

Minutes of the Game, Fish, and Parks Commission  
June 4-5, 2015

Chairman Cooper called the meeting to order at 8:02 a.m. CDT at the Ramkota RiverCentre in Pierre, South Dakota. Commissioners John Cooper, Cathy Peterson, Barry Jensen, Gary Jensen, Duane Sather, W. Scott Phillips, and H. Paul Dennert were present. Commissioner Jim Spies was absent. Department Secretary Kelly R. Hepler was present along with approximately forty public, staff, and media.

## **DIVISION OF ADMINISTRATION**

### **Approve Minutes**

Chairman Cooper called for additions or corrections to the May 7-8, 2015, minutes or a motion for approval.

Motion by Peterson with second by Dennert TO APPROVE THE MINUTES OF THE MAY 7-8, 2015, MEETING AS PRESENTED. Motion carried unanimously.

### **Additional Commissioner Salary Days**

Chairman Cooper called for additional salary days by requesting two days for a Prairie Potholes meeting and tour near Leola, South Dakota.

Motion by Gary Jensen with second by Barry Jensen TO APPROVE THE ADDITIONAL SALARY DAYS AS REQUESTED BY COOPER. Motion carried unanimously.

### **License list requests**

Director Chris Petersen presented a license list request from Dave Ciani of High Prairie Lodge & Outfitters, Whitewood, South Dakota. The request is for a list of the 2015 non-resident waterfowl license holders to promote his lodge and business and is a full fee request.

Motion by Sather with second by Gary Jensen TO APPROVE THE LICENSE LIST REQUEST FROM DAVE CIANI AS PRESENTED. Motion carried unanimously.

### **FY16 Budget**

Director Petersen provided the updated FY16 Budget for the Department that reflected the salary package approved by the 2015 Legislature. The information included the impact on the budget authority, health insurance, insurance on state buildings, and the number of full time employees (FTE). Petersen indicated the Department overall FY16 Budget is \$83,554,451 with 568.4 FTE and breaks down with the Division of Administration budget at \$3,327,793 with 20.1 FTE; Division of Parks and Recreation Operations Budget at \$22,273,361 with 244.2 FTE; Parks Capitol Development Budget at \$8,212,500; the Division of Wildlife Budget at \$47,239,618 with 295 FTE; Wildlife Capitol Development Budget of \$1,130,000; and the Snowmobile Trails Budget of \$1,371,179 with 9.1 FTE.

Director Petersen indicated the Division of Wildlife Operations Budget and Capitol Development Budget along with the Snowmobile Trails Budget require Commission action and requested approval of the three budgets as presented.

Motion by Barry Jensen with second by Duane Sather TO APPROVE THE DIVISION OF WILDLIFE OPERATIONS BUDGET OF \$47,239,618; THE DIVISION OF WILDLIFE CAPITOL DEVELOPMENT BUDGET OF \$1,130,000; AND THE SNOWMOBILE TRAILS BUDGET OF \$1,371.719 AS PRESENTED. Motion carried unanimously.

Secretary Kelly Hepler provided an update from the Commission Governance meeting in May indicating processes are in development to assist with active and effective involvement of the public. The development of work groups for management plans are underway; and he recommended the forming of a Commission Budget Committee to assist with the FY17 Budget process scheduled to begin in July.

Later in the day, Chairman Cooper indicated he had visited with Commissioner Peterson and Gary Jensen at the lunch break and appointed the Chairman, Vice Chairman, and Gary Jensen to the Commission Budget Committee.

Chairman Cooper provided an update on the Fire Bill U. S. Senator Thune introduced regarding prescribed burns and that discussions are ongoing. Cooper indicated a formal letter of comment has been prepared for when the comment period opens regarding this Fire Bill.

## **OPEN FORUM**

Chairman Cooper opened the meeting for comments from the public about matters other than items listed on the agenda under Finalizations. No persons came forward.

## **PROPOSALS**

### **Archery Antelope Hunting Season**

Chad Switzer presented the season dates, open area, licenses, requirements, and restrictions for the Archery Antelope Hunting Season including five years of harvest and success information. There were no recommended changes from the Department and the season would remain the same for two years unless extenuating circumstances require Commission action for change next year. No action was required or taken.

### **Firearm Antelope Hunting Season**

Switzer presented the season dates, open area, licenses, requirements, and restrictions for the Antelope Hunting Season along with harvest and success rates for five years. Switzer indicated the aerial survey would be completed by June 15 and information will be presented next month. Recommended changes were to adjust the number of licenses primarily in Pennington, Fall River, and Perkins Counties. These changes would begin the two-year rotation to review this season.

