

## Spearfish Canyon Owners Association Members,

No matter where you are at this time I have to believe Officially it is not Spring yet but when the robins arrive back in Eastern South Dakota you know it's not far away. It has been a pretty mild winter here as well as in the Black Hills. Soon folks will be opening up cabins that have been dormant for months and activity in the Canyon will increase. That said it's time to get the Spring newsletter done and sent.

The Winter has been somewhat quiet for the SCOA Board which is a good thing. I will touch on a couple items that are ongoing as well as some reminders. Many of you are no doubt aware that the State of South Dakota, Spearfish Canyon Foundation and Homestake are working on a purchase and transfer of the area below Spearfish Falls. That process is moving but nothing has been completed as of yet and it may be several years before anything is finalized one way or another. Included in the newsletter is a article by Jim Nelson outlining work he has done to provide historical background information on the original land exchange agreement that has been presented to the governmental groups involved in this process. We will attempt to attach this information to the website for your benefit. SCOA has not taken a formal position on this exchange but are watching it closely as it develops.

This time of year many cabin owners begin to undertake remodel and building projects. We want to remind owners that the plans need ARC approval. This is relatively simple but saves a lot of aggravation if done in advance. This past winter ARC did levy and receive a \$19,000 fine and legal fee assessment for non-approved work. Take the time to get approval and thus do your neighbors a favor.

I mentioned in the last newsletter an effort to get the truck traffic in the Canyon to operate their dynamic brake exhaust noise lessened. The Trucking Association did mention it to the logging branch of their association and according to Board members that live in the Canyon full time it seems to be better. We will need to monitor this as more members get back and see if it stays lower. Unfortunately this does not address the motorcycles that will be coming. This will be a more difficult problem, but I welcome all help members can give on this.

We are still inviting owners to join the Board. We have had some interested parties so hopefully you

***We are inviting owners to join the Board. We have had some interested parties, so hopefully you will have some fresh faces on the next Board.***

will have some fresh faces on the next Board. Contact Dave Johnson or Doug Hendriks if you have an interest. The whole point of SCOA is to protect the Spearfish Creek and Canyon, and that duty was put forth in the original land exchange when we received title to the land on which our cabins are located. This Canyon is a special place and to insure it stays that way, property owners need to be engaged. Thanks for your support and involvement.

With that I will end my report for the newsletter. I hope you all have a great Spring and Summer. Remember our annual meeting is July 9 at the Lead Country Club so if not before I will see you there.

**Steve Paula, President**

### What do my dues cover?

Spearfish Canyon Owners pay \$100 per year. Our website is [www.canyonowners.org](http://www.canyonowners.org). We spend our money on:

- Three times per year newsletter
- Fire Wise activities. We have a Fire Wise Community designation. It is because we do inspections of properties to advise owners of how to make their properties less likely to burn in a forest fire etc. See "Fire Wise" on the web.
- Enforcement of the very special covenants (and Architectural Review Guidelines) placed on our owners by deed from Homestake Mining Company. Most expenses for this are legal fees.
- An annual meeting with free dinner for members and their families.
- D&O insurance for board members and bonding for our treasurer.
- Expenses for normal operation of an HOA numbering at about 200 members

## Building Permit Procedure

The Architectural Review Committee has a packet for people who want to obtain a building permit in Spearfish Canyon. The packet contains the SCOA building permit application and copies of the building rules and pertinent covenants. You can also get it on the SCOA website.

Before any kind of external work is done, the home owner or their builder may fill out the application, and supply the necessary drawings to the any ARC member so that the committee persons may begin a review of the project.

When the committee approves the project, ARC members sign the application and drawings, and return it to the owner or builder. The ARC transmits the approved SCOA building permit directly to the Lawrence County Planning and Zoning Office.

Be advised that the LC Planning and Zoning office is not responsible for explaining or enforcing SCOA covenants. Their only concern is that the SCOA permit process has been followed before they take action on a L. C. building permit.

## Is it Occasional?

The rental of lodging accommodations or campsites is subject to state sales tax, tourism tax, and the applicable municipal sales and municipal gross receipts tax. Some individuals may occasionally rent their home, cabin, a room in their house, or allow someone to camp on their property. An instance of this could be rental of property in the town of Sturgis during the annual motorcycle rally.

