

Minutes of the Game, Fish, and Parks Commission
November 2-3, 2017

Chairman Barry Jensen called the meeting to order at 1:05 p.m. CT at McCrory Gardens in Brookings, South Dakota. Commissioners Mary Anne Boyd, H. Paul Dennert, Barry Jensen, Gary Jensen, Russell Olson and Douglas Sharp were present. Approximately 35 public, staff, and media were present.

DIVISION OF ADMINISTRATION

Conflict of Interest Disclosure

Chairman B Jensen called for conflicts of interest to be disclosed. None were presented.

Approval of Minutes

Chairman B Jensen called for any additions or corrections to the October 5-6, 2017 minutes or a motion for approval.

Motion by G. Jensen with second by Olson TO APPROVE THE MINUTES OF THE OCTOBER 5-6, 2017 MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

No additional salary days were requested.

License List Request

Chris Petersen, administration division director, informed the Commission that no new licenses lists have been requested.

Brookings Convention and Visitors Bureau

Jennifer Johnson, Brookings Convention and Visitors Bureau executive director, welcomed the Commission to Brookings. Johnson noted recent changes to the community including road construction project on 6th street and new Dykehouse stadium, performing arts center and changes downtown.

Nonmeandered Waters Update

Arden Petersen, special assistant, informed the Commission that work continues in regards to nonmeandered waters noting the status of contested case hearing held the morning of November 2, 2017 regarding partial closer Cattail Kettle that was denied. He stated marking rules will be presented for finalizations at today's meeting and that staff continue to work on access agreements with landowners and will provide updates on status at future meetings. 7 bodies of water currently closed (2 Kingsbury County, 2 Clark County, 2 Day County, 1 Marshall County)

Kelly Hepler, cabinet secretary, explained that the department is following through on the items for nonmeandered waters such as closure process and marking requirements

B Jensen said the issue was addressed when he was in legislature and tried to make it too black and white. The process they are seeing now spurs conversation and allows people to voice opinion and concerns which is a move in the right direction.

Sharp asked how soon until signs and buoys are field ready.

Petersen said if the finalization is approved today staff can put in orders yet this week or early next with a local vendor providing signs late next week and then get signs distributed similar to what is done with 660 safety zone signs.

B. Jensen if there was a deadline to submit requests.

Petersen responded there is no deadline they can be requested at any time.

PUBLIC HEARING

The Public Hearing began at 1:55 p.m. and concluded at 2:17 p.m. and the minutes follow these Commission meeting minutes.

Finalizations

Use of Dogs to Hunt Mountain Lions

Tony Leif wildlife division director, presented the finalization modifying the existing rule that allows for pursuit of a mountain lion by dogs that originates on private land to cross over onto public lands. Leif explained the recommended change from proposal to exclude Fort Meade Recreation Area.

Tom Kirschenmann, assistant wildlife director, clarified the area it covers explaining it would extend to all public lands such as property owned by the Office of School and Public Lands and the Bureau of Land Management.

Sharp stated he is still not convinced there is a real need to do this.

Leif said public comments received were a fairly even split in support and opposition. He further noted the public lands where chases are currently allowed are typically unmarked lands.

Olson inquired when the rules would go into effect.

Leif explained that if approved by the Commission they would be presented to the Interim Rules Review Committee and then, if approved by IRRC, filed with the Secretary of State's office and go into effect 20 days after the rules were filed.

G. Jensen recommends no action at this time and would like the proposed change submitted as a recommendation to the mountain lion management plan.

B. Jensen said he understands there is a need and this rule clarifies it.

Motioned by Dennert with second by Olson TO AMEND THE FINALIZATION TO ALLOW THE USE OF DOGS TO HUNT MOUNTAIN LIONS ON ALL PUBLIC LAND EXCEPT THE FORT MEADE RECREATIONS AREA. Motion carried.

Motioned by Dennert with second by Olson TO APPROVE THE FINALIZATION AS AMENDED TO ALLOW THE USE OF DOGS TO HUNT MOUNTAIN LIONS ON ALL PUBLIC LAND. Roll call vote: Boyd-no; Dennert-yes; G. Jensen-no; Olson-yes; Sharp-no; B. Jensen-yes. Motion fails with 3 yes votes and 3 no votes.

Marking of Non-meandered Waters

Kevin Robling , special projects coordinator, presented the finalization for the new rule that requires nonmeandered water closures be indicated by signs or buoys.

1. Nonmeandered water closures shall be marked with buoys or Department-supplied signs.
2. Signs and buoys must be placed no further apart than 660 feet.
3. Signs and buoys shall be installed so they are conspicuous.
4. Buoys shall be of polyform design.
5. Buoys shall be red with contrasting 3 inch minimum letters stating: "Closed".
6. Buoy size shall be a diameter of not less than 14.5 inches and a length of not less than 19.5 inches.
7. Signs and buoys are to be installed, removed and maintained by the owner or their designee of the private property.

Robling also explained the recommended change from proposal that would require property corner boundaries located in the water be marked by signs or buoys

Motioned by Dennert with second by G Jensen TO AMEND THE FINALIZATION FOR NEW RULE ON MARKING OF NON-MEANDERED WATERS. Motion carried unanimously.

Motioned by Sharp with second by Olson TO APPROVE THE FINALIZATION FOR THE NEW RULE ON MARKING OF NON-MEANDERED WATERS AS AMENDED. Motion carried unanimously.

Rhett Russell, wildlife biologist, said the sign vendor is ready to go and staff will have signs in hand within a week to 10 days. Russell will also ensure an example of the sign be posted to the GFP website.

