

Subject: Changes to SD law to stop the Nest Predator Bounty Program (NPBP).

We are suggesting a bill to amend SDCL 40-36-9. This is the state law that gives the Commission the authority to set up the Nest Predator Bounty Program as a resolution, rather than a rule.

Amend SDCL 40-36-9 by inserting new text and add insert a new definition to SDCL 40-1-1.

SDCL 40-36-9. Programs and rules for control of injurious animals – Payment of expenses.

- The Department of Game, Fish and Parks (GFP) may direct or employ personnel and conduct programs and the Game, Fish and Parks Commission may adopt pursuant to chapter 1-26 necessary rules to control foxes, coyotes, feral dogs, prairie dogs, and other wild animals. The expense of the bounty shall be paid out of the Department of Game, Fish and Parks fund or the state animal damage control fund. **Bounty programs must have a wildlife management objective. Objectives for the bounty programs that are not related to wildlife management such as providing outdoor activities, are insufficient justification for the program, if it lacks credible wildlife management justifications. GFP shall provide scientifically justified evidence that the bounty is the most cost-effective measure for achieving it's wildlife, crop or livestock protection objectives. GFP shall send a copy of the notice, hearing, public comments & meeting minutes to the Interim Rules Review Committee, who must find that GFP complied with this statute and that the Program is cost effective and wise use of revenue. Future / active programs, that lack scientific evidence of achieving aforementioned objectives may not be implemented / shall be terminated.**

- Source: SDC 1939, § 25.1004; SL 1974, ch 274, § 2; SL 1978, ch 288, § 5; SL 1983, ch 292, § 10; SL 1984, ch 273, § 36.

SDCL 40-1-1. Definitions.

Terms used in this title mean:

(12) “Scientifically justified,” means an action that is supported by credible, statistically significant evidences, derived from scientific methods, based on reliable field census data, long-term observations and logical analysis to validate the rationale behind a specific choice or claim.

(13) “Wildlife management objective,” is a specific, measurable goal set to guide the conservation, preservation, and sustainable use of wildlife populations and their habitats: protecting a threatened or endangered animal from predations, increasing the nesting success of ground-nesting birds, decreasing the population of invasive species, crop protection, and reducing livestock depredation.