

Minutes of the Game, Fish, and Parks Commission Meeting  
August 2-3, 2012

Chairman Olson called the meeting to order at 1:01 PM at the Milbank Community Center in Milbank, South Dakota. Commissioners Jeff Olson, Susie Knippling, Jim Spies, John Cooper, Barry Jensen, Cathy Peterson, Bill Cerny, and Duane Sather were present with Secretary Jeff Vonk and approximately sixty people from the media, staff, and public.

Division of Administration

Chairman Olson called for corrections or motion for approval of the July 9<sup>th</sup> minutes. Cooper pointed out a correction to add the word "this" in the second paragraph under Open Forum on page 108 and made a motion TO APPROVE THE JULY 9<sup>TH</sup> MINUTES AS CORRECTED. Second by Spies and motion carried unanimously.

Olson called for any additional Commissioner salary days and were none were requested.

Director Chris Petersen presented the following license list requests:

Jamie Carter of Rock Communications, Ltd. of Newton, Iowa, representing Scheels requested a list of 10,000 names of each group of resident archery hunters, resident deer hunters, resident upland game bird hunters, and resident waterfowl hunters for a total of four lists. Each list will be used for a direct mailing and will be at full fee.

Motion by Jensen with second by Spies TO APPROVE THE FOUR LICENSE LIST REQUESTS FROM ROCK COMMUNICATIONS FOR SCHEELS AS PRESENTED. Motion carried unanimously.

Dakota Country Magazine of Bismarck, ND, requested a list of 1,000 fishing license holders from the Glacial Lakes area and north Nebraska area. This list would be used for a direct mailing to promote subscriptions to Dakota Country Magazine and would be at full fee.

Motion by Spies with second by Sather TO APPROVE THE LICENSE LIST REQUEST FROM DAKOTA COUNTRY MAGAZINE AS PRESENTED. Motion carried unanimously.

Maroney Commons of Howard, SD, requested a list of pheasant hunters to be used to promote the hotel, restaurant, and bar establishment. This would be at full fee.

Motion by Peterson with second by Jensen TO APPROVE THE LICENSE LIST REQUEST FROM MARONEY COMMONS AS PRESENTED. Motion carried unanimously.

Dale Houser of Kimball, SD, requested a list of 2012 archery elk and 2012 rifle elk license holders to promote his business Dakota Plains Taxidermy. This would be at full fee.

Motion by Spies with second by Cerny TO APPROVE THE LICENSE LIST REQUEST FROM DALE HOUSER AS PRESENTED. Motion carried unanimously.

Joe Reinhart of Rapid City, SD, representing SD Youth Hunting Adventures requested a list of SD small game license holders to promote fundraising efforts for the organization. This would be at the reduced fee.

Motion by Cooper with second by Spies TO APPROVE THE LICENSE LIST REQUEST FROM JOE REINHART AS PRESENTED. Motion carried unanimously.

Randy Gaskins Regional Director for the National Wild Turkey Federation requested a list of 2012 Spring Turkey license holders to mail local chapter fundraising and banquet information. This would be at the reduced fee.

Motion by Cerny with second by Sather TO APPROVE THE LICENSE LIST REQUEST FROM RANDY GASKINS AS PRESENTED. Motion carried unanimously.

Country Meats and Specialties of Harrisburg, SD, requested a list of specific zip codes for antelope, elk, deer, and archery license holders to send a flier with processing information and rates. This would be a full fee request.

Motion by Spies with second by Jensen TO APPROVE THE LICENSE LIST REQUEST FROM COUNTRY MEATS AND SPECIALITIES AS REQUESTED. Motion carried unanimously.

Director Chris Petersen presented the License Sales Totals ending July 26 showing a total increase in sales of 17.1%. The highest increase was in nonresident youth licenses with 83.8% increase and the nonresident annual fishing license increase was 45.3%. Fishing sales have surpassed the 2011 sales and remain strong. The October report will begin to reflect changes in the hunting license sales with the beginning of the goose season this week and nonresident small game sales will begin to increase.

Director Petersen presented a draft 2013 Commission meeting schedule indicating approval of the 2013 schedule would be an action item at the October meeting.

#### Open Forum

Greg Hamman indicated mountain lions are predators and wants anyone east of the Missouri river who carries a valid gun permit be allowed to harvest a lion.

Hartford Beach has had sightings and with visitors and campers in the area and is concerned for the area and he is afraid there could be a problem.

Bob Lee of Watertown spoke regarding deer doe harvested in January and doesn't feel we should have that season. He requested the mountain lion season begin in November during the deer hunting.

