

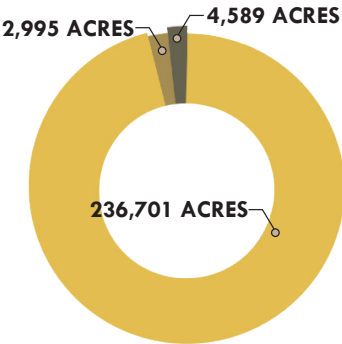


# SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

## OPEN AND CLOSED ACRES OF NONMEANDERED WATERS IN SOUTH DAKOTA

- Approximately 588,000 acres of nonmeandered natural basin waters exist across South Dakota.
  - Of those 588,000 acres, approximately 244,285 acres are accessible to the public via public access point.

OPEN AND CLOSED PUBLICLY ACCESSIBLE NONMEANDERED WATER ACRES	
Open Nonmeandered Water Acres Accessible to the Public	236,701
Closed Nonmeandered Water Acres	2,995
Closed Nonmeandered Injunction Water Acres	4,589
<b>TOTAL ACRES:</b>	<b>244,285</b>



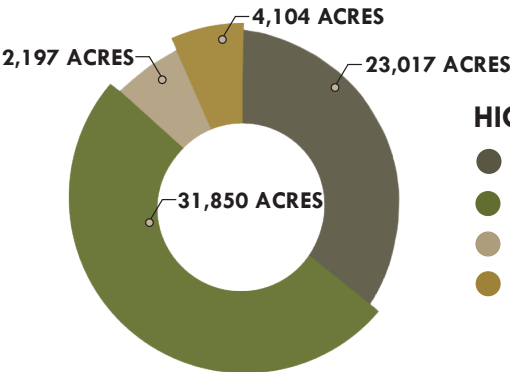
### OPEN AND CLOSED PUBLICLY ACCESSIBLE NONMEANDERED WATER ACRES

- OPEN NONMEANDERED WATER ACRES ACCESSIBLE TO THE PUBLIC
- CLOSED NONMEANDERED WATER ACRES
- CLOSED NONMEANDERED INJUNCTION LAKE ACRES

### HIGH ANGLER USE NONMEANDERED FISHERIES

- Of the 244,285 acres accessible to the public, approximately 61,168 acres are considered by GFP as high angler use nonmeandered fisheries.
- High angler use nonmeandered fisheries are waterbodies with established fish populations that have been actively fished in the last five years.
- Not all nonmeandered waterbodies with fish present are included in these high angler use acreage estimates.
- As water levels fluctuate, these acreage estimates are subject to change.

HIGH ANGLER USE NONMEANDERED WATER ACREAGE ESTIMATES	
Open High Angler Use Nonmeandered Water Acres	23,017
Open High Angler Use Section 8 Lake Acres	31,850
Closed High Angler Use Nonmeandered Water Acres	2,197
Closed Injunction Lake Acres	4,104
<b>TOTAL ACRES:</b>	<b>61,168</b>



### HIGH ANGLER USE NONMEANDERED FISHERIES

- OPEN HIGH USE NONMEANDERED WATER ACRES
- OPEN HIGH USE SECTION 8 LAKE ACRES
- CLOSED HIGH USE NONMEANDERED WATER ACRES
- CLOSED HIGH USE INJUNCTION LAKE ACRES

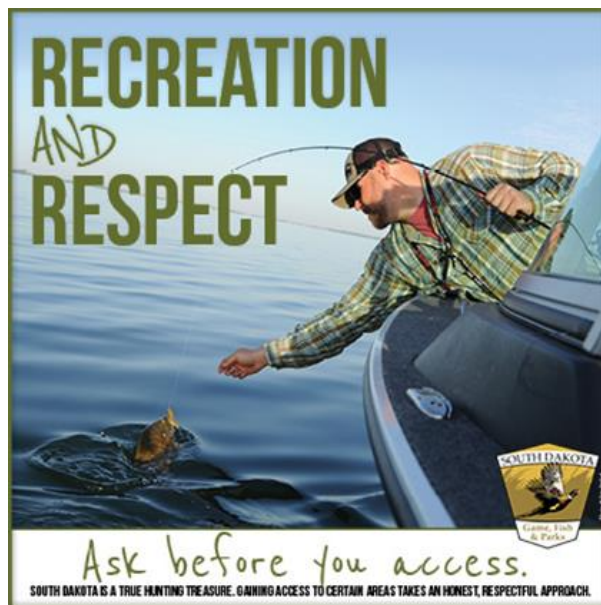
CURRENT AS OF 5/31/19



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## 41-23-19 Report to Executive Board of LRC on Nonmeandered Waters

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### Implementation of the Open Waters Compromise (HB1001: 2017 Special Session)

- GFP's goal is to continue providing recreational opportunities for families and outdoor enthusiasts who enjoy South Dakota's great outdoor resources, while also addressing concerns of landowners who own the land under the water.