Bighorn Sheep Hunting Season

Kirschenmann presented the finalization to the Black Hills Bighorn Sheep hunting season. He noted there were no changes from proposal with only two recommended changes to the rule.

1. No more than 5 bighorn sheep licenses may be issued.
2. Remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motioned by G Jensen with second by Olson TO APPROVE THE FINALIZATION FOR THE BIGHORN SHEEP HUNTING SEASON AS PRESENTED. Motion carried unanimously.

CSP Antlerless Elk Hunting Season

Kirschenmann presented the recommended changes to the Special CSP Antlerless Elk Hunting Season. Kirschenmann further explained how information on chronic wasting disease (CWD) prevalence rates from both Custer State Park (CSP) (2016 season) and Wind Cave National Park (WICA) (2016/2017 culling program) warrants adaptive management to learn more about the infection rate of CSP elk, begin

managing at a lower population density in identified area, and to evaluate and respond accordingly for future management actions. CWD positive prevalence rate of 15% from hunter-harvested elk during the 2016 CSP elk hunting season is a concern, both short and long-term for elk population. Department staff will evaluate disease test results and structure of season and adapt as needed for the 2018 elk season.

1. Increase the number of “antlerless elk” licenses from no more than 20 to no more than 60.
2. Establish new “antlerless elk” hunting units described as that portion of Custer State Park south of the R & D Pasture fence line. This boundary applies to Units CAE-CU3, CAE-CU4, CAE-CU5, and CAE-CU6.
3. Season dates for Units CAE-CU3, CAE-CU4, CAE-CU5, and CAE-CU6 are as follows:
 CAE-CU3: nine consecutive days beginning on the second Saturday following Thanksgiving;
 CAE-CU4: nine consecutive days beginning on the Saturday following the close of CAE-CU3;
 CAE-CU5: nine consecutive days beginning on the Saturday following the close of CAE-CU4;
 CAE-CU6: nine consecutive days beginning on the Saturday following the close of CAE-CU5;
4. Mandatory submission of required samples for CWD testing.

Motioned by G Jensen with second by Sharp TO APPROVE THE FINALIZATION FOR THE SPECIAL CSP ANTLERLESS ELK HUNTING SEASON AS PRESENTED. Motion carried unanimously.

Elk Hunting Seasons Hunting Unit License Allocation

Kirschenmann presented the administrative action to approve the additional allocation of 40 licenses and distribution by unit

| Custer State Park | | |
|---------------------------------|------|------|
| Special Antlerless Elk Licenses | | |
| Season | 2016 | 2017 |
| CAE-CU1 | 10 | 10 |
| CAE-CU2 | 10 | 10 |
| CAE-CU3 | 0 | 10 |
| CAE-CU4 | 0 | 10 |
| CAE-CU5 | 0 | 10 |
| CAE-CU6 | 0 | 10 |

Motioned by Olson with second by Dennert TO APPROVE THE 2017 CSP SPECIAL ANTLERLESS ELK HUNTING SEASON. Motion carried unanimously.

Threatened and Endangered Species

Kirschenmann presented the changes to the endangered and threatened species rules.

Amend 41:10:02:01 List of Endangered Birds as follows:

Change Interior Least Tern (*Sterna antillarum athalassos*) to Least Tern (*Sternula antillarum*)

Amend 41:10:02:05 List of Endangered Fish as follows:

Change Finescale dace (*Phoxinus neogaeus*) to Finescale dace (*Chrosomus neogaeus*).

Amend 41:10:02:06 List of Threatened Fish as follows:

Change Northern redbelly dace (*Phoxinus eos*) to Northern redbelly dace (*Chrosomus eos*).

Change Pearl dace (*Margariscus margarita*) to Northern pearl dace (*Margariscus nachtrieb*).

Motioned by Olson with second by Boyd TO FINALIZE THEN CHANGES TO THE ENDANGERED AND THREATENED SPECIES RULES AS PRESENTED. Motion carried unanimously.

Aerial Hunting Permits

Kirschenmann, presented the changes to aerial hunting to amend current administrative rule to allow nonresidents to obtain an aerial hunting permits from the department.

Motioned by G. Jensen with second by Dennert TO FINALIZE THE AERIAL HUNTING PERMIT RULES AS PRESENTED. Motion carried unanimously.

Walleye Length Limit on Lake Poinsett

Brian Blackwell provided a presentation on the proposal to remove the 15 inch minimum length limit for walleye on Lake Poinsett. He explained the four criteria used to assess whether population is appropriate to manage with a minimum length limit. These criteria are moderate to fast growth, low natural mortality, potential for high exploitation and sporadic or limited recruitment. He noted the primary reason that minimum length limits have failed in eastern SD is due to a slow walleye growth and predator-prey balance imbalances. Blackwell provided gill net data showing a definite increase in numbers with the population dominated by skinny fish less than 15 inches. Data shows a decline in walleye conditions, slowed growth, high angler catch rates and low harvest. He also noted this management tool has been proven successful at Waubay and Bitter Lakes and that changing the minimum to 14 inches will not correct the predator-prey imbalance. Blackwell said staff worked to get information out to the public via press releases, public meetings and article in Dakota Country magazine. Indicated it may take 5 years or more to obtain balance as anticipated.

Mark Ermer, senior wildlife biologist presented the finalization for changes to **Daily, possession, and length limit restrictions on special management waters -- Additional restrictions described.** to: remove 15 inch minimum size restriction for walleye on Lake Poinsett.

Motioned by G Jensen with second by Boyd TO REMOVE THE 15 INCH MINIMUM SIZE RESTRICTION FOR WALLEYE ON LAKE POINSETT. Motion carried unanimously.