#### Public Hearing

The public hearing began at 2:03 PM and concluded at 2:39 PM complete minutes are attached. Commissioner Olson called for a recess and meeting resumed at 2:59 PM.

#### Finalizations

##### Duck Hunting Season 41:06:16

Chief Tom Kirschenmann presented the proposed changes to the duck season indicating the US Fish and Wildlife Service did not approve a change in the daily limit for redhead ducks; therefore, the proposed change needs to be rejected. The US Fish and Wildlife Service did approve an increase in the scaup daily bag limit from two to six. Discussion included the US FWS and reasons for the increase scaup.

Motion by Cooper with second by Knippling TO AMEND CHANGES TO THE DUCK HUNTING SEASON TO REJECT THE INCREASE IN REDHEAD AND TO INCREASE THE SCAUP DAILY BAG LIMIT TO FOUR.

Increase the scaup daily bag limit from 2 to 4.

Motion by Cooper with second by Knippling TO FINALIZE CHANGES TO THE DUCK HUNTING SEASON 41:06:16 AS AMENDED. Motion carried unanimously.

##### Goose Hunting Season 41:06:16

Kirschenmann presented the proposed change to the goose season indicating the US Fish and Wildlife Service did not approve the increase Canada goose daily and possession limits as recommended by the Central Flyway and this change will need to be rejected.

Motion by Spies with second by Cooper TO REJECT THE INCREASE CANADA GOOSE LIMITS AS PROPOSED. Motion carried unanimously.

Correct boundary descriptions for Unit 1 and 2 as presented.

Motion by Cooper with second by Spies TO FINALIZE THE CHANGE TO THE GOOSE HUNTING SEASON 41:06:16 AS AMENDED. Motion carried unanimously.

#### Muzzleloading Restrictions 41:06:04

Andy Alban presented the proposed changes with no recommended changes and he indicated public comments reflected support for the change and to keep the season in current form. Discussion included types of sights allowable and that the season is a primitive season to provide additional opportunity.

Amend 41:06:04:14 to allow for the use of smokeless powder and peep sights and other optics that do not employ magnification during seasons restricted to muzzleloading rifles.

Motion by Cooper with second by Spies TO FINALIZE CHANGES TO THE MUZZLELOADING RESTRICTIONS 41:06:04 AS PROPOSED. Roll Call vote: Cerny-yes; Cooper-yes; Jensen-no; Knippling-yes; Peterson-yes; Sather-yes; Spies-yes; Olson-yes. Motion carried with seven yes votes and one no vote.

#### Hunting Accompaniment 41:06:04

Andy Alban presented the proposed changes for hunting accompaniment with no changes. Discussion included the archery big game hunting rules and pheasant hunting concerns.

Amend 41:06:04:04 to create accompaniment allowances for big game hunters and place the responsibility for adherence to the rule on the unlicensed big game hunter.

Motion by Peterson with second by Cerny TO FINALIZE CHANGES TO HUNTING ACCOMPANIMENT 41:06:04 AS PROPOSED. Roll call: Cerny-yes; Cooper-yes; Jensen-yes; Knippling-yes; Peterson-yes; Sather-yes; Spies-no; Olson-yes. Motion carried with seven yes votes and one no vote.

#### Wildlife Rehabilitators Permit and Rules 41:09:18

Chad Switzer presented the proposed changes to create a new chapter for a formal process for temporary care of wild animals by a qualified provider. Switzer had a recommended change following review from Legislative Research Council and a wording change. Discussion included types of animals and number of interested providers.

1. Language change in 41:09:18:01.
2. Include language that identifies the exact version of the Minimum Standards for Wildlife Rehabilitation (4<sup>th</sup> Edition, 2012) within the Inspection of Facilities rule.

Motion by Cooper with second by Cerny TO AMEND WILDLIFE REHABILITATORS PERMIT AS RECOMMENDED. Motion carried unanimously.

Motion by Cooper with second by Peterson TO FINALIZE WILDLIFE REHABILITATION 41:09:18 AS AMENDED. Discussion included types of animals and age of providers. Motion was deferred until Friday morning.

On Friday morning, Chief Kirschenmann presented the Wildlife Rehabilitation proposal indicating the age of a licensed provider would be 21 and the definition of a

rehabilitator was better defined and the permit would specify the types of animals the rehabilitator could accept.

Substitute motion by Cooper with second by Cerny TO AMEND WILDLIFE REHABILITATION WITH A CHANGE TO 41:09:19:00 AS PRESENTED. Motion carried unanimously.

Motion by Cooper with second by Jensen TO FINALIZE WILDLIFE REHABILITATION 41:09:18 WITH BOTH AMENDMENTS. Motion carried unanimously.

