake. We are particularly concerned that development efforts might result in land being cleared, habitat being lost, and natural drainage being altered.

{04280957.1}

Russell Olson, Chair  
South Dakota Game, Fish & Parks Commission  
June 24, 2021  
Page 2

Members of the Association are automatically members of the Pickerel Lake Conservancy. We support the Conservancy's efforts to protect the water quality, natural resources, and ecosystems of Pickerel Lake and its surrounding watershed. We know that the Conservancy is also opposed to the sale. In particular, the proposed sale seems contrary to other beneficial partnerships between the Department of Game Fish & Parks and the Conservancy, including the NE Glacial Lakes Watershed Improvement and Protection Project, the development of conservation easements throughout the watershed, the administration of grant funds for shoreline restoration around the lake, and the development of a hiking path between the West and East Units of the Pickerel Lake Recreation Area.

The Association values its relationship with the Department of Game Fish & Parks and the State of South Dakota. As members, we value Pickerel Lake not only because we own property on the lake, but also because we understand the value of the lake to the public at large, including Kosciusko Township and Day County. Pickerel Lake is a jewel among South Dakota's lakes, and we are proud to do what we can to conserve it for future generations.

We hope that you will reject the proposed sale as detrimental to Pickerel Lake and the conservation of wildlife and water resources in northeast South Dakota. Thank you for your consideration.

Yours very truly,

WOODS, FULLER, SHULTZ & SMITH P.C.



James E. Moore

cc: Doug Sharp - [Doug.Sharp@state.sd.us](mailto:Doug.Sharp@state.sd.us)  
John Locken - [Jon.Locken@state.sd.us](mailto:Jon.Locken@state.sd.us)  
Travis Bies - [Travis.Bies@state.sd.us](mailto:Travis.Bies@state.sd.us)  
Robert Whitmyre - [Robert.Whitmyre@state.sd.us](mailto:Robert.Whitmyre@state.sd.us)  
Charles Spring - [charles.spring@state.sd.us](mailto:charles.spring@state.sd.us)  
Craig Schaunaman- [cecs@nvc.net](mailto:cecs@nvc.net)

June 27,2021

Doug Sharp, Vice Chair  
South Dakota Game, Fish & Parks Commission

Dear Mr. Sharp,

This letter is to express my personal objection to the proposed sale of the 7 ½ acres of habitat/conservation land near the south end of Pickerel Lake (sometimes known as the Mondry parcel).

I am a member of the Pickerel Lake South Park Association and a member and supporter of the Pickerel Lake Conservancy (PLC)who as an organizations also object to the sale of this property.

My family has owned lake property at Pickerel Lake for over 70 years and 4 generations. I am a 3<sup>rd</sup> generation owner and my adult children are 4<sup>th</sup>. I have many memories of Pickerel and have witnessed the many changes to the dynamics of the lake and surrounding land. As a child I remember picking chokecherry's with my siblings and cousins along Peabody Avenue adjacent to the Mondry Parcel so that my grandmother and mom could make jelly. I also remember walking up Webster Blvd on the East side of the lake and picking gooseberrys from the bushes that lined it.

The Mondry parcel is adjacent to the lots that I own. With the change in traffic, roads, and structures on the lake the run off into the lake has increased. I feel that if the property would sell it would be for development and would create an additional strain on the ecosystem and the natural watershed that it currently provides.

This year our beach was lucky enough to have a resident Bald Eagle perch in our trees. This is first time in my lifetime I have heard of one being this close to human dwellings in this area. Also the property is home to turkeys, deer and other wildlife that would surely lose their habitat. I do not personally hunt but do know that this area has been accessed for archery hunting by family and friends.

I have been on the Mondry land and believe it would make a great nature trail for all to enjoy and experience the natural land and habitat of the Glacial Lakes area. I also believe that this property clearly fits within with the Vision and Mission statements found on the Game, Fish & Parks Commission website.

Please reconsider putting this piece of property up for auction as I believe the public would be missing out on some beautiful raw nature. I know that my grandparents purchased their cabin because of the serenity and natural beauty that Pickerel Lake provided. Pickerel Lake still provides this calmness for my family as a 3<sup>rd</sup> and 4<sup>th</sup> generation with the hope that there will be an ongoing legacy for future generations to come and be able to experience all its glory, splendor and pristine nature. Our state is very lucky to have such areas accessible to the public.