1. Offer resident hunters 75 more one-tag licenses (75 tags) and 125 more two-tag licenses (250 tags) than 2014.
2. Offer nonresident hunters 1 more one-tag license (1 tag) and 5 more two-tag licenses (10 tags) than 2014.

Motion by Phillips with second by Dennert TO PROPOSE CHANGES TO ANTELOPE HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

### **Custer State Park Antelope Hunting Season**

Switzer shared the season, dates, licenses, requirements, and restrictions for the Custer State Park Antelope Hunting Season along with harvest and success information. There were no recommended changes to the season and no action was required or taken.

### **Sage Grouse Hunting Season**

Chad Switzer stated the Sage Grouse Hunting Season is currently closed and then provided the Sage Grouse Lek Survey Results since 1990. Switzer indicated there were no recommended changes to the season. Discussion about the U.S. Fish and Wildlife Service status on a decision to list the Sage Grouse as threatened or endangered later this year. No action was needed and no action was taken.

### **Fall Turkey Hunting Season**

Switzer presented the season dates, licenses and areas, requirements and restrictions along with five years of harvest and success rates for the Fall Turkey Hunting Season. Switzer indicated the Wild Turkey Management plan revisions are underway. The recommended changes included an adjustment of licenses and to modify the boundary of Unit NE1. Discussion began about depredation, sports groups concerns about the population and the fall season, and recruitment. Action was deferred until Friday morning to allow staff and Commission time to consider modifying the number of Black Hill licenses.

On Friday morning, the Commission returned to the Fall Turkey Hunting Season and Tom Kirschenmann referenced the map showing the fall turkey units and that landowners on the east and north side of the Black Hills Fire Protection District and the east side of Custer State Park have depredation issues. All tools including trap and transfer of turkeys and directing turkey hunters to these areas are being utilized. Kirschenmann provided history of the reduction of licenses available in the Black Hills Unit 1.

1. Offer 100 more one-tag licenses for resident hunters on the East River Prairie Units.
2. Modify Unit NE1 to include those portions of Marshall County south and east of South Dakota State Highway 25 and north of South Dakota State Highway 10 and Roberts County north of South Dakota State Highway 10 (see attached map).
3. Offer 250 fewer one-tag licenses for attached hunters (500) and 20 fewer non-resident (40) one-tag "any turkey" licenses in unit BH1.

Motion by Dennert with second by Sather TO PROPOSE THE ABOVE CHANGES TO FALL WILD TURKEY HUNTING SEASON. Motion carried unanimously.

### **Youth Waterfowl Hunting Season**

Chief Tom Kirschenmann presented the season dates, open area, daily limit, possession limit, requirements, and restrictions for the Youth Waterfowl Hunting Season. The Department had no recommended changes. No action was needed or taken.

### **Early Fall Canada Goose Hunting Season**

This proposal was held until after Finalizations. Chief Kirschenmann presented the season dates, open area, daily limit, possession limit, requirements, and restrictions. The recommended change modifies boundaries providing a metro unit to assist with Canada goose issues and was developed by working with the City of Sioux Falls and airport personnel to define this area.

Amend 41:06:16:07 to modify the boundaries of Units 1 and 2 by adding those portions of Lincoln and Minnehaha counties within a line beginning at the junction of the South Dakota-Minnesota state line and Minnehaha County Highway 122 (254th Street) west to its junction with Minnehaha County Highway 149 (464th Avenue), south on Minnehaha County Highway 149 (464th Avenue) to Hartford, then south on Minnehaha County Highway 151 (463rd Avenue) to State Highway 42, east on State Highway 42 to State Highway 17, south on State Highway 17 to its junction with Lincoln County Highway 116 (Klondike Road), and east on Lincoln County Highway 116 (Klondike Road) to the South Dakota-Iowa state line, then north along the South Dakota-Iowa and South Dakota-Minnesota border to the point of beginning, to Unit 2.

Motion by Peterson with second by Gary Jensen TO PROPOSE CHANGES TO EARLY FALL CANADA GOOSE HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

### **Threatened and Endangered Species Listings**

Eileen Dowd-Stukel presented a PowerPoint on the assessment and delisting process (see later in these minutes). Chief Tom Kirschenmann presented the recommended change to remove the bald eagle from the state list of threatened birds. The management goal for bald eagles in South Dakota is 25 active nests per year for five years. Currently, the estimated number of active nests in South Dakota is 140-150 using nest monitoring and aerial surveys since 2012; and this is a conservative estimate because some nests are in remote locations and cannot be monitored.