#### Closure of Waters to Taking of Bait 41:09:04

Geno Adams presented the proposed changes with no recommended changes.

Modify 41:09:04:03 Waters open to taking of bait to include the East Vermillion River, the West Vermillion River and Firesteel Creek below Lake Mitchell in the list of waters that are closed to the commercial and noncommercial taking of bait.

Motion by Spies with second by Jensen TO FINALIZE CHANGES TO CLOSURE OF WATER TO TAKING OF BAIT 41:09:04. Motion carried unanimously.

#### Trapping Regulations 41:08:02

Keith Fisk presented the rules as finalized at the June meeting and IRRC reverted back for additional public comment. Fisk indicated the recommended changes were to clarify colony trap dimensions for round and square traps and guidelines for body grip trap restrictions. Public comment and questions about the types and features of traps and bait in the traps that were potentially harmful to hunting dogs were discussed along with the need and desire to have trappers assist with control of skunks and raccoons.

Amend the following administrative rules to read as follows:

41:08:02:06. Body grip trap restrictions. The following restrictions apply to the use of body grip traps commonly known as conibears:

- (1) No person may set or operate above the water's edge of a stream, river, or other body of water a body grip trap with a jaw spread greater than eight inches.
- (2) On all public lands and public road rights-of-way statewide, no person may set or operate a body grip trap when used in conjunction with any bait, lure, or scent with a jaw spread greater than six and three-quarter inches unless:
  - (a) The trap is recessed in a plastic, wood, or metal cubby a minimum of seven inches from the front edge of the cubby to the trigger of the trap; or
  - (b) The trap is set below the waters edge of a stream, river, or other body of water.

41:08:02:08. Restrictions on colony traps. The size of colony traps used for muskrats may not exceed 36 inches in overall length. If using a round colony trap, the diameter cannot exceed 12 inches. If using a box colony trap, the height may not exceed 12 inches nor may the width exceed 12 inches

Motion by Sather with second by Cerny TO AMEND TRAPPING PROHIBITIONS AS RECOMMENDED. Motion carried unanimously.

Motion by Sather with second by Cooper TO FINALIZE CHANGES TO TRAPPING PROHIBITIONS 41:08:02 AS AMENDED. Motion carried unanimously.

#### Hunting Season Proposals

##### Mountain Lion Hunting Season

On Friday morning, Tom Kirschenmann presented the recommended changes to the mountain lion season following a PowerPoint presentation by John Kanta and Andy Lindbloom on the lion population presented on Thursday afternoon.

Kirschenmann indicated the changes include an increase in harvest, move the start date forward a week to allow hunting over the holidays, land owner and non-landowners licensed hunters may hunt outside the Black Hills Forest Protection District, Custer State Park will have five intervals for access permits, and three one-week intervals in Custer State Park that allow hunting with dogs. Discussion included the 2011 harvest, the Wyoming harvest and season, the season dates, and the population estimates to reach management goals.

1. Increase the total mountain lion harvest limit from 70 to 100 and the female harvest limit from 50 to 70.
2. Change the season start date from January 1 to December 26.
3. Any properly licensed hunter (both landowners and non-landowners) may hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31.
4. Custer State Park is closed to mountain lion hunting except during established hunting intervals for 162 mountain lion licensees who possess a valid mountain lion license and a temporary access permit issued free of cost. This structure includes five (5) hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three (3) intervals (7 days in length) with each having 4 access permits (dog hunting allowed). The temporary access permits may be issued by a random drawing. See attached calendar for length and rotation of hunting intervals.
5. Make an allowance for the use of dogs during specified hunting intervals in Custer State Park.

Motion by Spies with second by Jensen TO PROPOSE CHANGES TO THE MOUNTAIN LION HUNTING SEASON AS RECOMMENDED (Peterson absent on Friday). Motion carried unanimously.

#### Division of Parks and Recreation

##### Angostura Concession Contract

Director Hofer and Sean Blanchette provided information about the trailer sewer project prior to presenting the request for approval to advertise the prospectus and outlined the proposed minimum requirements.

The Concession facilities have been appraised. The appraisal has been accepted by the current concessionaire, Angostura Resort Management, and a Settlement Agreement has been reached, the terms and conditions of which must be

met by any prospective concessionaire. The new concession requirements include a 10-year contract, 140 boat slips, cabins and lodge, food service, convenience store with bait and tackle, on-the-water fuel station, sanitary pump station, management of two private trailer courts, franchise fees, and a repair and maintenance reserve.