### An estimate of the number of acres of nonmeandered lakes open for public recreation and the number of acres of nonmeandered lakes marked pursuant to § 41-23-5

- Currently 2,995 acres have been marked closed to public recreational use. This is less than 2 percent of the publicly-accessible nonmeandered water acres across the state and down from the peak of over 5,000 closed nonmeandered water acres in March 2018.
- >98% of the nonmeandered water originally accessible to the public remains open
- Please see the "nonmeandered water closure" attachment for more specific details.



## Agreements Reached with Landowners: 3

- Reetz Lake – Day County, approximately 800 acres
  - Open public access May 1 – Sept 30<sup>th</sup>, trophy regulations for Walleye/Sauger, Yellow Perch, Black Crappie & Bluegill. Statewide regulations for remaining species.
  - Landowner permission only from October 1 – April 30<sup>th</sup>, statewide regulations for all species.
  - GFP manages and maintains the boat ramp area.
  - Annual lease payment of \$8,000 (\$2/acre/month).
  - In the first 30 days of May 2019, 257 boats were launched at the access.
- Indian Springs – Clark County, approximately 2660 acres
  - No discharging a firearm or fishing from a boat on the west side of the basin from October 10<sup>th</sup> – December 31<sup>st</sup>.
  - Annual lease agreement with Black Claw Bait & Tavern for ramp, dock and public access.
  - Lease agreement is from Nov 1, 2018 – Nov 1, 2023
    - Annual payment \$10,000
    - Ramp is open year round.
- Goose Lake – Codington County, approximately 2180 acres
  - GFP leases an area for public access, annual lease payment of \$1250/year (based on 5 acres of land @ \$250/acre).
  - Agreement is through May 1, 2021

## Negotiations in Progress: 4

- Lake Lilly – Day County
  - Have been in discussions with landowners and looking at alternatives that would keep the lake open but limit the number of daily anglers.
- North Hazeldon – Day County
  - Conversations continue with area landowners on what would be the best method to limit the amount of ice angling pressure when the fish are really biting.
- Duerre / Jessie Lake – Day County
  - A written agreement has been drafted and the Department and the landowners are working on the final details.
    - Agreement would allow non-motorized public access on a portion of the lake during May and June.
- Parks Slough
  - On-site landowner visits have occurred and conversations continue with conducting a fish survey to inventory abundance and size structure and potentially allowing some limited public access.



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## Failed Negotiations: 2

- Dekker Slough – Clark County
- Long Lake – Day County

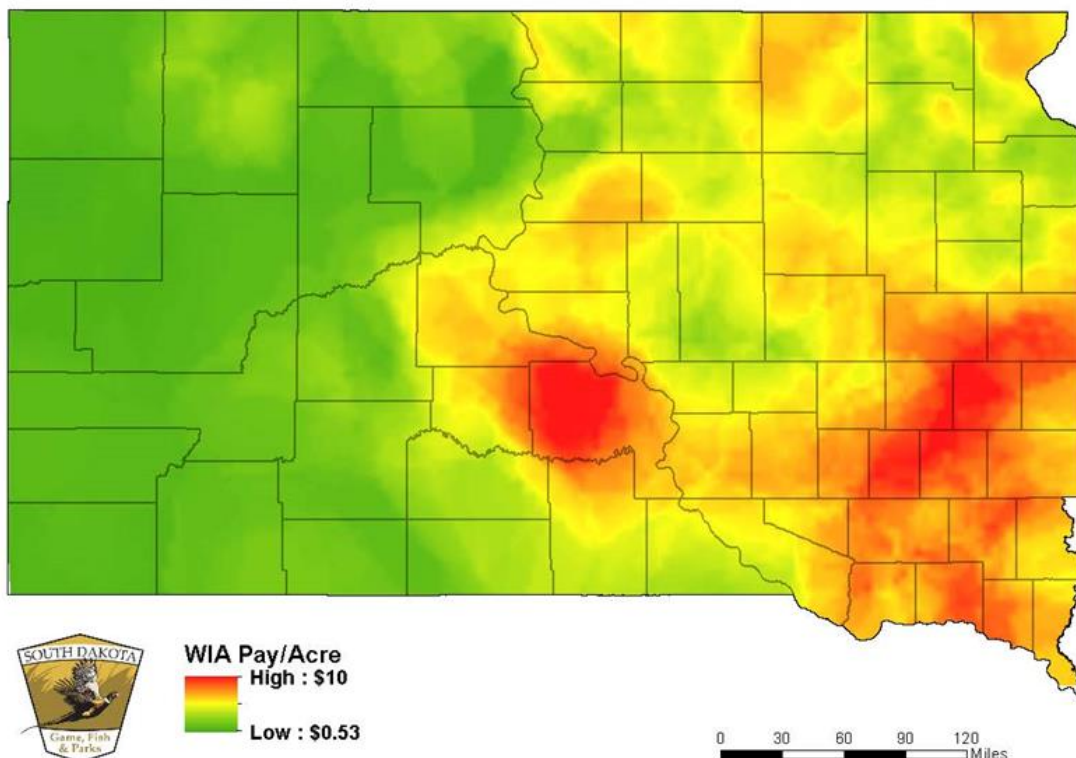
## Inquiries from landowners to commence negotiations: 2

- Clubhouse Slough – Marshall County
- Seefeldt Slough – Clark County

## An analysis of the agreements pursuant to § 41-23-3 compared to voluntary walk in access programs for landowners

- The map below indicates the payment range for the walk-in access program based on geographic location, habitat being provided and anticipated hunter use. The high end of the payment range is \$10.00 per acre for the approximately 4-month hunting season. The department did consider this payment structure when negotiating an agreement with the landowners of Reetz Lake. The Reetz Lake basin is approximately 800 acres and the agreement was for five months of use; thus the negotiated price of \$10.00 per acre.