If the occasional rental is for 10 days or less in a calendar year, no tax is due on the rentals. Please review the Hotels, Motels and Campgrounds Tax Facts on the S.D. Department of Revenue's website at: <http://www.state.sd.us/drr2/businessstax/publications/tax-facts/hotels.pdf> or contact them if you have questions regarding the tax on lodging. 1(800)829-9188.

According to the **Third Amendment to Declaration of Covenants, Conditions, Restrictions and Reservations for Homestake Cabin Lot Sales In Spearfish Canyon:**

1. (b) *Rental Use. No Lot or Dwelling Unit shall be rented to non-family members for more than 14 days during any calendar year. Owners are obligated to insure compliance by Renters with this Declaration and all Spearfish Canyon Rules*

## MEET THE NOMINEES

### Tom Gallagher

*Nominee for the Board of Directors*

My wife, Nancy, and I grew up in the East River area (I'm from Redfield and Nancy is from Yankton) and met at the University of South Dakota in Vermillion. We'd been living in the Washington DC area for many years and were looking to re-connect to South Dakota, so we bought our cabin in 1998. We are at 10810 Hagmann Lane, which is in the "suburbs" of Elmore. Our neighbors are Jim and Ruth Nelson. We managed to spend a fair bit of time here when I was working full time, and after I retired we sold our place in the DC area. We now spend about six months here and six months in Florida. People ask if it was a big change, but it wasn't such a leap to go from Washington, DC, to Jackass Gulch! We love the quality of life here in Spearfish Canyon, and I hope to help preserve that if elected to the SCOA board.

### Cindy Knapp

*Nominee for the Board of Directors*

Greetings from Western Maryland! My husband Chuck and I live in Frederick, Maryland from October-May, and we spend every summer in Spearfish Canyon. I've recently been asked to sit on the SCOA Board. I have served on the homeowners' board here in Maryland and have a desire to similarly serve the Spearfish Canyon community. I hold an undergraduate degree in Paralegal Studies and worked in law firms until staying at home with our two children (now grown). Chuck is a retired Naval Officer, and we have two grandchildren. A bit of family history; Chuck's grandfather, Crawford Knapp owned a clothing store in Sturgis and would bring his children to the canyon to fish. Crawford also managed Wickiup in the 1960s, with his wife Bea. I first visited Spearfish Canyon in 1984 to see Chuck's uncle, Bob Knapp, who was managing the "old" Spearfish Canyon Lodge and had purchased a cabin nearby. From then on, we often brought our children to the Hills through the years, and in 2003 we bought our own cabin on Hanna Road. It is our passion to maintain the serenity and beauty of the canyon for the generations to come.

# SPEARFISH CANYON STATE PARK

The Board thought it would be useful to provide a summary of the activities related to the recent articles and announcements by Governor Dugaard regarding establishment of a State Park in the Savoy area of Spearfish Canyon. The fundamental concept is not new. Homestake retained ownership of Roughlock Falls, Spearfish Falls, and adjacent areas around Savoy after the Homestake/USFS Land Exchange of 1990, wherein lots were sold to cabin owners and SCOA was formed. Also established was Spearfish Canyon Foundation, the latter being funded by Homestake with one of its purposes to acquire lands in the Canyon and negotiate transfers to other than private entities in order to preclude restrictions and/or development(s) by private commercial entities.

In 2004, Governor Rounds proposed to use some of the funds related to the lawsuit against Homestake regarding the cleanup of Whitewood Creek to purchase Spearfish Falls, Roughlock Falls and three other parcels of land owned by Homestake in Spearfish Canyon (use of those funds in adjoining watersheds is possible if approved by Dep't of Interior). These parcels included: Savoy Intake (dam in front of SPF Canyon Fire Station), Roughlock Falls and Little Spearfish Creek Intake (just west of Lodge parking lot), acreage at SPF Canyon mouth (USFS parking lot and north, subsequently purchased by City of Spearfish for parkland), with a longer range goal to purchase the additional parcels including the Spearfish Falls area. SCOA was able to comment on that plan and we subsequently supported it as it assured those lands would remain open to the public and managed by the State. In our comments, we did emphasize that there needed to be a plan for restoration and upkeep of those properties over time.