Motion by Knippling with second by Jensen TO APPROVE THE REQUEST TO ADVERTISE THE PROSPECTUS FOR NEW CONCESSION LEASE AT ANGOSTURA RECREATION AREA AS PRESENTED. Motion carried unanimously.

#### Angostura Private Trailer Sewer Project

Hofer indicated a consultant has been hired to do the first phase of engineering plans and an estimate for a system in both areas. This information will be shared with trailer owners in October, who will then be asked to provide earnest money prior to the upcoming Legislative Session. The Commission will be updated again as information becomes available.

#### 2013 Fees Review

Director Hofer indicated this is the time of year the Department is preparing a Fiscal Year Budget for 2014. Fees are an important part of the budget process and August is the time to review fees to consider adjustments that are necessary to balance the budget. Last year was a difficult year with flooding that resulted in a deficit; this year we are in much better condition than one year ago. There are needs to be addressed especially for projects that were put on hold from last year. Utility increases continue and have an effect on the budget process and there may be some modest fee adjustment proposals brought to the Commission in October.

If there is a need to make any adjustments, it would be a recommendation to raise the park entrance license from \$28 to \$30 and the second park entrance license would go from \$14 to \$15 with the combo at \$45. The Transferrable permit may be increased \$5 to \$65. Collectively those changes would annually generate about \$160,000 additional revenue. The last time the entrance fees were increased was 2009.

The group lodges fees will be also be reviewed as occupancy rates are very high and pricing should be kept competitive.

#### July Visitation and Revenue Report

Hofer indicated the July revenue is strong with a large increase in the park areas that experienced flooding last year. Camping units are on a record pace statewide and above the all-time high year of 2010. Visitation is up as well; however, July could have been better due to the extreme heat.

Chairman Olson called for a recess at 5:07 PM with meeting to resume at 8 AM the next morning same location. The meeting resumed at 8:01 AM on Friday, August 3 with Commissioners Olson, Knippling, Cooper, Spies, Jensen, Cerny, and

Sather present. Commissioner Peterson was absent. Secretary Vonk, staff, media, and public were present.

## Division of Wildlife

### Bighorn Sheep Auction Tag Proposal

Chief Kirschenmann presented the recommended changes to the Black Hills Bighorn Sheep Hunting Season following the presentation of the Bighorn Sheep Opinion Survey Results. Kirschenmann indicated the recommendation provides for a license to be available for auction if or when three licenses are allocated in the area outside of Custer State Park. Discussion included the Custer State Park rams are highly desired trophy rams, CSP rams do move out of the park, the importance of view ability of the rams, and would the auction tag be open to nonresident hunters.

Establish the process to designate one (1) Bighorn Sheep license for auction:

1. Annual designation of an auction license – The commission will designate one (1) bighorn sheep license to be used as an auction license providing at least three (3) total bighorn sheep licenses are issued. The third license will be the auction license.
2. Criteria for selecting an organization – A nonprofit organization devoted to providing big game management, preservation, propagation, habitat, and research may be considered for receiving the auction license by the commission on annual basis through resolution.
3. Application procedures and deadline – The applicant will submit to the department secretary an application letter detailing the federal nonprofit status, goals and objectives pertaining to big game management, and experience in fundraising and objective accomplishments related to big game management.
4. Selection process - The commission shall review all applications and determine the appropriate entity to auction the bighorn sheep license.
5. Execution and content of agreement – The applicant will notify the department of the successful bidder and the department will issue the license to that individual, the applicant will provide the department a report and proceeds of the auction which will be placed in a Bighorn Sheep Enhancement Account, the applicant will submit to the department the appropriate license fee, and the applicant may deduct a 5% conservation fee from the proceeds of the auction revenue.
6. Establish a license and fee for a Nonresident Bighorn Sheep license - \$750

Motion by Cerny with second by Spies TO PROPOSE CHANGES TO ALLOW FOR A BIGHORN AUCTION TAG AS RECOMMENDED. Motion carried unanimously.

Boating Officer Award was differed to another time.

### Mountain Lion Population Status Update

John Kanta provided a PowerPoint presentation providing history of lions and the hunting season, management plan objectives, and types of surveys used and currently ongoing.

Andy Lindbloom provided hunter success information, harvest rates and ratio, population estimates using two different type systems. The Jan 1, 2012, population

was estimated at 200-211 without kittens and the harvest information indicates an estimated kitten population of 100. The recommended 2013 harvest would bring the population estimate for 2014 to 180 and this would be within the management plan objective.

Lindbloom indicated staff are currently tracking over 40 lions with a total of 352 collared over the past several years. Research on lion and prey selection with SDSU indicates the ewe mortality had four lost to predation, 24% of lambs lost due to pneumonia die-off, and 21% from lions.