Kirschenmann stated that should the Commission accept the recommended change the requirements for public notice for this change is a 30-day public comment period, and there are not enough days before the next meeting, so final action on this would come before the Commission at the August meeting.

Remove the bald eagle from the list of state threatened birds (41:10:02:02).

Motion by Sather with second by Phillips TO PROPOSE CHANGES TO STATE THREATENED AND ENDANGERED SPECIES LISTINGS AS RECOMMENDED. Motion carried unanimously.

### **Custer State Park Road Restrictions**

Matt Snyder presented current regulations for hunting restrictions for elk and deer near roads and buildings within Custer State Park. The recommended change will

assist with the preservation of watchful wildlife for the visiting public and will keep the hunters off the road potentially deterring the animals away from the roads in the park. This change will address any potential conflict from the public watching the wildlife or witnessing a hunter take an animal from the road. The recommended change will standardize the restriction for hunting adjacent to roadways in Custer State Park to 200 yards for all big game: antelope, deer, elk, and turkey.

Amend 41:06:07:10 as follows: Hunting restrictions near roads and buildings. With the following exception, the area within the boundaries of Custer State Park is open to hunting during any open season. No person may hunt any big game species within 200 yards of any public access road or building in Custer State Park.

Motion by Dennert with second by Barry Jensen TO PROPOSE CHANGES TO CUSTER STATE PARK RESTRICTIONS AS RECOMMENDED. Motion carried unanimously.

## **DIVISION OF PARKS AND RECREATION**

### **Lewis and Clark Resort Concession Lease**

Sean Blanchette indicated that the owners of Lewis and Clark Resort, Jeff and Judy Wahl, have submitted their intent to sell the resort and relinquish their rights in the concession lease. In accordance with the 1990 version of the Concession Lease rules to which the current lease is subject, they have established their sale price for the facilities and personal property at \$3,707,262. Blanchette provided history of the current concession lease, past improvements, current level of services, current lease fees, and a description of the buildings and personal property that would be included for sale in the prospectus.

Blanchette indicated that the Department has developed a prospectus for the sale of the resort assets and the issuance of a new concession lease. The recommended terms of the draft concession lease are to carry forward the existing levels of service and maintenance responsibilities, a continuation of the current lease fee structure of a 5% Franchise Fee and a 3% Promotion Fee with the addition of a 2% Repair and Maintenance Reserve.

Blanchette also presented a settlement agreement between the Department and the concessionaire. The Settlement Agreement details the terms of sale that all interested parties would have to agree to in response to the prospectus, and contains an asset list and list of intangibles to remain with the future resort operator after sale.

Blanchette recommended the approval of the settlement agreement and the authorization to advertise the prospectus based on the terms and conditions of the draft lease as discussed with the commission. Discussion included improvements and current condition of facilities and grounds.

Motion by Gary Jensen with second by Peterson TO APPROVE THE SETTLEMENT AGREEMENT WITH JEFF WAHL OF LEWIS AND CLARK RESORT CONCESSION AND GIVE THE DEPARTMENT AUTHORIZATION ADVERTISE THE PROSPECTUS AS RECOMMENDED. Motion carried unanimously.

### **Mt. Rushmore Trail EIS**

Director Doug Hofer shared that the “scope of work” to conduct an Environmental Impact Statement (EIS) for identified areas to develop a spur trail from the Mickelson Trail to Mt. Rushmore has been completed and agreed upon by the U.S. Forest Service and the U.S. Park Service. Hofer outlined the funding for the EIS and that a contract with consultant, HDR, is in final form and in Denver awaiting approval of the U.S. Forest Service. The U.S. Forest Service will have oversight of the project and work will begin upon approval of the contract.

### **Good Earth State Park update**

Director Hofer indicated the Good Earth State Park update would be provided at the July meeting.

### **Parks Revenue and Camping Reservations**

Director Hofer stated the January to May 2015 Revenue is up 3% while camping reservation revenue is up 6% with the busy months of June, July, and August still ahead. Camping occupancy is up 11% over the same January to May months in 2014, probably due to the mild March and April weather.

### **Miscellaneous updates**

Hofer reminded the Commission about the Fort Sisseton celebration and that Secretary Hepler and Lt. Governor Michels would be attending the celebration and flag dedication ceremony.

## **DIVISION OF WILDLIFE**

### **Adopt the Black Hills fisheries management plans**

Chief John Lott provided a brief history of the process used to develop the Black Hills stream and reservoirs management plans and the public comment period. Lott believes there is a need to engage the public to assist with the objectives and to develop and implement the plan. Plan overviews were handed out and will be posted on the website. Commissioner comments included public perception, a good process, and a good product and plan.