Bait Dealer Application Requirements

Andy Alban, wildlife law enforcement program administrator, presented the recommended new rule that would require all bait dealers to list employees/agents on their application who will engage in trapping, transporting, delivering, raising or seining bait and allow the department to refuse the issuance of a license to a bait dealer with an employee/agent who has received a suspension or revocation of their bait dealer license with recommended change from proposal to place agent/employee eligibility inclusion in the new rule instead of amending 41:09:04:02. Alban explained the need to institute a rule that when a license is revoked the intent is to keep the person out of the business. Current rule does not prevent them from working within the industry in a different capacity. He explained that the department has required all bait dealer license applicants to list employees and agents since 2016. A judge rendered a ruling that a

bait dealer-could not operate under his license, but could be employed by another licensed bait dealer.

Kotilnek said the initial proposal was to amend 41:09:04:02, but inadvertently omitted language in the public hearing notice, so language was combined into the new rule

Olson inquired if bait dealer license can be revoked what about other occupational licenses and asked for clarification that the rule is only to prohibit bait dealers and not other occupational licenses.

Alban confirmed this rule change is only for bait dealer licenses and noted some industries have their own rules. He also explained this is not an absolute matter and there would be discretion within the system.

The Commission requested this item be continued on day two of the meeting.

Alban presented substitute language as an amendment that limited the department's ability to refuse issuance of a license to just the period of suspension or revocation. He further explained that, in most situations, the duration of suspension is one year

Dennert ask when the one year suspension period would begin

Alban explained that, if finalized, the rule would be in place to cover January application process timeframe.

Sharp stated the action sheet indicates timeframe for suspension would be for the calendar year following conviction.

Olson said he has had some conversations with public and would recommend tabling this item until December to allow more time to discuss.

B Jensen concurs as there are still questions to answer on the mechanics of the rule.

Motioned by Dennert second by Boyd TO TABLED ACTION ON THE PROPOSAL UNTIL THE DECEMBER MEETING. Motion carried unanimously.

Bonnie Allen requested to speak

B Jensen denied her request stating the public hearing was held per notice on Thursday at 2:00 pm CT.

Allen continued to speak out of turn.

B Jensen informed Allen the Commission is not going to rehash her personal issues during the meeting.

Dennert informed Allen she can speak in December during public hearing if the item is brought forward for action.

Park Entrance and Camping Fee Changes

Bob Schneider, parks and recreation assistant director, presented the finalization for changes to park entrance, facility, service and camping fees. The new revenue would offset inflationary operating costs and costs for deferred maintenance and road improvement projects in the state park system.

The change would modify the following campground classifications:

- (10) "Preferred campground," a modern campground with weekend occupancy of exceeding 80 percent to 89 percent from the Friday before Memorial Day to Labor Day, inclusive, on non-equestrian and electrical campsites;
- (11) "Prime ~~waterfront campsite~~ **campground**," a modern ~~campsite~~ **campground** adjacent to the waterfront at Lewis and Clark Recreation Area and Chief White Crane Recreation Area with weekend occupancy of and greater than 90 ~~exceeding 95~~ percent from the Friday before Memorial Day to Labor Day, inclusive, on non-equestrian and electrical campsites;
- ~~(12) "Primitive lodging campsite," a campsite where a canvas teepee or wall tent with a wooden floor is provided by the department;~~

Other fee changes proposed include:

- Elimination of the per person daily entrance license. The \$6 per vehicle daily entrance license remains unchanged.
- Camping cabin fee increase to \$45 in all parks except Custer, which will remain \$50 per night.
- Campsites in French Creek Horse Camp in Custer State Park increase to \$31 per night.
- Increase in some group lodging fees: Mina Lake and Shadehill to \$205 a night; and Lake Thompson, Palisades, Sheps Canyon, and Newton Hills to \$280 a night.

- Fort Sisseton South Barracks rental would increase to \$500.
- Lewis and Clark catamaran dry slip summer storage would increase to \$325.
- The Angostura catamaran dry slip summer storage would increase to \$175.

Motioned by Boyd with second by Sharp TO APPROVE THE FINALIZATION TO FEE INCREASES AND CAMPGROUND CLASSIFICATIONS. Motion carried unanimously.

OPEN FORUM

Chairperson B Jensen opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda. No members of the public provided comment.

DIVISION OF PARKS AND RECREATION

Roy Lake Resort Prospectus

Sean Blanchette, concessions manager, provided the Commission copies of the settlement agreement with Roy Lake Resort LLC, Concessionaire at Roy Lake Resort. The operation consists of 8 rental cabins, a 4-plex lodging unit, main lodge with 2 lodging units, C-store, dining room and on-the-water gas sales. The current concession lease includes a franchise fee of 4 percent on revenues up to \$200,000 and 5 percent for revenues in excess of \$200,000. As the current concession agreement expires on December 31, 2018, the provisions for expiration have begun. The property has been

appraised and the Department is developing a prospectus to advertise for the resort sale and concession lease opportunity. The required purchase price has been established by the appraisal at \$975,000.00 which includes structures and personal property. Recommendations for a new lease were 10 year term with Franchise Fees, required services and operating season all remaining the same as in the current lease. The new lease would also include a 2 percent repair and maintenance reserve. Settlement agreement sets up terms and conditions of closing. Asking to approve settlement agreement and authorization to advertise concessions prospectus with terms as discussed.

Sharp asked if the operation can support a 2 percent maintenance reserve and also asked of the process if a new concessionaire is not found.

Blanchette responded that the current operator invests in repairs annually, the 2 percent provides a tool for ensuring meaningful and appropriate repairs are taking place in the future. If no buyer is identified from this issuance, the Department will likely request Commission approval for a new prospectus. If no buyer is identified by the lease expiration of December 31,2018, the Commission has the authority to extend current concession agreement for an additional year at a time until a new concessionaire is approved.