Sincerely,

Carolyn Grover Schaunaman-Pickerel Lake  
2864 Jeanne Dr  
Grenville, SD 57239

To: Game Fish and Parks Commission  
Re: Proposals for Increased Trapping/Hunting of Beaver season  
June 30, 2021

I am writing to urge you NOT extend the beaver trapping and hunting season from 6 months to 12 months east river.

Beavers are a critical and useful part of our ecosystem. Beavers are actually being used world wide to rehabilitate damaged ecosystems. The US and especially SD are behind the times in recognizing that beavers have been proven to improve groundwater, filter sediments and pollutants from streams, decrease flooding, keep ephemeral creeks flowing year-round, and create critical habitat to fish and other wetland species. I refer you to this website that has numerous articles on the benefits of beavers.

<https://www.martinezbeavers.org/wordpress/the-ecological-benefits-of-beavers/>.

Additionally, trapping of beaver results in incidental killing of river otters and almost all, if not all otters in SD are located east River. *“According to the report, from 1979 to 2016, 117 otter mortalities were reported. About 73% were killed from incidental catches by beaver trappers”* Mark Watson, Black Hills Pioneer Feb 29, 2020. Trapping of beaver is cruel and unnecessary! It may result in the beaver (and incidental otters) drowning to death. If trapping is due to conflict with human activity, there are already laws on the books to deal with these situations. Statute (SDCL 41-8-23) allows folks in SD to kill beaver that are causing damage to their property year-round. Therefore this rule change is uncalled for. Furthermore GFP should be promoting non-lethal mitigation as part of your animal damage management plans. <https://www.beaversolutions.com/> is a good resource for alternatives.

While I am on the topic of cruelty of trapping, I also understand that you are considering extending permission on use of body grip/killing/conibear traps for beaver. Both leg hold and body grip traps are extremely cruel. Animals smaller than the adult target animals may press the trap trigger later, thus crushing other body parts. Water sets are allowed from the edge of the water. Beaver may be restrained fully under water, partially under water in shallows or on land. SD West River the trap check times are only 3 and a partial day and East River the trap check times are 2 and a partial day. Traps set in water, below ice, have trap check times of 5 and a partial day. Most states require 24 hour trap check times. Leaving animals for this long a time period in these types of traps is atrocious!

In conclusion GFP should start monitoring SD surface waters for signs of beaver & create population distribution data. Observing and considering beaver restoration rather than extending the barbaric

practice of beaver trapping. Thank you for your consideration to leave the beaver hunting/trapping season east river as is, or shortening it. As well as beginning to reframe your understanding and wildlife management practices on this critical species and their benefit to our ecosystem.

Caryn Lerman  
Hot Springs, SD

President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD, 57718  
nhilshat@rapidnet.com  
605-787-6466  
July 4th, 2021

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

Dear Commissioners,

We object to the 15-20 harvest limit because:

- 1) Otters should never have been delisted in 2020 - we don't think GFP have demonstrated that a large enough population exists to support this level of hunting/trapping.
- 2) We want otters reintroduced West River. Any surplus East River otters should be live trapped moved West River, not killed.
- 3) The staff has just given us information about the 15 dead otters killed by trapping in 2020 - such as age and sex. The staff hasn't disclosed all the monitoring promised in the Otter Management Plan on pages 10 and 11:

*"The following have been identified as guiding principles and needs in the development of a meaningful, long-term river otter monitoring program:*

- *\_Learn from the experience of other wildlife management entities.*
- *Ensure that delisting distribution and reproduction criteria continue to be met.*
- *Monitor changes in distribution and presence/absence.*
- *\_Obtain and interpret information on harvested populations including sex ratio, age distribution, reproductive rates and areas where harvest occurred.*
- *Monitor distribution for at least 5 years following delisting.*
- *Review existing data collected in the state regarding habitat suitability and incorporate this information into evaluations of areas that may support river otter expansion.*
- *\_Continue to refine specific state needs to understand river otter distribution and occupancy, abundance, and population trends.*
  - *Consider different monitoring efforts within the primary recovery area vs the remainder*

*of the state. " (Emphasis added)*

We have underlined monitoring items that we want disclosed to the public. GFP should release this promised data to public, if it has the data.

GFP staff should also tell us what the incidental take of otters via trapping was since the delisting. The GFP should report on all known otter deaths not occurring during the hunting/trapping season.

The vote on the 2021 season should be continued until the public can review population monitoring data updates, if the staff has data. If GFP is not monitoring the distribution and reproductive criteria as promised in the plan, it should stop the hunting/trapping.