Motion by Gary Jensen with second by Phillips TO APPROVE THE FISHERIES MANAGEMENT PLAN FOR BLACK HILLS STREAMS 2015-2019 and THE FISHERIES MANAGEMENT PLAN FOR BLACK HILLS RESERVOIRS 2015-2019. Motion carried unanimously.

### **Mountain Lion Plan Extension**

Chief Tom Kirschenmann presented the Mountain Lion Management Plan with history indicating the current plan was revised in 2010; and was a very comprehensive plan. The changes and additions to the plan since 2010 were outlined including the population goal, harvest strategies, access, permits, research, education of staff and public, and public input.

Kirschenmann stated that looking forward to current development of management plans and the need for a comprehensive deer management plan; the Department requested the Commission consider a two-year extension of the current mountain lion management plan through 2017. The opportunity to modify the plan according to current conditions remains in place as it is now. Kirschenmann indicated the president of the Prairie Hills Audubon Society is aware of this request.

Motion by Barry Jensen with second by Peterson TO APPROVE THE TWO-YEAR EXTENSION OF THE MOUNTAIN LION MANAGEMENT PLAN THROUGH 2017 AS REQUESTED. Motion carried unanimously.

### **Depredation Hunts Resolutions**

Keith Fisk presented Resolution 15-05 for Commission consideration to continue allowing depredation hunts for deer, antelope, and turkey as needed to assist landowners for the next three years. Fisk provided background and history of the pool of hunters contacted and used for these hunts. The resolution provides guidelines for the use of the depredation pool permits authorized by the Secretary of Game, Fish, and Parks or his designee. Discussion included the number of permits for the different species in this resolution and a modification was made to add 'per species' in the parenthesis in paragraph four.

Motion by Dennert with second by Sather TO APPROVE RESOLUTION 15-05 AS MODIFIED (Appendix A). Motion carried unanimously.

Keith Fisk presented Resolution 15-06 for Commission consideration to allow the use of elk depredation hunts utilizing licensed elk hunters that were unsuccessful in the problem areas with a focused approach to the problem. This approach works well for hunters and landowners within the Prairie Unit.

Motion by Sather with second by Barry Jensen TO APPROVE RESOLUTION 15-06 AS PRESENTED (Appendix B). Motion carried unanimously.

### **Land Acquisitions**

Paul Coughlin presented information on a potential land acquisition in Yankton County to add 175 acres containing 80-90 acres of wilderness to the Ulmer Game Production Area with expected closing in December of 2015.

Coughlin shared information on a potential purchase of 160 acres in Day County for a Game Production Area with possible closing in August 2015.

Coughlin shared the desire to dispose of two tracts of property totaling half an acre on Clear Lake in Marshall County due to encroachment issues. The adjacent lot owners have been contacted about a possible public auction to dispose of these tracts. The Commission may be asked to consider a resolution in the next couple of months to move this action forward.

### **Threatened and Endangered Species Assessment and Delisting Process**

Eileen Dowd-Stukel presented a PowerPoint Presentation indicating there are state and federal laws that define non-game species, threatened species, and endangered species. These laws also define the responsibilities of the Department Secretary of Game, Fish, and Parks and the Department of Agriculture and the

responsibilities of the GFP Commission. The laws determine what species are listed and conditions that would allow for the capture or destruction of any listed species should there be a health or public safety issue. The penalty for violations are included in these laws.

The state laws and the federal laws are different; and the state list and the federal list of threatened and endangered species are different as are the processes to determine listing and delisting of a species.

The Wildlife Diversity and Natural Heritage Program staff is conducting status reviews for all of the state listed species and is working with other states about processes used to develop review criteria, locate experts for a species, and draft reviews and recommendations before implementing actions for recovery of state listed species.

Chairman Cooper called a recess at 11:50 a.m. for lunch with meeting to resume at 1 p.m. The meeting resumed at 1:06 p.m. with Commissioners Cooper, Peterson, Jensen, Jensen, Sather, Phillips, and Dennert present along with Secretary Hepler, media, staff and public numbering about fifty.

### **Sportsmen Against Hunger**

Chief Kirschenmann presented an overview of the 2014 Sportsmen Against Hunter Report showing donations of deer, antelope, and Canada goose. Funding and expenditure information was included. Jeff Olson thanked the Commission for continued support to provide this source of protein to food banks and folks across South Dakota. Olson indicated the license check-off donations and the GFP contribution helps support the contract with Ron Fowler, processors certificates, and getting the meat product to food banks. Olson requested continued support for the Sportsmen Against Hunger program.