Motioned by Boyd with second by Olson TO APPROVE THE SETTLEMENT AGREEMENT WITH ROY LAKE RESORT LLC. Motion carried

Motioned by Sharp with second by Dennert TO AUTHORIZE THE DEPARTMENT TO ISSUE AND ADVERTISE A PROSPECTUS FOR THE SALE OF ROY LAKE CONCESSION LEASE. Motion carried.

Park Prescription Program Overview

Lynn Spomer, visitor services coordinator, provided an overview of the park prescription program explaining the overarching goals to increase education, assessment and prescription of physical activity in healthcare settings and increase usage of SD state parks year-round. She noted national attention received for this project through national geographic and promotional YouTube videos being shown in healthcare facilities and information sent to students in their residency. Spomer stated that 80+ healthcare providers are participating in the project to date with 41 healthcare clinics and locations across the state. She explained how some therapist have use the prescriptions to meet with their clients in the park and have their sessions in the outdoors and noted SD Department of Health grant funds pay for the cost of the day passes.

Statewide Comprehensive Outdoor Recreation Plan (SCORP) Update

Nancy Hoines, division staff specialist, explained that the statewide comprehensive outdoor recreation plan is funded through land and water conservation fund grant. She said they recently distributed over 330,000 surveys to individuals as well as municipalities to identify recreational gaps, opportunities and needs across the state.

Hung-Ling (Stella) Liu, assistant professor, provided a powerpoint presentation focusing on public outdoor recreation survey laid out the project framework and survey participants.

Jason Mehlhaf, graduate student, detailed frequency of participation, who participated, activities participated in, preferred locations, how often at locations, with the most possible benefit to preserve open space and environment.

Paige O'Farrell, undergraduate student, explained intrinsic and extrinsic motivations then reported on the surveys motivations for South Dakota with the top motivation being to escape daily routines. She further explained theoretical foundation contains and noted surveys note people want to enjoy the outdoors, but do not have enough time, areas are too crowded, admission fees and equipment costs are too high.

Liu noted suggestions for the future to modify questions, do content analysis and address the common themes seen in the survey response.

Olson inquired what the shelf life of data would be.

Stella: it would be done every five years using data from previous survey to track trends.

Sharps asked if there were specific or obvious responses for improvements

Liu said with open ended questions you see the publics desire to see continued development of facilities, but most common would be focus on trails.

B Jensen what was survey completion rate

Liu said completion rate is 48 percent with 4,800 participating in the survey.

Hoines said they are combining data to create the list of new priorities and constraints so the department can work to eliminate barriers (opportunities and gaps) and will also get data out to municipalities for them to use.

Parks Revenue, Visitation and Camping Report

Schneider provided the year-to-date park revenue, visitation and camping report. Schneider noted system-wide revenue is up 5 percent from last year with a decrease of 5 percent in district 13 due to poor fishing and a decrease of 1 percent in district 15 as the Shadehill campground is virtually at capacity. He noted that a project is budgeted to expand the number of campsites in the park. The report shows a state-wide increase in camper units of 4 percent and over all visitation up 2 percent from last year.

Boyd asked, per constituent inquiry, why campsites are not available at Lake Alvin

Schneider responded it is because the recreation area is very small with a beachfront and boat dock, but not adequate space for a campground.

B Jensen asked the status of projects at Good Earth

Schneider said the shop/storage building will be constructed next spring and will be located approximately 300 yards from the visitor's center.

DIVISION OF WILDLIFE

Land Acquisition Projects

Tobin/Tvinnereim Trust Property

Kirschenmann provided a recommendation to acquire the Tobin/Tvinnereim Trust Property. It consists of 783 acres and is located seven miles northwest of Webster in Day County. The property would be used as a game production area for wildlife habitat management and public hunting access. Purchase price is \$548,000 and would be purchased with Pittman-Robinson grant program funding.

Dennert stated he visited property

Sharp asked if staff were able to find additional information in regards to ownership of the property to the north specifically the large private body of water and access points.

Kirschenmann responded it is all private property and there are no concerns to his knowledge. He further explained it is protocol is to reach out the neighboring landowners and county commissions to see if they have concerns.

Dennert asked if there is there is accessibility for a boat ramp on the north end.

Mike Klosowski, regional supervisor, stated there is no access to boat that he is aware of and it would need to be developed.

B Jensen inquired if there were other management issues?

Kirschenmann said that if additional fencing is necessary the department will do that just like other properties where grazing and haying is the typical management tool used.

Sharp asked if there would be access for the public on the west end and if this is open to the public. Can it be used for snowmobiling and all other activities?

Klosowski explained it is not open to motorized vehicles unless on designated trails like all other GFP property. He further noted the department is not looking to add access to the water body at this time.

Motioned by Dennert seconded by Boyd TO ADOPT RESOLUTION 17-13 (Appendix A) AUTHORIZING AND CONFIRMING PURCHASE OF 783 ACRES IN DAY COUNTY. Motion carried unanimously.

Worthing GPA Addition Donation

Kirschenmann provided a request to acquire the Worthing GFP Addition consisting of 0.76 acres one mile northwest of Worthing in Lincoln County to be utilized

as a game production area for wildlife habitat management and public hunting access by donation.

Motioned by Olson seconded by G Jensen TO ADOPT RESOLUTION 17-14 (Appendix B) AUTHORIZING AND CONFIRMING DONATION OF 0.76 ACRES IN LINCOLN COUNTY. Motion carried unanimously.