In 2005, GF&P removed the old Little Spearfish Intake and Weir between Roughlock and the Lodge, replacing it with a renovated dam and pool, as well as improvements to the streambed. In 2006, the old Savoy dam/intake (adjacent Fire Station), was dredged, the dam removed and the step pools were created as Spearfish Creek was improved through that area. A new bridge, parking lot, viewing platform, and trails connection to those on the Canyon rim were completed. These were done using monies from fishing and hunting licenses for the most part.

In 2006, Sec'y Cooper, GF&P gave a public briefing in Spearfish and subsequently briefed the Lawrence County Commission on the plan to eventually acquire the initial parcels and adjacent areas of Little Spearfish and Spearfish Creeks, and the status of the initial 2005-6 improvements. Roughlock Falls was subsequently restored and the parking area, riparian streambanks, and trails were all improved there. Management of this area was/is by GF&P.

In his proposal at that time, Sec'y Cooper planned to satisfy several goals/objectives. These included:

a Homestake requirement that GF&P set up an interest-bearing "Restoration Fund" dedicated to use only on these lands to assure adequate maintenance and restoration of these lands and to guarantee that fees would never be charged to the public to view or enjoy these acquisitions. Also included was transfer of the appropriate water rights on both Little Spearfish and Spearfish Creeks, and Homestake was to work with City of Spearfish to transfer the Canyon Mouth acreage to the City. SCOA and LCC provided letters of support for this plan, the LCC had some recommendations regarding use of funds from the Whitewood restoration.

Another key objective in this 2006 plan was to continue negotiations with Homestake to acquire Spearfish Falls and its trails complex. This is now the subject of Governor Dugaard's latest proposal. The plan has apparently been expanded to include an effort to have additional land transfer/exchange between the State and USFS (requires congressional action) along Little Spearfish Creek to Timon campground as well as additional land along Spearfish Creek between the Savoy dam and Savoy. Land adjacent to Hydro #2 and a short reach of adjacent stream has already been acquired by GF&P.

Per Sec'y Cooper's proposal, SDGF&P Division of Parks and Recreation would provide general management of these acquisitions. Appropriate Canyon Stakeholders would be given notice of improvement or restoration plans for discussion purposes. SCOA had several conversations and mail/e-mail exchanges in 2004-2006 with Sec'y Cooper and other GF&P managers as the first projects were initiated and completed.

SCOA (and LCC) was not advised of the latest plans by Governor Dugaard or GF&P to acquire Spearfish Falls and the adjacent trails, additional USFS lands along Little Spearfish Creek to Timon Campground or a plan to integrate all these parcels into a Spearfish Canyon State Park. Accordingly, Jim Nelson, who was involved with the prior parcels acquisition and restoration plans, on February 9, 2016, submitted a letter to Governor Dugaard and the Secretary of Game, Fish and Parks (copies to LCC, Mayors of Lead, Deadwood, Spearfish, and Senator Ewing), expressing concern that we do not know the details of the latest plan and how it may differ from the 2006 plan, specifically as to what controls/constraints may/may not be planned as the State moves to integrate these key parcels into a State Park as opposed to just being managed and maintained by Parks and Recreation. We would like to have GF&P provide public hearings as did Secretary Cooper in 2006, such that we can understand/comment on the "devil in the details" of the latest plans for these unique lands and streams that have been free and open to the public under 100+ years of Homestake/USFS management.

## Volunteer Fire Dept. Earns '7' Rating

By Gerry Bennett, SCVFD Chief

Since its inception, the Spearfish Canyon Volunteer Fire Department has had as one of our goals to obtain a rating the Insurance Services Organization (ISO). I am pleased at this time to announce that SCVFD has earned an ISO rating of "7," which will become effective June, 1 2016, and be in force for 5 years.

Please check with your insurance company, as this rating should affect your home owner's insurance premium. I would like to thank Spearfish Canyon firefighters for the time they volunteer unselfishly. I would also like to thank Casey Lillehaug, past chief; Jack Wanstedt, past assistant chief and treasurer; and Barb Wanstedt, Jack's boss, for their encouragement and mentoring. I'm grateful for the support of Paul Thomson, Lawrence County Director of Emergency Management and assistant fire chief. I also thank the Fire Board members Ray Rossi, Pres., Gary Lillrhaug, Steve Butsko, Jack Wanstedt, and Dave Brueckner. Many thanks also go to Jim Nelson, past president of Spearfish Canyon Owners Association and past fire fighter, for the Spearfish Creek Water Flow data he provided for my report submissions.