Motion by Peterson with second by Phillips TO CONTINUE SUPPORT IN 2015 TO SPORTSMEN AGAINST HUNTER UP TO \$50,000. Motion carried unanimously.

### **Fish spawning and stocking plans**

Will Saylor provided a handout of the 2015 Annual Technical Fish Stocking Report and indicated 7.16 million perch eggs were collected this spring and 75 million walleye eggs were collected. The collected eggs will meet the priority stocking requests and some of the secondary requests. Saylor indicated the Atlantic Salmon stocking has not taken place as the U.S. Fish and Wildlife Service was not able to fill our request and due to importation criteria the process to get eggs from the United Kingdom.

### **License List drawings**

Scott Simpson presented a PowerPoint presentation on the preference point system for deer, antelope, paddlefish, and turkey licenses and outlined the modification to add a second tier for those with 2+ years of preference to the current system. The pros and cons of the modification were discussed and the consensus from the Commission was to make the changes and report back.

Chairman Cooper called for a short recess to allow the public wishing to comment on the non-waterfowl licenses to sign up before the public hearing began.

## **PUBLIC HEARING**

The meeting resumed and the Public Hearing began at 2 p.m. and concluded at 3:53 p.m. The public hearing minutes follow the regular meeting minutes.

Chairman Cooper stated the Commission would take action on Finalizations on the next morning.

Secretary Helper thanked the public for their comments during the non-resident waterfowl license process. Hepler thanked the Commission for their work on this issue and the opportunity for the public to provide comment at several meetings.

## **Shooting Preserves**

Janelle Blaha provided an update on the private shooting preserves showing ten years of information and the number of preserves, pheasants released and harvested, and the number and size of preserves operators.

## **Missouri River fishing outlook**

Hilary Meyer presented a PowerPoint showing hydro-acoustics, warm and cold water prey fish, walleye abundance estimates, creel survey information, angler satisfaction, and research projects on Lake Oahe, Lake Sharp, Big Ben Lake, and Lewis and Clark Lake.

## **Leadership development program**

Cindy Longmire provided a history of the wildlife leadership program and indicated the Wildlife Management Institute identified the need for leadership training. A program has been developed that includes online career development through the South Dakota Bureau of Human Resources for all state and department employees. The Wildlife Leadership program consists of five 2-day workshops with several presenters on a range of topics developed by a five-person committee for an established learning outcome. There will be staff evaluations following the classes to assist with future courses and participants.

## **License sales report**

Scott Simpson presented the License Sales Report ending May 28, 2015, indicating an increase in sales for the similar timeframe last year. Simpson also showed five years of East and West River Special Buck, Archery Paddlefish, Paddlefish Snagging, Black Hills Bighorn Sheep, and Mountain Goat license applications and that all had over ninety percent of the applications submitted online.

## **Miscellaneous updates**

Director Leif indicated the elk license draw is complete and that the mild spring weather was good for pheasants.

Chairman Cooper called a recess at 5:09 p.m. with meeting to resume at 8:30 a.m. the next morning.

The meeting resumed at 8:30 a.m. the next morning with Commissioners Cooper, Peterson, Jensen, Jensen, Sather, Phillips, and Sather present along with Secretary Hepler and public, staff, and media numbering about thirty.

## **FINALIZATIONS**

Chief Tom Kirschenmann presented information on the 9-day antlerless deer extended season showing a map of the areas open for the extended season in 2015 and shared the hunter and harvest statistics. Kirschenmann indicated this season is a tool used to obtain harvest consistent with the management objectives determined in the current deer management plan process, which uses surveys to get public input.

Commissioner Phillips provided his comments that included the number of days open to deer hunting, his concern that the 9-day extended season allows the take of bucks that have shed their antlers, his concern about "landowner fatigue", trespass concerns, no need to hunt over Christmas and New Year's Day holidays, that staff are split on support for the season, the number of public comments received, his desire to pick a different week and he supported the week after the regular season or take a doe first license, and he asked the Commission for support to change the season.

Commissioner Peterson recognized Phillips concerns, and yet felt there are different considerations for East River than West River, and believes the 9-day extended season is a tool for east river sportsmen and landowners. This season helps families fill their meat needs and believes it could be earlier in the year.

Dennert shared his concern about having a different extended season for East River than West River. He stated his appreciation for the opportunity to hear public comments on this and realizes there are access concerns in central South Dakota due to the pheasant season.

Barry Jensen agreed with Phillips about "landowner fatigue" which includes the pheasant season. He is ok with the extended season as a management tool and believes there are other depredation tools available when and where needed.