Land Acquisition – Ambruster property

Kirschenmann provided information on the land acquisitions project including the Ambruster property consisting of 174 acres in Clark County that would be purchased with Pittman-Robinson grant program funding.

EHD Update

Kirschenmann presented a powerpoint on EHD stating the disease is seasonal and usually occurs in late summer and fall. He said symptoms vary depending on severity of the virus and resistance of the deer. Kirschenmann provided statewide EHD records for 2016 explaining the information is provided by the public and shows most outbreaks in the eastern part of the state. He noted the use of the wildlife disease database used to document animal mortalities and lab submissions/results. 2017 suspect hemorrhagic losses statewide are most common in the northwest due to extreme dry conditions and most reports of dead deer found are in Butte County with 155 white-tails and Lawrence with 64 white-tails. As of October 26, 2017 there are 328 reported suspect hemorrhagic deer losses, but actual loss to hemorrhagic disease is very difficult to determine and quantify. He then explained that based on reported losses, staff discussions and current management objectives there is no recommendation to offer voluntary refunds, remove leftover licenses as this year's loss is not significant, and noted that the bulk of reports received were in areas where management plan recommends reduction of white-tail deer.

Monarch Summit Update

Kirschenmann provided an update on the Monarch Summit held in Mitchell October 18-19, 2017. He explained the meeting was invite only with a good turnout including education people, municipalities, ag and conservation communities to get input and ideas on what we can do to create and develop pollinator habitat and know what is currently happening. All information will be used to develop a state monarch and pollinator plan and then used to roll-up to develop a plan at a regional level to be part of the Midwest Monarch Initiative. He said the process should be similar to other GFP management plans which will include public input. The decision for listing of monarch will be made in June of 2019.

Lake Sturgeon Stockings

Todd Kaufman, wildlife resource biologist, provided a powerpoint presentation on the reintroduction of lake sturgeon at Big Stone Lake. He explained how lake sturgeon are often considered a nuisance fish and are sometimes discarded. He explained how it can take 15 years for males to mature and 25 years for females and they only spawn every 4 years and therefor easy to overharvest. Kaufman said large scale declines were see in the early 1900 due to construction of dams that restricted upstream movement to spawning areas and degraded habitat. Currently better regulated fisheries and improved habitat coupled with re-introduction efforts have led to somewhat of a

rebound in sturgeon populations. He said the goal is to establish populations that may provide for future fishery in Big Stone Lake. Cooperative efforts have resulted in egg collection in partner agencies, spawning efforts and transportation of eggs back to hatchery for incubation to supply lake sturgeon fingerlings.

Distinguished Achievement Award

Leif presented the Division of Wildlife Distinguished Achievement award to Conservation Officer Nick Cochran of Aberdeen. Leif stated that Officer Cochran is a highly valued officer that through his actions inspires confidence in our Agency.

Pheasant Opener

Kirschenmann stated reports are about half a bird to a bird harvested per hunter which is consistent in the southeast for the last four years, but in the central part of state they typically get 2 birds plus indicating a decline. Some places hunters did very well getting their limits and others said success was way down. Most birds harvested were mature birds which is indicative of the environmental conditions and corresponds with the results of the pheasant brood survey. Crop harvest is always a factor and there was a lot of standing crops opening weekend. As crops are harvested success should increase. He noted hunter participating is considerably down in the central part of the state.

License Sales Update

Leif provide the licenses sales update as of October 30 with the common theme from interviews with residents and nonresidents who come to hunt as tradition which sales show. Leif explained the 2016 season opened on October 20 which represents 3 weekends of sales where in 2017 there is only 2 weekends of sales shown in the report. As of today sales are down 9.4 percent. He said the department anticipated a decline for budget purposes at 15 -20 percent and they are not seeing that substantial of decline. He also noted the increase in licenses sales for preserves which is typical for nonresidents and that is offsetting the off-preserve license sales decline. Resident sales are showing a 6 percent decline. The currently projected overall decline in revenue is estimated to be \$650,000.

Leif presented the results of the nonresident waterfowl license drawings. All applicants received their first-choice license in the first drawing except applicants for the season-long licenses in southeast SD. There are still licenses available as leftovers in 3 of the 4 3-day license units. Leif reported to that the changes that the Commission made earlier this year appears to have allocated licenses in better alignment with the demand for the licenses.

Solicitation of Agenda Items from Commissioners

No new agenda items were requested at this time.

Adjourn

Motioned by Olson, second by G Jensen TO ADJOURN THE MEETING. Motion carried unanimously and the meeting adjourned at 10:25 a.m.

Appendix A
RESOLUTION 17 - 13

WHEREAS, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property presently owned by Leon E. Tobin and Virginia C. Tobin, as joint tenants with right of survivorship and not tenants in common, 1716 S. Roosevelt Street, Aberdeen, SD 57401, which property is described as:

West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 20 including Tobin Conservation Easement Tract 1 in Township 123 North, Range 56 West of the 5th P.M., Day County, South Dakota, containing 79 acres, more or less, and hereto referred to as the TOBIN PROPERTY; and

WHEREAS, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property presently owned by the Irene J. Tvinnereim Irrevocable Trust dated June 26, 2006, 1716 S. Roosevelt Street, Aberdeen, SD 57401, which property is described as:

East Half of the East Half (E $\frac{1}{2}$ E $\frac{1}{2}$) of Section 20 including Tvinnereim Conservation Easement Tract 1; the Northeast Quarter (NE $\frac{1}{4}$), the Southeast Quarter (SE $\frac{1}{4}$) except Lot 1 of Tvinnereim Addition, and the Southwest Quarter (SW $\frac{1}{4}$) of Section 29 including Tvinnereim Conservation Easement Tract 1; and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 30 including Tvinnereim Conservation Easement Tract 1; all in Township 123 North, Range 56 West of the 5th P.M., Day County, South Dakota, containing 703 acres, more or less, and hereto referred to as the TVINNEREIM TRUST PROPERTY; and