4) SD GFP is proposing to increase the length of the beaver trapping season East River. This will increase otter deaths, as otters are associated with beaver and are incidental take from beaver trapping.

5) Most trapping/snaring methods are cruel. Otters may be trapped in water and some may have been dying by drowning.

Thanks,

Nancy Hilding  
President  
Prairie Hills Audubon Society

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O. Box 788  
Black Hawk, SD 57718  
May 30<sup>th</sup>, 2021

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

Dear Game, Fish and Parks Commission,

## CONFLICT BEAVER

We don't think SDGFP Commission should approve an increase in beaver season east river under the excuse of conflict beaver management. Conflict beaver management is provided for under SDCL 41-8-23.

### SDCL Provides for Conflict Beavers

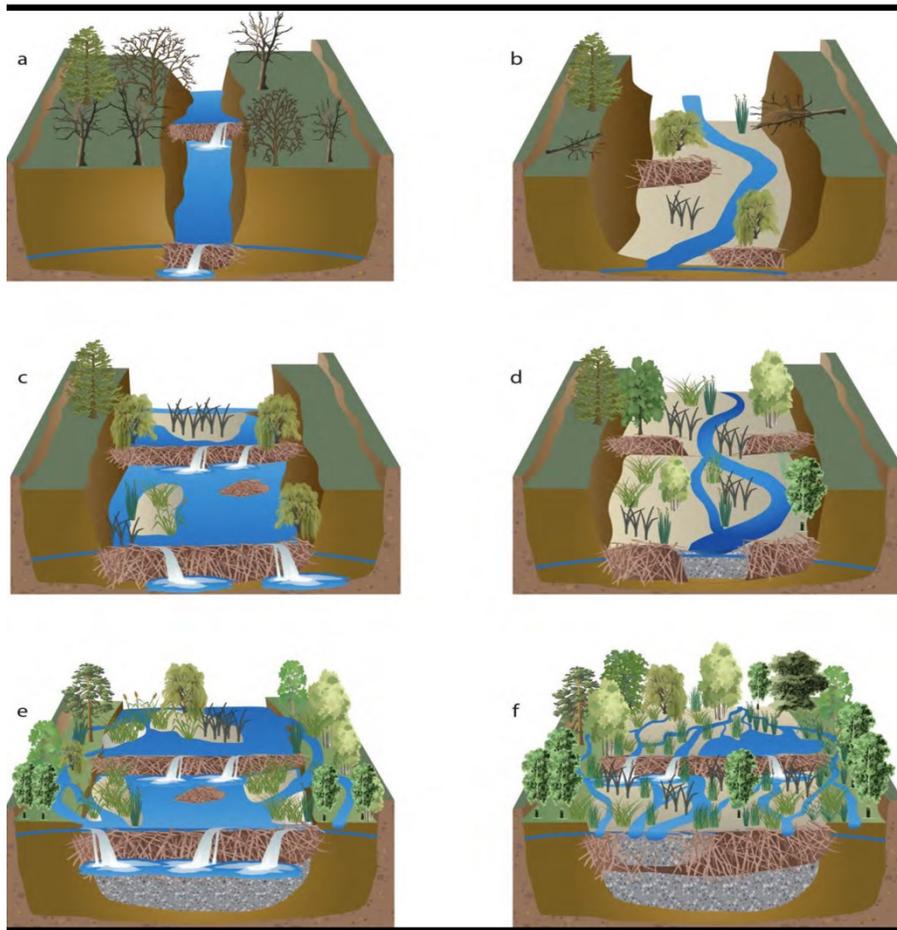
*SDCL 41-8-23. Killing of mink, muskrats, and beavers causing damage. Mink may be killed at any time if doing damage around buildings but all such mink killed are the property of the state, if taken during the closed season. If muskrat or beaver are injuring irrigation ditches, dams, embankments, or public highways, or causing any other damage to property, the secretary of game, fish and parks may issue a permit to trap or kill such animals at any time. The Game, Fish and Parks Commission may authorize the killing or trapping of beaver upon public lands and game preserves at any time the commission deems necessary. (Emphasis added)*

## BEAVER AS A KEYSTONE SPECIES

Beavers help habitat and species

- Beavers are a keystone species
- Beavers create habitats associated with surface water and thus help both aquatic and terrestrial species.
- Beavers may change the landscapes near surface water
- Beaver's dams create settling ponds, which reduce sediment pollution
- Beavers are a Management Indicator Species on the Black Hills National Forest