#### Elk Research Update

Lion feeding sites showed 80% were deer and about 7% for elk. The CSP elk project lost sixteen calves with twelve due to lions and the Unit 2 project lost eight calves with four due to lions.

#### Bighorn Sheep Opinion Survey Results

Dr. Cynthia Longmire presented the survey results indicating 93% or 4,426 of the bighorn sheep applications provided an email address and 55% of the applicants with an email responded. Of the 2,436 responses 72.4% felt it important or very important to have the opportunity to hunt bighorn sheep and agreed that groups should work together to manage bighorn sheep; agreed that habitat is key to increasing the herd; support moving bighorn from other states into disease-free areas of South Dakota to expand the population; and agreed that additional funds are needed. Support of having one auction tag as part of fund-raising efforts produced more of a split about 53% support, 36% oppose to strongly oppose the idea.

#### Lake Francis Case Paddlefish Snagging Season Summary

Geno Adams gave a PowerPoint presentation on the Lake Francis Case paddlefish snagging season beginning with the history and stocking of paddlefish. The 2012 snagging season was a success and he provided details of the angling efforts, catch rates, harvest, released paddlefish, and results of the Lower Brule Sioux Tribe tags.

#### Goose Hunter Recruitment Initiative

Chief Scott Simpson presented a poster drawing attention to the need for additional goose hunters. His staff pooled ideas to increase goose hunters and developed three objectives: 1) to advertise the resource, 2) promote the August Management Take season and to donate geese to the Sportsmen Against Hunger program, and 3) to encourage participation by making prizes available to those who introduce others to the hunting of geese.

Simpson indicated the posters were sent to license agents and emailed to 49,000 license holders, 24,000 migratory bird license holders, 15,000 mobile/smart phone users; news releases were sent to the media and on the GFP Website, and posted on Facebook. The thunderstorm map developed last year is on the Website again this year.

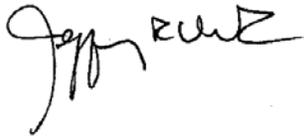
Olson indicated Sportsmen Against Hunter continues to work with the US Fish and Wildlife Service to determine possession limits for food banks beginning with the September season.

#### 2013 Fees Review

Director Tony Leif presented Hunting and Fishing License Revenue from resident and nonresident sales since 2009 with current dollars for 2012 and estimate sales for 2013. Leif also provided the price of the licenses since 1998 for both residents and nonresidents. Resident fees have not changed since 2005 except for the increase in mountain lion license (\$15 to \$25) in 2009. Nonresident fees were last changed in 2005 with the exception of deer and antelope fee increases in 2011. Leif indicated the Consumer Price Index shows an 18% increase in cost over the past 8 years and revenue has declined the past couple of years thus leading to a discussion of potential fee adjustments for 2013.

Motion by Knippling with second by Spies to adjourn the meeting and meeting adjourned at 9:48 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey R. Vonk". The signature is written in a cursive style with a large initial "J" and "V".

Jeffrey R. Vonk, Department Secretary

Public Hearing Minutes of the Game, Fish, and Parks Commission  
August 2, 2012

Public Hearing Officer Chuck Schlueter welcomed everyone to the Public Hearing at 2:03 PM. Schlueter indicated public testimony would follow the order of items 6-12 listed under Finalizations on the Commission Agenda. Those testifying today are asked to provide their name and address on the sign-in sheet for public record.

#### Duck Hunting Seasons

William J. O'Brien of Arden Hills, MN, wrote: "requesting consideration be given to changing the Low Plains South season to match the High Plains season adopted for the western part of South Dakota."

No oral testimony received.

#### Goose Hunting Seasons

Brian Liedtke of Glenham, SD, emailed: "Please consider extending Unit 2 north along the Missouri River to the North Dakota border. It could be bordered on the east by Highway 83 and bordered on the west by Highway 1806. We had geese by Mobridge all winter last year – we had open water in different spots that held them here. Give us an opportunity to hunt them; we might even push some of them south to the existing Unit two. By not allowing hunting along the Missouri up north, you are creating a large refuge that will hold more and more geese. We had thousands here last winter. The climate is changing. Hunting units need to change to accommodate this. Thanks for your consideration."

Neal W Pearson of Lake City, SD, emailed: "it would be a great benefit to all hunters if locker plants could process them without having a wing attached. Most are breasted out and they can be made into a lot of different kind of products. If this is already possible, then the hunters need to know that it alright. Thanks for your consideration of this proposal."