WHEREAS, said property is to be acquired by and utilized by GFP as a Game Production Area; and

WHEREAS, SDCL 41-4-1.1 requires that before GFP acquires and purchases property, GFP must notify owners of land located adjacent to the property sought to be acquired by publishing notice of the same once in each legal newspaper of the county in which the property to be purchased is located; and

WHEREAS, GFP has published the required legal notice at least thirty (30) days prior to the date of action by the Commission authorizing the intended purchases, which notice included the time and location of the meeting at which Commission action is expected and by giving notice of instructions for presenting oral and written comments to the Commission; and

WHEREAS, the Commission has reviewed any and all comments that may have been received relative to the intended purchase and after consideration of the same, the Commission approves the purchase of said property for use as a Game Production Area;

NOW, THEREFORE, BE IT RESOLVED, that GFP is authorized to complete negotiations for the purchase of the TOBIN PROPERTY and execute and consummate an agreement with Leon E. Tobin and Virginia C. Tobin, which is acceptable to GFP to acquire by purchase, at the price of \$55,300.00, the TOBIN PROPERTY for use as a Game Production Area; and

BE IT FURTHER RESOLVED, that GFP is authorized to complete negotiations for the purchase of the TVINNEREIM TRUST PROPERTY and execute and consummate an agreement with Virginia C. Tobin, as Trustee of the Irene J. Tvinnereim Irrevocable Trust dated June 26, 2006, which is acceptable to GFP to acquire by purchase, at the price of \$492,700.00, the TVINNEREIM TRUST PROPERTY for use as a Game Production Area.

Appendix B
RESOLUTION 17 – 14

WHEREAS, the Inez C. Muller Living Trust, 421 South Mary Avenue, Tea, SD 57064, owns real estate (Property) described as:

The Northeast Quarter of Section 6, Township 98 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota; except Tract 1 of Muller's Addition Contained therein; and except Tract 2 of Muller's Addition contained therein; and except that portion of Lot H1 contained therein; and except Railroad Right of Way contained therein.

Whereas, pursuant to their wishes, the Inez C. Muller Living Trust desires to gift and transfer title to the Property to the South Dakota Department of Game, Fish and Parks (Department), for use as a Game Production Area; and

Whereas, the Department has evaluated and determined that the Property would serve very well as a Game Production Area, offering wildlife habitat and public hunting opportunities; and

Whereas, the Department is authorized to accept gifts of property for recreational purposes as per SDCL 41-2-19 and 41-2-21 and desires to accept the gift of the Property upon confirmation of the gift by the Game, Fish and Parks Commission; and

Whereas, the South Dakota Game, Fish & Parks Commission desires to acknowledge the Department's acceptance of this gift of property from the Inez C. Muller Living Trust for use as a Game Production Area, and further acknowledge the extreme generosity of the Inez C. Muller Living Trust.

NOW, THEREFORE, BE IT RESOLVED, that the South Dakota Game, Fish and Parks Commission does hereby confirm the decision by the Department to accept the transfer and gift of the Property from the Inez C. Muller Living Trust to be used as a Game Production Area.

BE IT FURTHER RESOLVED, that the South Dakota Game, Fish & Parks Commission, on behalf of the citizens and sportspersons of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to the Inez C. Muller Living Trust for their generosity, and further acknowledge the outdoor recreation opportunities this gift will provide to South Dakotans for many years to come.

Public Hearing Minutes of the Game, Fish and Parks Commission
November 2, 2017

The Public Hearing Officer Jon Kotilnek began the public hearing at 1:55 p.m. at McCrory Gardens in Brookings, South Dakota with Commissioners Mary Anne Boyd, H. Paul Dennert, Barry Jensen, Gary Jensen, Russell Olson and Douglas Sharp present. Chairman B Jensen indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Kotilnek then invited the public to come forward with oral testimony.

Use of Dogs to Hunt Mountain Lions

Brad Tisdall, South Dakota Houndsman Association, Rapid City, SD asked the Commission for their approval for the use of dogs to hunt mountain lions and further explained his reason for submitting the petition.

Mark Winegar, Sierra Club chair, Vermillion, SD voiced concerned of his group and would like to keep restrictions that are currently in place or completely remove use of hounds to hunt mountain lions.

Ross Rhode, SD Houndsman Association, Rapid City, SD, Noted proposal is a small extension to the rule that is already in place just wanting to continue hunt that start on private ground to continue on to public ground.

Lorin Lippert, Youth director of SD Houndsman Association, Rapid City, SD As a rancher there is a need to protect livestock when trying to make a living. Lions feed on cattle as is the lifecycle. If nothing is done with lions eventually a person will be attacked. Feels they need to be able to follow lions onto public land as the lions know how to elude hunters.

Kris Weinberger, SD Houndsman, Piedmont, SD was called to ranch in northwest SD by rancher who had dog torn up by lion. After about a mile they had to quit the hunt due to the lion going on to public land. This lion continues to stalk the area and eludes hunters because it goes onto public land.

Janet Hoben , Chatsworth CA, emailed, "The use of hounds is inhumane, outdated and NOT considered fair chase. Expanding hounding onto prairies, here there are few trees for lions to escape, poses increased risk to the lions and the dogs. Here in the greater Los Angeles Area we cherish and celebrate our mountain lions! We are even working on building a multi-million dollar freeway overcrossing so they can safely cross our busiest freeways and their genetic diversity can be improved. You may have heard of the famous P22 mountain lion of Hollywood who has been featured in Nat Geo and many other places. Please say no to ANY hunting of mountain lions."

