

REQUIREMENTS FOR AGENCY EMPLOYEES ENTRY ONTO PRIVATE LANDS

Department of Game, Fish, and Parks Policy

Effective: October 14, 2011

Replaces: January 28, 2005

PURPOSE STATEMENT

This policy provides direction and guidance to GFP employees who may have cause to enter onto private lands in the performance of their duties.

POLICY REQUIREMENTS RELATED TO ENTRY ONTO PRIVATE LANDS

It is the policy of the Department of Game, Fish, and Parks that: all agency employees working in their official capacity may not enter private land without first seeking permission from the landowner or operator. This policy applies but is not limited to:

1. fish, wildlife, parks, or habitat surveys;
2. wildlife depredation assistance;
3. wildlife habitat maintenance or development activities;
4. activities associated with the harvest, capture, or tracking of fish or wildlife;
5. any work activities related to the performance of custodial land management functions on agency-owned or managed lands adjacent to private property, including boundary surveys, fence maintenance or construction, boundary posting noxious weed control or similar land management functions.

Agency employees shall seek permission to enter private land for work-related purposes directly from the respective landowner or operator.

Exceptions to this policy are limited to:

- A. Situations such as car-deer collisions, where an injured animal is located on private land, agency employees may enter private land without landowner or operator permission to humanely dispatch injured or sick wildlife. Access shall be by foot only unless landowner permission is granted to enter by vehicle.
- B. Conservation officers, park rangers, and other agency employees, whose duty is the enforcement of the game, fish, parks, boating, and criminal laws of this state, shall follow the guidelines offered under the "Open Fields Doctrine", as summarized in Official Opinion Number 04-01 from the South Dakota Office of the Attorney General, when entering open fields on private land for the purposes of:
 1. Investigating reports of crimes and the enforcement of statutes as authorized under SDCL 41-15-10 and SDCL 41-15-10.1;
 2. Rendering assistance to other law enforcement agencies in responding to emergencies, accidents, various requests for assistance or other matters pertaining to the protection of public safety;
 3. Performing his/her duty as a law enforcement officer; and
 4. Conducting compliance checks of department-regulated activities that are made at a time and place that avoids interference with those activities and results in minimal inconvenience to the individuals so engaged. Unless an officer has reason to believe that illegal activity is occurring or has recently occurred, these checks shall occur in the vicinity of public roads and section lines, along field borders where hunters are congregated or where vehicles involved in hunting, trapping, fishing or boating have traveled.