Scott Jamison of Wentworth, SD, emailed: "I would like to comment on two of the below proposals and thanks for the opportunity. I am strongly in favor of allowing zero magnification scopes on muzzleloaders. Although I haven't yet been lucky enough to draw a tag, I hope to in the future. I really haven't used open sights on any rifle since I was a kid and using something with a dot or crosshairs would make me much more accurate and thus much less likely to wound a deer. I am also strongly in favor of allowing small game hunters to accompany deer hunters. There are very few weekends to hunt deer and pheasants with family members, and this would give the opportunity more often. It's very difficult for me and my two sons to all draw deer tags in the same season and this way they can at least get an opportunity to come with me a few days and pheasant hunt; or vice versa."

Randy Hoff of Watertown, SD, emailed: "Please consider the use of electronic callers for fall snow goose hunting. I have hunted waterfowl in Saskatchewan for many years and witnessed the maturation of fall snow goose hunting regulations."

They began by allowing snow goose hunting with a e-caller by using only white goose decoys. (The fear was that you may harvest an occasional Canada goose.) They then evolved into allowing the use of blue goose decoys. You are not allowed to use Canada goose decoys when using the e-caller. Snow and Blue decoys only. The other input would be to allow the removal of your plug during the early Canada August management take season. I believe the goal in both of these cases is to harvest more geese."

#### Muzzleloading Restrictions

John Grentz of Pierre, SD, emailed: "About time! Anyone with bifocals can't see open sights clearly. Usually both front and rear sights are out of focus. It is time for scopes and red dot type optics. Muzzleloader season isn't supposed to be just for people with 20/20 vision! My .02 cents."

Rick Hanger of Sioux Falls, SD, emailed: "I would like to comment on the proposed changes to the muzzleloader season requirements. My concern lies with the possible changes in which type of sights are allowed. I feel that peep sights should be allowed. I think everyone would agree that a peep sight, while not considered an open sight, would still fall within the class of iron sights. Peep sights were commonly used on muzzleloaders throughout history. I do feel however that the modern sights such as red dots or holographic sights even without magnification fall outside the realm of what a muzzleloader season is all about, getting back to basics. The muzzleloader season was established and has been a season for hunters who wish to take on the challenges a muzzleloader requires. ie- intimacy with your equipment and your quarry.

Hunters wishing to use the more modern muzzleloader and optics certainly can do so during the regular firearms season. There is far too much emphasis in the hunting community these days on filling your tag from as far away as possible. The hunters in this state and the Game Fish and Parks have traditionally favored responsible and ethical hunting. Let's keep it that way. For those that wish to bag a deer at distance with a muzzleloader, let them do it during the regular season. Nothing prevents them from doing that. Please leave the current muzzleloader season as primitive. If not there will be a large influx of scoped up hunters in this season. I believe this may result in more wounded deer as hunters try to shoot at longer ranges because they can see better, but the ballistics of the weapons are not quite up to the optics."

Gene Cox of Mobridge, SD, emailed: "I feel that muzzle loader hunting is just that...a chance to step back into yesteryear and experience that type of hunt. As far as an "Advancement in muzzle loading technology" that is the modern hunting rifle. Since you are using the "past" to hunt with let us keep that spirit as well. I would not support the use of optics with the exception of the "peep" sight as those have been around for some time and offer optical advantage nor do I support the use of smokeless powders. Black powder or Black powder substitute only."

Skip Tillisch of Hill City, SD, emailed: "I am in favor of allowing the use of non-magnifying optics on muzzle loading rifles, and urge your support of the proposed

change. I am sixty-eight years old and did not hunt with my muzzle loader last year. Like most senior citizens, I could no longer see the sights clearly enough to make sure of making a killing shot. Presbyopia is a visual condition caused by hardening of the crystalline in the eye due to aging. This loss of variable focus power makes it difficult, if not impossible, to clearly see the rear sight, the front sight, and the target at the same time. A blurred sight picture makes it more difficult to make a clean kill. Allowing the use of non-magnifying optics will allow me to hunt with my muzzle loader again, and reduce the number of wounded animals.”

Greg Fuller of Fort Pierre, SD, emailed: “I would like to go on record as supporting the changes as proposed. I am particularly supportive of allowing peep sites.”

Bill De Lay of Parker, SD, emailed: “I think the proposed recommendations for modifying muzzleloader restrictions are a very good idea as the need is there and the time is now. As an over 50 sportsman with eyes in the bifocal range it would be much more ethical to allow the use of better sighting systems for much more accurate shot placement in the taking of game. This would be better for the deer and the hunter allowing more to hunt longer in life and still ethically kill game. I have actually discussed this with my local game warden in the past and am glad to see the commission is considering these proposals.”