Discussion continued on staffing and law enforcement concerns with date changes and if there was an East River extended season and no West River extended season.

### **East River Deer Hunting Season 41:06:21**

Chief Tom Kirschenmann presented the proposed changes to the East River Deer Hunting Season along with a recommended change to retain the 9-day antlerless season for deer population management to meet management objectives.

Motion by Sather with second by Peterson TO AMEND THE PROPOSAL TO RETAIN THE 9-DAY ANTLERLESS DEER SEASON THAT BEGINS ON THE SATURDAY FOLLOWING CHRISTMAS. Roll call vote: Dennert-no; Barry Jensen-yes; Gary Jensen-yes; Peterson-yes; Phillips-yes; Sather-yes; Cooper-yes. Motion carried with six yes votes and one no vote.

1. Offer 250 less one-tag licenses and 1,050 more two-tag licenses (2,100 tags) compared to 2014.
2. Establish Unit ERD-07B as an antlerless deer unit within Yankton County described as that portion of Yankton County south of SD Highway 50 and west of US Highway 81.
3. Retain the 9-day antlerless deer season that begins on the Saturday following Christmas.

Motion by Sather with second by Barry Jensen TO FINALIZE CHANGES TO EAST RIVER DEER HUNTING SEASON 41:06:21 AS AMENDED. Roll call vote: Dennert-no; Barry Jensen-yes; Gary Jensen-yes; Peterson-yes; Phillips-yes; Sather-yes; Cooper-yes. Motion carried with six yes votes and one no vote.

### **West River Deer Hunting Season 41:06:20**

Chief Kirschenmann presented the proposed changes to the West River Deer Hunting Season with the recommendation to retain the 9-day extended antlerless season. Discussion ensued retaining the extended season to allow for the development of the management plan.

1. Adjust resident license numbers by decreasing one-tag licenses by 250 compared to 2014.
2. Adjust nonresident license numbers by decreasing one-tag licenses by 20 compared to 2014.
3. Adjust the season dates for Unit WRD-30A (Gregory County) and Unit WRD-50A (Mellette County) as described: The season in these units are open for four consecutive days beginning on the Saturday nineteen days prior to Thanksgiving and for seven consecutive days beginning on the Monday three days prior to Thanksgiving.
4. Adjust the season dates for Unit WRD-20A (Corson County), WRD-24A (Dewey County), and WRD-64A (Ziebach County) from being open for 23 consecutive days beginning on the first Saturday of November to the regular season dates of sixteen consecutive days beginning on the Saturday twelve days prior to Thanksgiving.
5. Change county name of Unit WRD-65A from Shannon County to Oglala Lakota County.
6. Eliminate the 9-day antlerless deer season that begins on the Saturday following Christmas.

Motion by Phillips with second by Gary Jensen TO FINALIZE CHANGES TO THE WEST RIVER DEER HUNTING SEASON 41:06:20 AS PROPOSED. Motion carried unanimously.

### **Black Hills Deer Hunting Season 41:06:19**

Chad Switzer presented the proposed changes to the Black Hills Deer Hunting Season with no recommended changes to proposal.

Offer 500 more resident "Any Whitetail" deer licenses and 40 more nonresident "Any Whitetail" Deer licenses.

Motion by Peterson with second by Sather TO FINALIZE CHANGES TO THE BLACK HILLS DEER HUNTING SEASON 41:06:19 AS PROPOSED. Motion carried unanimously.

### **Refuge Deer Hunting Season 41:06:36**

Switzer presented the proposed changes to the Refuge Deer Hunting Season with the recommendation to retain the 9-day extended season. The proposed changes

will make the refuge season consistent and these changes were discussed with the respective refuge staff.

Motion by Sather with second by Peterson TO RETAIN THE 9-DAY ANTLERLESS DEER SEASON THAT BEGINS ON THE SATURDAY FOLLOWING CHRISTMAS FOR SAND LAKE NWR. Motion carried unanimously.

1. Open Unit RFD-SL4 and offer 20 more resident and 2 more nonresident "any deer" licenses and 10 more resident and 1 more nonresident "any antlerless deer" licenses for Sand Lake NWR.
2. Adjust the season dates for Waubay NWR as follows:

Unit RFD-WA1 is open for 8 5 consecutive days beginning seven eight days prior to the beginning of East River deer hunting season.

Unit RFD-WA2 is open for 8 5 consecutive days beginning on the day following the end of the Unit RFD-WA1 season.

Unit RFD-WA3 is open for 7 14 consecutive days beginning on the day following the end of the Unit RFD-WA2 season.