## 2018 Walk-In Area Program Annual Payment Range



## Transportation Lanes



– None have been requested at this time.

## Summary of Complaints, Prosecutions, Convictions pursuant to 41-23-6 and 41-23-18

- Dry Lake #2 (Section 8)
  - o Three Individuals were cited for unknowing fishing trespass for standing on landowner's property in waders fishing.

## Recreation and Respect

The Open Waters Compromise strikes a balance between the public's interest in recreation and respect for private property rights.

## Posting and Marking Requirements

A private property owner must notify the South Dakota Game, Fish and Parks when posting any nonmeandered body of water overlying private property as closed. Landowners must install signs provided by the department or buoys that meet the requirements provided by the GFP Commission rules. When the water is properly posted as closed, it is added to the online closure map located on the GFP website and mobile app:

<https://sdgfp.maps.arcgis.com/apps/webappviewer/index.html?id=92fc65057ef746278941676c3b487eae>



## Rules and Petition Process

The Legislature gave the GFP Commission the authority to hear requests to restrict recreational use on the 27 nonmeandered lakes identified in 41-23-8. Petitioning landowners must first complete and submit the online petition form. State law requires the Commission to consider privacy, safety and substantially affected financial interests of the landowner as well as history of use, water quality and quantity and the public's interest in recreational use of the water.





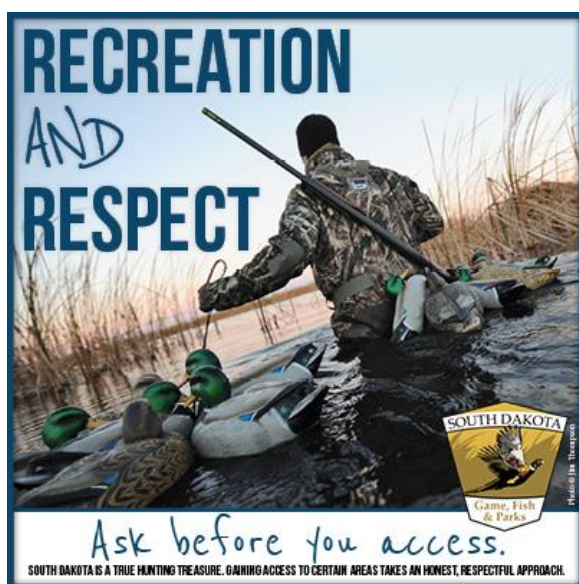
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To date, the GFP Commission has received two petitions to close parts of two different Section 8 lakes. The first petition was a request to close part of Cattail-Kettle Lake in Marshall County. The Commission held a contested case hearing on the Cattail-Kettle petition on November 2, 2017 and subsequently denied the request after considering the defined criteria. The Commission received a second petition on November 7, 2017 – this one for a partial closure on Goose Lake in Codington County around the petitioning landowner's domicile. A hearing for this petition was heard by the Commission in April, 2018 and the 26 acre closure request on Goose Lake was granted.

### GFP Nonmeandered Water Outreach Efforts

- After passing of HB 1001, the GFP website was updated with information to aid the public in understanding the bill and how it affected access to waters in the state.
  - o A "Frequently Asked Questions" section was added to the website to provide answers regarding meandered vs. nonmeandered lakes, process for closing nonmeandered waters, and an online map that show water bodies that have been legally closed.
  - o <https://gfp.sd.gov/nonmeandered-summary/>
- Throughout the Open Waters Compromise marketing content was continually provided to statewide media in addition to nearly 110,000 resident and nonresident anglers and approximately 13,000 landowners throughout 2017 and 2018.
- The "Recreation and Respect" campaign and the "Adopt-a-Lake" program continues to be front and center. The department has been strongly encouraging recreational users to "leave no trace" and pick up all garbage
  - o The goal is to get more than 15 adopt-a-lake events scheduled during the summer of 2019.





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# SOUTH DAKOTA'S OPEN WATERS

OPEN FOR FISHING. OPEN FOR YOU.

Between South Dakota's borders, you'll find a wealth of pristine lakes, including more than 244,000 acres of publically accessible, nonmeandered natural basin waters—some of which we recently restored to full access.

Whether you're an amateur angler, a fishing pro, or simply enjoy spending your days relaxing on the shore—we invite you to come make use of one of South Dakota's greatest resources: our wide-open waters.

*South Dakota*  
TravelSouthDakota.com/fishing