Tim Millburn of Rapid City, SD, emailed: “I'm all for it! Peep or aperture sights have been on muzzleloaders almost since their invention. The new "no magnification" optics are a boon for those of us with aging eyesight. Substitute powders in granular form are no quicker to load than real black powder. With these few advances you still must load from the muzzle end and one shot kills are still the attainable goal. Please adopt these new rules, Thank You”.

Craig Chilson of Rapid City, SD, emailed: “In my view you are going in the wrong direction with muzzleloader rules. I believe this should be a primitive hunt and would support only black powder with patched round ball's or even patched round ball and flintlock only. For the record I do not own a flintlock and I do own an inline.”

Greg Olsen of Sioux Falls, SD, emailed: “Two comments on the proposed muzzleloading changes. First, I am opposed to the use of telescopic and peep sites. Secondly, I am also opposed to the use of smokeless powder. Hunting with muzzleloading firearms is about tradition. Yes, I can agree that the use of the proposed sites would insure a better quality shot, however, I believe in the use of skilled hunting techniques which I view as a "lost art" when it comes to hunting in general. There are enough rifles and scopes to go around during those seasons. Please consider leaving the muzzleloading season as an historical approach to hunting. Vote no on the use of telescopic sites and the use of smokeless powder.”

Chris Mayer of Rapid City, SD, called indicating his support for the proposed changes for sights during the muzzleloader season.

Scott O'Donnell of LaBolt, SD, emailed: “Regarding the proposed amendments to section 41:06:04:14; I support the proposed amendment to allow for sights to muzzleloaders, such as red-dot sights with no magnification. I feel that this

type of sighting system would allow for better shot placement, thus allowing the potential for a cleaner kill and less suffering on the animal.”

Bruce Schroeder of Brandon, SD, emailed: “I read with interest the new proposed guidelines for muzzle loaders. The guidelines say that a one-power scope is permitted. However, a Scheel's salesman tells me that no such thing exists. If this is correct, that guideline would be of no value.”

Oral testimony:

Bob Lee of Watertown, SD, testified that he has iron sights and with bifocals these are hard to work. He believes sights should not need more than four power to get the animal in close enough for a kill.

Don Weber from Milbank would like to see things stay the same with the old iron sights. He would like for an early muzzleloader season before the Black Hills season and December 1<sup>st</sup> would help a lot, as other hunters have chased the deer. He would like a week before the west river rifle season begins.

#### Hunting Accompaniment

Scott Jamison of Wentworth, SD, emailed: “I am also strongly in favor of allowing small game hunters to accompany deer hunters. There are very few weekends to hunt deer and pheasants with family members, and this would give the opportunity more often. It's very difficult for me and my two sons to all draw deer tags in the same season and this way they can at least get an opportunity to come with me a few days and pheasant hunt; or vice versa.”

No oral comments were received.

#### Wildlife Rehabilitators Permit and Rules

No oral or written comments were received.

#### Closure of Waters to the Taking of Bait

No oral or written comments were received.

#### Trapping Regulations

Diane Rieck of Humboldt, SD, emailed: “Proposed change 41:08:02:06 is not acceptable. It would eliminate all 330 beaver trapping under ice, and all beaver trapping in water. I feel it needs to be better thought out on restrictions. I would recommend that it not pass as proposed.”

Larry W. Bowden President of Western South Dakota Fur Harvesters Association wrote: “Our organization would like to inform you that we support the SD GF&P proposed change of 220 conibear trapping on public land and road right of ways...We feel that this change is in the best interest of trappers and other individuals who use public lands.”

Jim Gruber of Estelline, SD, emailed: “...i love trapping as much as anyone, but these things are not the way to go... buckets only attract dogs, cattle, and all domestic animals from scent and curiosity... and 7 inches is not going to do anything worth while.. Submerged or above the ground is the only way to go.....”

Brian Reynolds of Monroe, SD, emailed a ten-page document about body grip traps on July 31<sup>st</sup> stating: "Please include the attachment as evidence to reject the body grip trap restriction. The wildlife division has failed to show that the majority of our pheasant, trappers, or Ag producers support the restriction. In addition we have legislative mandates which this restriction violates".

Brain Reynolds sent an email on July 29<sup>th</sup> stating: "...I ask that the commission reject all the current trapping proposals before them today. I also ask that the commission reject any further trapping restrictions that may come before them in the future that may effect our ability to earn a livelihood, and also to repeal all existing rules that undermine our ability to earn a livelihood either as an ag producer or as a trapper."