Here is a diagram showing beaver dams changing the landscape over time from “The Beaver Restoration Guidebook: Working with Beaver to Restore Streams, Wetlands, and Floodplains.” (At page 12)



**“Figure 2:** Conceptual model illustrating how beaver dams affect the development of incised streams; (a) beaver attempting to build dams within narrow incision trenches where high stream power often results in blowouts or end cuts that help to widen the incision trench, as illustrated in (b), allowing an inset floodplain to form. The widened incision trench results in lower stream power which enables beaver to build wider, more stable dams (c). Because of high sediment loads, the beaver ponds rapidly fill up with sediment and are temporarily abandoned, but the accumulated sediment facilitates the growth of riparian vegetation (d). This process repeats itself until the beaver dams raise the water table sufficient to reconnect the stream to its former floodplain (e). Eventually (f), the stream ecosystem develops a high level of complexity as beaver dams, live vegetation and dead wood slow the flow of water and raise groundwater levels such that multithread channels are formed, often connected to offchannel wetlands such that the entire valley bottom is saturated, as described elsewhere (Sedell and Frogatt 1983, Walter and Merritts 2008). Figure from Pollock et al. 2014.’

## STAFF NEEDS TO PROVIDE DATA ON ABUNDANCE AND DISTRIBUTION

We don't think the SDGFP Commission should approve increase in beaver trapping, without a report from staff on population abundance and distribution of active and inactive beaver dams in SD. SD GFP should have some monitoring of beaver populations and dams in place. They are an important keystone species with important impacts to surface water and water quality. They provide many benefits to society besides a hunting resource for hunter/trappers. SDGFP should think of all the other resources beavers provide and other users besides hunters who benefit from them being alive, including wildlife watchers and photographers. You should give special consideration to their purposes on public land.

## RIVER OTTER

We don't think SDGFP Commission should approve an increase in beaver season east river as beaver are very important for providing habitat for river otter, which SDGFP has only recently delisted and recently established a hunting/trapping season for. We don't think staff has yet fully reported on otter population monitoring post delisting/post hunting. Why just one year into a river otter delisting, do you want to assault a key part of their habitat and increase risk of incidental take of otter during beaver trapping?

*SD 2018 Endangered and Threatened Species Status Review says at page 124*  
*"Of 117 reported river otters killed in South Dakota from 1979 through 2016, 73% were killed incidental to legal trapping activities....*  
*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. (Emphasis added)*

From the SD River Otter Management Plan - a chart on incidental take of 216 otters via trapping (page 18)

Table 5. Species targeted when river otter were incidentally captured in South Dakota 2019.

Species	Frequency	%
beaver	116	53.7%
unknown	70	32.4%
raccoon	19	8.8%
fish	5	2.3%
mink	3	1.4%
other	3	1.4%
	216	100%

Melquist in his 2015 report to SDGFP on his 4-year study of SD river otters writes on page 71:

*"I do not believe current regulations for harvesting and controlling beaver populations in South Dakota are conducive to the expansion of otters in West River and could hinder the rate of growth in East River. In South Dakota, female otters give birth on approximately 1 April. Any lactating female otter trapped and killed will result in the loss of her offspring. To reduce the possibility of trapping female otters with dependent young, beaver trapping seasons should not extend beyond 31 March. The unrestricted 31 March take of beaver that is currently allowed in West River should be replaced with a harvest season not to extend beyond 31 March if SDGFP plans to try and recover otters in that region of the State. Unregulated shooting of beaver should be discouraged or prohibited to avoid accidentally shooting an otter"*

Features looked for in evaluating suitability of different streams for otters (Melquist at page 12)

- *Stream characteristics: Varying water depths and stream velocity, stream meanders, suitable bank cover (trees, shrubs), and presence of bank and instream Structures.*
- *Watershed features: Presence of adjacent wetlands and suitable tributaries, presence of beaver or beaver activity, and the level of human impacts.*
- *Prey availability: A diverse prey base (e.g., multiple fish species, crayfish, and frogs) is always preferable to enhance otter habitat. While I always looked for the*

*presence of potential prey at each survey site, prey suitability was based on existing data.*

*• Other factors: Not a high traffic area and few or no human establishments (Emphasis added)*

## BLACK HILLS

The section of SD Administrative Rule on the beaver season, 41:08:01:07, as it describes the season for the Black Hills is not easy to understand. Please view the sections highlighted in yellow and green. We drew a map to show you how they divide the private land in the Black Hills. Why did SDGFP divide the Black Hills private land so the northern Hills has a longer season than much of the central and southern Hills? What is the logic and reason for that? The BHNF, acknowledging their importance, has made them a management indicator species. Why have a 360-day season even appropriate in the Black Hills? We suggest this section be rewritten.