3. Retain the 9-day antlerless deer season that begins on the Saturday following Christmas for Sand Lake NWR.

Motion by Dennert with second by Barry Jensen TO FINALIZE CHANGES TO NATIONAL WILDLIFE REFUGE DEER HUNTING SEASON 41:06:36 AS AMENDED. Motion carried unanimously.

#### **Archery Deer Hunting Season 41:06:22**

Chad Switzer presented the proposed changes to Archery Deer Hunting Season with no recommended changes to proposal.

1. For Unit ARD-LM1, provide an exception that would allow hunters possessing an access permit to archery hunt Adams Homestead and Nature Preserve Area.
2. Increase the number of "antlerless whitetail deer" archery access permits from 0 to 20 for the Adams Homestead and Nature Preserve.

Motion by Sather with second by Peterson TO FINALIZE CHANGES TO THE ARCHERY DEER HUNTING SEASON 41:06:22 AS PROPOSED. Motion carried unanimously.

#### **Archery deer access permits for Newton Hills State Park 41:06:01**

Chad Switzer presented the proposed changes to Application for License to provide an access permit for Newton Hills State Park for archery hunters similar to other established access permit areas with no recommended changes to proposal.

Amend this as: **41:06:01:17. Access permits required for specific deer hunting units and public lands.** Any resident or nonresident deer hunter possessing an archery, muzzleloader, youth, or mentor deer license shall obtain and possess a free access permit to hunt West River deer units 24B, 27L, and 35L. Any resident or nonresident deer hunter possessing an archery deer license shall obtain and possess a free access permit to hunt Newton Hills State Park. Unlimited access permits may be issued for each management unit and each free access permit shall be unit specific.

Motion by Sather with second by Gary Jensen TO FINALIZE CHANGES TO APPLICATION FOR LICENSE 41:06:01 AS PROPOSED. Motion carried unanimously.

### **Crossbow requirements 41:09:12**

Andy Alban presented the proposed changes to Persons with Disabilities with no recommended changes. This change provides consistency for crossbow hunters in both groups allowed to use crossbows: the big game hunters during the firearms seasons and those who qualify for the disability permit.

Amend 41:09:12:02 (Crossbow and bolt specifications) to allow telescopic sights and lighted sight pins to be used by crossbow permittees.

Motion by Gary Jensen with second by Dennert TO FINALIZE CHANGES TO PERSONS WITH DISABILITIES 41:09:12 AS PROPOSED. Motion carried unanimously

### **Boat lighting requirements 41:04:15**

Andy Alban presented the proposed changes to Motorboats and Watercraft that creates a provision that would exempt law enforcement from using boat lights after dark in certain circumstances including rescue operations when using night vision equipment or during surveillance situations. This is consistent with other motor vehicles. There were no recommended changes to proposal.

Add a provision to 41:04:05:18 that would exempt law enforcement officers from boat lighting requirements if certain criteria are met.

Motion by Barry Jensen with second by Sather TO FINALIZE CHANGES TO MOTORBOATS AND WATERCRAFT 41:04:05 AS PROPOSED. Motion carried unanimously.

### **Special Canada goose 41:06:16:08**

Chief Kirschenmann presented the proposed changes to the Special Canada Goose Hunting Season along with a history of the tag system and information about west river hunting opportunity during the late season. Kirschenmann indicated a public meeting was held in Martin to discuss the recommended changes before presented to the Commission. There were no recommended changes to proposal.

Arden Peterson indicated there has been staff discussion for ten years about this season and there is not concern about commercialization of this season or that there would be additional pressure due to the proposed changes. Discussion included public comment, quality of the hunt, and concern for overrun of additional hunters.

Sather made a motion to finalize changes to the Special Canada Goose Hunting Season as proposed. Motion died for lack of a second; therefore, the season remains the same.

### **Non-resident waterfowl licenses**

Chief Tom Kirschenmann provided a background of the origination of the proposed changes including which recommendations came from the work group and

that the Department recommended changes were needed to support or enable the implementation of the work group recommendations.

Director Tony Leif pointed out the public support of the youth licenses. The staff and Department has remained neutral on this issue providing history, and information as requested by the work group and Commission as needed because the 2014 Legislature placed the non-resident waterfowl license issue before the Commission.