Finally I owe a non-repayable debt to my friend, Ken Hawki of the Deadwood Fire Department for the many hours he spent answering my questions and reassuring me that we were headed in the right direction.

I want to encourage all cabin owners to have their Fire Wise inspections updated or completed. Harry Matti is in charge of that program and his numbers are (605) 58401266 or (763) 784-2106.

If you have some spare time and are interested, we can always use more volunteer fire fighters. This is your fire department. Come join us at one of our monthly business meetings, October through April, at 6:30 on the last Monday of the month. From May to September we meet at 6 p.m. on the last Monday of each month for potluck at the Fire Hall with a business meeting to follow. Come and meet or reacquaint yourselves with your neighbors!

## Off-Highway Vehicle Use Allowed on Trails

In spring weather, the forest floor is very soft and spongy. It is advisable for off-highway-vehicles to stick to gravel roads at this time. Stay out of the mud and don't go around gates and barricades.

For SCOA members' information, it is specifically prohibited to operate an off-road motorized vehicle in Spearfish Canyon. If members see violations, report it to the USFS, or to SCOA Board Members who will report it.

Off-Highway Vehicle (OHV) Visitors to the Forest will find over 3,600 miles of roads and trails designated open for motorized travel.

OHV Riding Opportunities – OHV travel is allowed only on designated trails and roads. Over 650 miles of designated motorized trails are available within the Forest. Many of the trails are connected by 500 miles of "Roads Open to All Vehicles," which together, provide abundant opportunities for planning OHV outings of various degrees of difficulty and lengths, including loop route options. There are currently 21 designated motorized trailheads on the Forest.

To determine where to ride a given type of motorized vehicle check out the current Motor Vehicle Use Map (MVUM), which is available free online and at Forest Offices. Contact Black Hills Parks & Forests Association at 605-745-7020 or email [bhpf@blackhillsparks.org](mailto:bhpf@blackhillsparks.org) for questions regarding permit purchases.

Motorized Trail Permits - In the SD portion of the Forest, you will need to display a valid Black Hills Motorized Trail Permit for the following:

- Riding an OHV on designated motorized trails
- Riding an unlicensed OHV on a forest road designated as "Open to All Vehicles" (Vehicles with a valid state license plate are not required to display a permit unless they are driving on a designated motorized trail)

Contact one of the Forest Offices for more info.

Join the Black Hills NF and Tread Lightly!® by following policies, regulations and guidelines when participating in OHV activities. It is your responsibility to know and abide by regulations relating to OHV travel.

## Small to Extra Large Hummingbirds & Osprey Have Arrived in Canyon

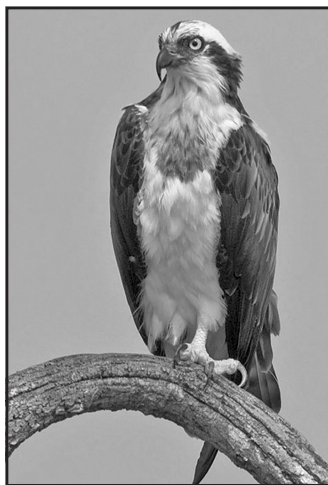
By D George Prisbe

They come in all shapes and sizes and they will be arriving at a forest near you – soon. Migration for many of the birds which summer in Spearfish Canyon began in late January. Some have already arrived, and all of our local breeders will have completed their journey, of hundreds or even thousands of miles, by mid to late May.

Two of them, at extreme opposite ends of the physiological spectrum, are the Broad-tailed Hummingbird and the Osprey. Hummingbirds are the smallest of all bird species and Osprey are one of the largest birds found in the canyon – outsized only by eagles and Great-blue Herons.

Broad-tails measure just four inches from tail to bill tip, have a wingspan of five inches, and weigh just over 1/10th of an ounce. It would take approximately 430 Broad-tailed Hummingbirds to equal the average weight of an Osprey.