***41:08:01:07. Beaver trapping and hunting season established. The season is open from sunrise on November 1 through sunset on April 30 to catch, trap, or hunt beaver within the Black Hills Fire Protection District south of Interstate 90 and west of State Highway 79, except U. S. Forest Service lands where the beaver season is open from January 1 through March 31. The season is open year-round to catch, trap, or hunt beaver in the remaining portion of the Black Hills Fire Protection District. In all counties east of the Missouri River the season is open from sunrise on November 1 through sunset on April 30. The season is open year-round to catch, trap, or hunt beaver in all counties west of the Missouri River except the portion of the Black Hills Fire Protection District as described in this section.***



An excerpt from the Black Hills National Forest Land and Resource Management Plan 1997 Revision Phase II Amendment at page II-32:

\*The following species should be used as management indicator species (MIS). The indicators or their habitats will be monitored to indicate overall changes in the forest ecosystem. MIS will generally be monitored using trends in habitat; however, when available, population trends may be used as a strong indicator of management response. Population monitoring will be discretionary as provided

by

36 CFR 219.14.f.(2005).

Black-backed woodpecker (*Picoides arcticus*)

Brown creeper (*Certhia americana*)

Golden-crowned kinglet (*Regulus satrapa*)

Grasshopper sparrow (*Ammodramus savannarum*)

Ruffed grouse (*Bonasa umbellus*)

Song sparrow (*Melospiza melodia*)  
Beaver (*Castor canadensis*)  
White-tailed deer (*Odocoileus virginianus*)  
Mountain sucker (*Castostomus platyrhynchus*)  
(Emphasis added)

.....

## WE SUGGEST AN ALTERNATIVE RULE CHANGE

As there is a conflict between otters and beaver trapping in April and to clean up the strange Black Hills text of the rule, we suggest that the Beaver trapping rule be amended to read as follows:

*41:08:01:07. **Beaver trapping and hunting season established.** The season is open from sunrise on November 1 through sunset on March 31st to catch, trap or hunt beaver in all of South Dakota, except U. S. Forest Service lands where the beaver season is open from January 1 through March 31.*

### Literature Cited

Black Hills National Forest Land and Resource Management Plan 1997 Revision Phase II Amendment, Department of Agriculture Forest Service Rocky Mountain Region Black Hills National Forest, Custer, South Dakota, March 2006  
[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd592921.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd592921.pdf)

Pollock, M.M., G.M. Lewallen, K. Woodruff, C.E. Jordan and J.M. Castro (Editors) 2017. The Beaver Restoration Guidebook: Working with Beaver to Restore Streams, Wetlands, and Floodplains. Version 2.0. United States Fish and Wildlife Service, Portland, Oregon. 219 pp.:  
<https://www.fws.gov/oregonfwo/promo.cfm?id=177175812>

SD Department of Game, Fish and Parks, SOUTH DAKOTA RIVER OTTER MANAGEMENT PLAN, 2020-2029, Wildlife Division Report, 2020-02, Pierre, South Dakota, July 2020  
[https://gfp.sd.gov/UserDocs/docs/otter\\_plan\\_2020-08-28.pdf](https://gfp.sd.gov/UserDocs/docs/otter_plan_2020-08-28.pdf)

SD Department of Game, Fish and Parks, STATE T&E SPECIES STATUS REVIEWS, APPROVED BY SDGFP COMMISSION, 5 APRIL 2018  
<https://gfp.sd.gov/UserDocs/nav/status-reviews.pdf>

Wayne E. Melquist, Ph.D., 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, Prepared for: Wildlife Diversity  
Program South Dakota Game, Fish and Parks, May 2015  
[https://gfp.sd.gov/images/WebMaps/Viewer/WAP/Website/SWGSummaries/FINAL  
REPORT](https://gfp.sd.gov/images/WebMaps/Viewer/WAP/Website/SWGSummaries/FINALREPORT)

Melquist River Otters T-55.pdf

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Hilding". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Nancy Hilding  
President  
Prairie Hills Audubon Society