Commissioner Gary Jensen shared his thoughts on the hard work of the staff and work group. He appreciated the number of persons that provide oral testimony at Custer State Park, Brookings, and today. He also noted the many comments the work group received from the public. He recognized this is a contentious issue with decades of struggle by many and including the legislature. He identified many concerns including the make-up of the work group, that there was no data available to support the overcrowding concerns, that ninety percent of resident hunters that commented want the proposal rejected and that forty percent of commenting non-resident hunters want the proposal rejected. He considered the comments from legislators and was surprised there were no comments from the tourism industry or local chamber of commerce staff. He did not feel there was a big increase of licenses proposed and heard the concern about the 3-day licenses moved away from the Missouri River. He understands the quality of the hunt here in South Dakota is good and that resident hunters are proud of it and thankful for it; as are many non-resident hunters. He realizes that resident hunters get to enjoy it every year. He also recognized the support for non-resident youth licenses.

Commissioner Dennert thanked Director Leif and Chief Kirschenmann for their leadership during this process. He felt the majority of public is in agreement on the issues and that the Legislature charged the Commission to determine the number of licenses. He believes access remains a concern and that the 500 licenses transferred to the northeast in 2002 should be supported as this was done by the Legislature. He believes there is too much to the proposal and it is convoluted; it needs to be simpler.

Commissioner Cooper stated the Commission was given the responsibility from the 2014 Legislature did not include SDCL 41:06:18:04 the moving of 500 licenses to the northeast. He does believe this proposal is soundly and widely opposed and that public comment indicates not only no, but hell no.

13. Create 100 nonresident youth licenses that are valid for the youth waterfowl hunting season.
14. Establish the fee for any nonresident youth waterfowl license (Under 16 years of age) at \$10.

Motion by Gary Jensen with second by Dennert TO FINALIZE CHANGES 13 AND 14 AND REJECT ALL OTHER PROPOSED CHANGES TO NONRESIDENT WATERFOWL LICENSES. Motion carried unanimously.

Commissioners thanked everyone indicating this was a good process and that the decision belonged to the Commission and Commission appreciated the public comments.

The Commission then took action on the Fall Turkey Hunting Season and Early Fall Canada Goose Hunting Season proposals (see those items for action taken) before adjourning.

Motion by Phillips with second by Gary Jensen TO ADJOURN THE MEETING.  
Motion carried unanimously and the meeting adjourned at 10:47 a.m.

Respectfully submitted,

Kelly R. Hepler, Department Secretary

DRAFT

Appendix A

**RESOLUTION 15-05 [as modified]**

**BIG GAME OTHER THAN ELK AND MOUNTAIN LION  
DEPREDAION HUNTER POOL**

**WHEREAS**, the Game, Fish, and Parks Commission has promulgated rules to provide for a big game depredation pool of hunters designed to assist in reducing wildlife damage to property by big game species other than elk and mountain lion, and;

**WHEREAS**, applications for depredation pool permits have been received and a random drawing held to establish the lists of depredation pool hunters for each county, and;

**WHEREAS**, it is anticipated that high populations of game animals coupled with adverse weather conditions may cause property damage, which in some instances cannot be resolved by any other method except by reducing the number of game animals in a specific geographic area;

**NOW, THEREFORE LET IT BE RESOLVED THAT**, for the next three years (2015, 2016, and 2017) the Game, Fish, and Parks Commission authorizes the Secretary of the Department of Game, Fish, and Parks or his designee to issue no more than the maximum number (600 permits plus an additional 200 landowner/operator permits per year [per species]) of depredation pool permits to depredation pool hunters to respond to property damage caused by game animals.

**BE IT FURTHER RESOLVED**, that in issuance of the depredation pool permits, the Secretary of the Department of Game, Fish, and Parks or his designee is authorized to establish when and where each permit is valid and the number, species and sex of the game animals other than elk and mountain lion permitted to be taken by the holder of each depredation pool permit.

## Appendix B

### RESOLUTION 15-06

#### ELK DEPREDATION HUNTS

**WHEREAS**, the Game, Fish, and Parks Commission has promulgated rules to provide for elk depredation hunts designed to assist in reducing wildlife damage to property, and;

**WHEREAS**, applications for elk permits have been received and a list of elk applicants is available in Game, Fish, and Parks license application records, and;

**WHEREAS**, it is anticipated that high populations of elk may cause property damage, which in some instances cannot be resolved by any other method except by reducing the number of animals in a specific geographic area;

**Now, therefore let it be resolved that**, for the next three years (2015, 2016, and 2017) the Game, Fish, and Parks Commission authorizes the Secretary of the Department of Game, Fish, and Parks or his designee to issue up to 50 elk depredation permits (as approved in rule) per year to respond to property damage caused by elk.

**Be it further resolved**, that in issuance of the elk depredation permits, the Secretary of the Department of Game, Fish, and Parks or his designee is authorized to establish when and where each permit is valid and the number, species and sex of the game animals permitted to be taken by the holder of each elk depredation permit.