Despite this difference in size, both of these birds have the ability to hover. Hummingbirds are found darting about meadows and gardens at speeds approaching 30 miles per hour, with wings beating at between 15 and 80 times a second. This fast wing speed allows for stationary flight while they prod blossoms for nectar with their long bills and tongues. Osprey subsist primarily on fish, hovering (birders call it “kiting”) briefly before diving – wings held back, sharp talons extended forward – and striking the water surface with great force. Their powerful wings and water re-



pellent feathers allow them to fly off with their prey - fish head forward to reduce drag, of course.

Of the nineteen species of hummingbirds found in North America, only the Broad-tailed Hummingbird is known to breed in the Black Hills. Several others, such as the Rufous and Calliope, can be observed during migration in late summer and early fall. Osprey were not known to nest in the Black Hills, until a nest was established at Pactola Reservoir in 1990. This past summer, twenty-four Osprey nests were confirmed in the Black Hills. It is speculated that many of these nests are the off-spring of that original pair at Pactola.

The size of hummingbirds and their generally silent nature make them inconspicuous. One exception is the loud, cicada-like trill produced by the “wing-whirl” of the male Broad-tail. Osprey, on the other hand, are much more readily observed, often perching in the open or patrolling waterways - on a five foot wingspan - while calling in loud, shrieking notes.

Osprey nests are also conspicuous. Found in snags or on utility poles, they consist of a loose assemblage of sticks and plant stalks. The nests are added to year after year and can measure ten feet or more in diameter and weigh hundreds of pounds. Understandably, hummingbird nests measure little more than an inch or two, are well concealed, and made of plant fibers bound together with silk from spider webs.

So, look up. Look down. Look all about as you observe the natural wonder of Spearfish Canyon. Hopefully, you will see both of these incredible species before they leave us in the fall. The hummingbirds will be wintering in Mexico and Central America, while the Osprey will head to warm coastal waters along the gulf or ocean shores.

---

*D George Prisbe is an area bird-watcher and resident of Hanna. To share your bird sightings and stories, or if you have a question, please feel free to contact him at [prisbe.przybysz@gmail.com](mailto:prisbe.przybysz@gmail.com) or visit with him at Cheyenne Crossing Store.*

*"The purpose of this organization shall be to maintain the beauty, serenity and attractiveness of the Spearfish Canyon, and monitor and protect the water quality and flow of Spearfish Creek and its tributaries and to preserve in perpetuity the covenants and conditions placed upon said property by Homestake Mining Company of California."*

(Section A, Article III, Articles of Incorporation. Spearfish Canyon Owners' Association)

## **2015-2016 Board of Directors**

**President** – Steve Paula

(605) 695-2866 • sepoula1@hotmail.com

**Vice President** – Harold Matti

(605) 584-1266 (SD May-Oct) • (763) 784-2106 (MN)  
hmatti@centurylink.net

**Treasurer** – Pam Haugland

(480) 272-1728 (cell) • pam.haugland@hotmail.com

**Secretary** – Carol Reausaw

(605) 584-3197 • reausaw.ralphandcarol@gmail.com

**Executive Committee Member** – Dave Johnson

(605) 376-6048 • johnson.sioxfalls@gmail.com

**Directors** – David Palmer

(605) 584-2311, davidpalmer@centurylink.net

Bob Morcom (605) 390-9403, Morcomra63@gmail.com

Steve Fox (605) 584-2085, foxes@centurylink.net

Doug Hendriks, dougmac@sio.midco.net

## **Committees:**

**Firewise** – Harold Matti, *Chair*,  
others to be appointed

**Architectural Review** – Ralph Reausaw, *Chair*, Bob  
Morcom, Dave Palmer, Steve Fox,  
Harry Matti, others to be appointed

**Environmental/Weed** –  
Dave Palmer, Bob Geis

**Newsletter** – Carol Reausaw

**Cookbook** – Beverly and Gene Shaw

**Nominating** – Dave Johnson, Doug Hendriks

## **Spearfish Canyon News...**

is a newsletter by and for the homeowners  
of Spearfish Canyon Owners Association.

Send comments and articles PLEASE

to Carol Reausaw: Caroljeanie@yahoo.com.

Many thanks to Dee Sleep with Chicken Creek  
Communications, LLC, for printing our newsletter.

**Our website is:** <http://www.canyonowners.org>