Brian Reynolds sent an email on July 31<sup>st</sup> stating: "Not so fast. What the Wildlife Division is saying in this proposal is that they are concerned about the welfare of dogs (which are a domestic animal) and that they want a rule to protect and provide for the welfare and safety of these hunting dogs. Since a hunting dog is an animal, the Wildlife division is saying that they are trying to provide for the welfare of animals. ... Please reject this proposal and defer this decision to the legislature."

Kevin Parmely of Huron, SD, emailed: "After attending and testifying before the rules review committee meeting on 7/10/2012 I still have concerns and opposition to the way the proposed rule change for the Body Grip Trap Restrictions 41:08:02:06 is written. As per the directive given by the rules review committee the rule was rejected and sent back because it was to confusing and it was stated that it needed to be crystal clear. The Game, Fish, and Parks have not changed anything in the writing of the rule as far as I can tell. It is still very confusing and leaves open a lot of grey area allowing for different interpretations of the rule as written. This proposed rule needs to be killed. The proposed rule for the restrictions on colony traps 41:08:02:08 has been rewritten since the rule review meeting and is very well written and is crystal clear now."

Myron E. Simons of Huron, SD, emailed: "I am writing not to argue the 7 inch setback in cubbys, but to question the wording in paragraph 2. In reading paragraph 2, it clearly states that a body grip (36 sq. in. +) used in conjunction with bait must be recessed. It does not address in or out of water. This seems to me to make a castor mound set with a 330 illegal, or, even an under ice set with a poplar branch for bait on a 330 illegal as well. This would greatly restrict the taking of beaver. The next question I would like to ask is about the 36 sq. inch opening. Is it your intention to make #160 conibears subject to the 7" setback also? I have 2 different brands of #160s, and each has at least one measurement in excess of 6". This is because of the scissor action of the jaws; one has to fit inside the other. It would be a shame for an over zealous Conservation Officer to issue citations because your intent was not clearly stated. Please give consideration to adding more clarity to this rule."

Oral testimony:

Richard Smith of Hamlin County indicated he supports the way it is written now and wants to see more use of public lands. Knew of a couple of incidents were dogs were caught on public land and private land should have better control. This is a step in the right way and supports this and trapping in general.

Kevin Parmely stated this is a lot better than what was before the rules committee and needs a little more tweaking. The thing about the 220 is that it is the one trap that harvests coon, skunks, badgers, possums and these are trapped in SD and 80% with the 220 trap. This is important to the trappers and assists with pheasant population and brings in more hunters and revenue to SD. This is the main tool to take predators. The rule here talks about on all public lands and road-right-of-ways greater than 6 inches and 160 are bigger than 6 inches provided handout to commissioners on types of traps.

Richard Pearson of Webster, SD, testified and is here to say the proposal as drafted is fair and reasonable and there are alternatives available on the internet and are effective. He focused on public land and reasonable time frame.

Kerry Hanson of Columbia, SD, testified two incidents where dogs were killed in the state and the conibears are number one choice of trap for coon and skunk which are the biggest nest raiders of pheasants. Without question the most economical way to harvest coon and skunks on roadways.

Jeff Clark, Director of the SD Trappers Association stated he likes the rule change and questions the 6x6 and excluding the 160 conibear trap. SDTA stresses ethics for the good of trapping and he supports the changes.

Kevin Parmely again "definitely do not agree with law and the issue with putting the bait lure and scent on conibear box and nothing will put its head in a box without bait. Better rule or throw and go back to original law.

Exert from June 7 Public Hearing:

*Trapping Prohibitions*

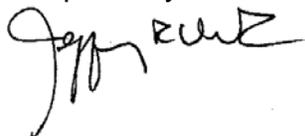
*Paul Draper of Bristol, SD, emailed: "I am a serious trapper. A member of the NATA and SDTA. I applaud banning baited #220 conibear on public lands. All conscientious trappers agree accidental dead-dogs are not acceptable collateral damage. Sadly, some inconsiderate trappers ignore potential hazards."*

*Jared Petersen of Tea, SD, emailed: "Please do not allow 220s to become restricted on public land. About 5 years ago there was a bill in the Capitol that was very similar to what is going on here. It was defeated by a large number! I believe that the GFP Commission needs to honor the intent of the folks that represent our state as was done in the Legislature several years ago. The people spoke at that time, and the message was --do not restrict 220s!!!! Who cares about a feral cat? I see hundreds of them every year, which eat our birds and other wildlife. GFP needs to honor the folks decision in the Capitol and leave our 220s alone!"*

*Brian Reynolds of Monroe, SD, emailed to express opposition to the restricted use of body grip traps on public land and ROW's.*

*No oral testimony was received.*

Respectfully submitted,



Jeffrey R. Vonk, Department Secretary