Naualli Xochipilli Tepeyollotl, Hawthorne, CA, emailed, "Good evening SDGFP Commission: I would like to submit my comment. I oppose the petition to the expanded opportunities for hunting mountain lions with hounds on the South Dakota Prairie. Hound hunting of mountain lions should NOT be allowed in private lands or to be

expanded onto all public lands in South Dakota. As an indigenous person, we must protect our sacred animals. Animals are respected as equal in rights to humans. Tlazohcamati (Thank you), Quotes: Every seed is awakened and so is all animal life. It is through this mysterious power that we too have our being and we therefore yield to our animal neighbors the same right as ourselves, to inhabit this land -Sitting Bull, Hunkpapa Teton Sioux. Kinship with all creatures of the earth, sky and water was a real and active principle - Lakota.”

Wendy M. Luedke, Lead, SD, emailed, "Trophy hunters use radio-collared trailing hounds to chase mountain lions and bay them into trees or rock ledges so that the trophy hunter can shoot these cats at close range. This hunting method is unsporting, unethical and inhumane. Hounds kill kittens, and wild cats often injure or kill hounds."- SD Humane Society. "These are trophy hunters; they kill to get a mount, nothing more. This should not be made easier for them! Hound hunting of mountain lions should NOT be expanded onto any public lands in South Dakota. It should not even be allowed on private lands - if this could be changed, I'd be all for it!"

Katie Day, Renner, SD, emailed, "Dear members of the South Dakota Game, Fish and Parks Commission: My friends & family are avid hunters in eastern South Dakota and oppose the proposal from President of Houndsmen Association to expand hounding of mountain lions in the Prairie region. South Dakota's mountain lions are extremely rare on the landscape and we must continue to manage their population in order to ensure they remain in our state for generations to come. This means reducing the killing of young, dispersing mountain lions leaving the Black Hills to find new habitat. Allowing intense persecution of mountain lions in this region of the state will cause intense pressure to these individuals and prevent the ability for mountain lions to establish themselves in other parts of South Dakota and beyond. Additionally, hounding is not a fair-chase hunting method, providing an unfair advantage to mountain lions hunters looking for an easy kill. Those of us who uphold fair hunting practices do not support this method of tracking and baying mountain lions. Hounding should be prohibited throughout our state, not expanded. I ask that you oppose the proposed amendment to expand hounding of mountain lions in the Prairie region."

Cathleen Plaza, Spearfish, SD, emailed, "Hello, I am writing to express my deep disagreement with any expansion of mountain lion hunting with hounds. Hunting using hounds gives no fair chase to cougar, and is abhorrent to many hunters who support the premise of fair chase. Mountain lions help contain our deer population. Without our apex predator, we can expect starving deer, increased auto accidents involving deer and increased crop damage- Mountain Lions help control the deer population in a natural way. We do not need out of state trophy hunters coming into our state and killing our lions. Kittens are killed indiscriminately by hounds, and this inevitably leads to a lack of genetic diversity. Our state needs to think about long term sustainability of these animals, and not bow to pressure from special interest groups. The quotas every year are barely, if ever, met. This speaks to a lack of lions in our area. Expanding the use of hounds only increases this problem. Please, do not let our lions get killed off from our majestic landscape. Please do not allow an expansion of hunting with hounds."

Evgenia Harrison, Virginia Beach, VA, emailed, "Dear Sirs and Madams: Please do not approve the petition of extending hound hunting of mountain lions to public lands. This method of hunting is unsporting and inhumane. Such an iconic American animal as

a mountain lion should be treated with respect. As a consequence of human activities these animals already suffer from lost of habitat, pollution, and in some states have an endangered status. Especially cruel and endangering is the fact that hounds kill kittens. The future of the species depends on it. Thank you in advance, and I and many others really hope for your understanding.”

Megan Gardner, St Paul, MN, Emailed “Dear Sir/Madam: I am absolutely appalled and horrified that you are considering inflicting more cruelty and torture against the majestic mountain lion!!! Hound hunting is a despicable practice, barbaric and unfair! Why must the mountain lion be subjected to this evil cruel chase?? My god, who are these people that get off on this?? It simply is disgusting. The mountain lions should be given full protection, not chased to their death by marauding dogs. The farmers should keep their livestock off PUBLIC land and lock their livestock up properly so they are not attacked by the lions, which are rightly on their own land that the farmers took off them. Why is everything about greed and blood lust?? Why can the animals not be left alone to live their life out as they should. I am so sick of this treatment to the iconic animals of this country. This is unethical, unsporting (I would hardly call killing animals a SPORT!!) and inhumane. It’s time the OTHER people in America have their say and their chance to see wild animals. Thank you”

Terry Newman, Rapid City, SD, emailed “South Dakota Game Fish & Parks To whom it may concern: I am writing in regards to the consideration by the South Dakota Game Fish & Parks to allow the hound hunting of mountain lions on public lands. As a life- long resident of SD and supporter of hunting I must register my protest of this action. First of all, it appalls me that hound hunting is allowed in any manner in my state. It is an inhumane and unsportsmanlike hunting technique. Such a far cry from the hunting my father did to provide food for my family as I was growing up. It is bad enough that it is allowed on private land but as you are considering allowing it on public land, land that belongs to the all people of the state. I must make known my vehement opposition. This is something that is only in the interest of “trophy” hunters and without consideration of the hounds and mountain lions. Please do not go forward with this proposal.”

Maura Lucus, Malibu, CA, emailed, “Please refuse to allow hound hunting of mountain lions on public lands. It is inhumane and barbaric to risk causing pain, suffering, and death to the animals for any reason. Go high on this one.”

Margaret Mantooth, Perkins, OK, emailed, “Please do not hunt the mountain lions on public lands! Mountain lions are an important and beautiful part of the ecosystem.”

Cheyenne Nimes, Salt Lake City, UT, emailed, “Please do not expand hunting, nor use hounds to hunt our precious mountain lions. If adopted at the November GFP Commission meeting, the net result would allow the pursuit of mountain lions on other public lands open to hunting; including U.S. Forest Service lands and prairies. The use of hounds is inhumane, outdated and NOT considered fair chase. Expanding hounding onto prairies, where there are few trees for lions to escape, poses increased risk to the lions and the dogs.”

Carsyn Farlee, Dupree, SD, emailed, "Dear, Commissioners: I support the mountain lion proposal of allowing a hunt with dogs to continue on to public land in South Dakota."

Mary Tebben, Whitewood, SD, emailed, "To Whom it may concern: I understand that South Dakota Game Fish & Parks (SDGFP) is considering a hound hunting petition submitted last month by the President of the South Dakota Houndsmen Association. This is so concerning to me. We have lived in the Black Hills just a short distance from Whitewood Creek for 10 years. We know there are Mt. Lions around us...we see their tracks, we hear their calls, and we have even seen one allusive kitten and a big cat cross the road, but we have never feared them. I don't agree with the need to hunt them but I realize hunters want to hunt them, but then they should have to do just that and work at it. Not have some dog track it for them. That is unfair and inhumane. I understand that Trophy hunters use radio-collared trailing hounds to chase mountain lions and bay them into trees or rock ledges so that the trophy hunter can shoot these cats at close range. This hunting method is unsporting, unethical and inhumane. Hounds kill kittens, and wild cats often injure or kill hounds. These are majestic animals that help control the balance in our beautiful National Forest. Houndsmen should not have more rights then I the casual observer of wild life and definitely not cheat in hunting these wild animals."

Caelan Mason Farlee, Lantry SD, emailed, "Dear commissioners: I support the new mountain lion hunting proposal of continuing a hunt onto public land with dogs from private land in SD. I urge you all to support it as well."

Darci Adams, Hartford, SD, emailed, "South Dakota Game Fish and Parks Staff for Members of the Commission: Attached please find a PDF document with comments from me on behalf of our organization regarding the proposal to amend ARSD 41:06:61:06 being be discussed at the commission meeting on Tuesday, November 2 in Brookings. I am unable to attend this meeting in person and ask you to share my comments on behalf of The Humane Society of the United States with members of the commission in advance of this meeting. The studies cited in my comments can be found via this Dropbox link and can also be shared with South Dakota Game Fish and Parks Commissioners: https://www.dropbox.com/sh/f8igkxnv3lhvjgz/AAC1V-DMYCwLUJ7kY_HbA-0Ga?dl=0."

Helen McGinnis, Harman, WV, emailed, "I object to allowing hound hunters to pursue mountain lions from private lands onto public lands. In part, it's because I oppose further expanding hound hunting in South Dakota. Few South Dakotans own packs of hounds, so the expansion is likely to benefit outfitters and out-of-state hunters (who are not currently allowed to hunt lions in SD, to the best of my knowledge. As a member of the Prairie Hills Audubon Society, I have been following the mountain lion situation for at least ten years, but only this morning I had an epiphany that would explain the Commission's decisions. In her 2003 dissertation, Distribution and Abundance of American Martens and Cougars in the Black Hills of South Dakota and Wyoming, Dorothy Fecske estimated the carrying capacity of mountain lions in the Black Hills National Forest was 152 adult lions. Cougar biologist Dr. John Laundre' has independently confirmed this estimate. If there are more than 150 adults, many sub adults (especially males) will disperse out of the Hills. I recall that the first lion management plan had a specific goal of eliminating dispersers. So I speculate the

Commission intends to reduce the lion population to 150-175 lions (including kittens, which should not be counted). Any “surplus” should be “harvested” or otherwise killed. I believe sub adults should be allowed to disperse from the Black Hills. Some of them have head East, one getting as far as Connecticut. A majority of the lions documented in the Midwest originated in South Dakota. Lions should be allowed to recolonize the East and Midwest to restore ecological balance in our forests and to compensate for the ignorance and fear which led to their extirpation. Instead of expanding hound hunting on the Prairie, I wish the Commission would launch an education campaign, addressing the danger of cougar attacks on humans, statistics on livestock and pets killed and how to avoid lion depredations, and scientifically accurate information on the impact lions actually have on ungulate populations. (I am assured that usually they have little impact compared to factors such as weather.) I have been keeping track of lion attacks on humans in the US and Canada since Jan. 2000. My compilations are here - http://tchester.org/sgm/lists/lion_attacks_mcginnis.html.”

Kim Forgey, Pierre, SD, emailed, “Dear members of the SDGFP Commission: I am opposed to the proposal to allow hounding of mountain lions on public lands in the Prairie region. This hunting method is not supported by numerous livestock owners who do not want hounds harassing their animals or mountain lions themselves. Hounding is a high-stress hunting method that can disrupt livestock occupying public lands as well as private lands when the dogs trespass onto unapproved lands. Any expansion of hounding in South Dakota comes with the very real risk of increased trespassing of hounds onto private lands. My family and I run a pheasant hunting preserve in central South Dakota. Allowing hounding of mountain lions in this region could potentially disrupt our birds, causing them stress or injuries, and cause a negative impact on my family. Additionally, we value our public lands in this region and do not want noisy, aggressive hounds let loose in areas where South Dakotans like to recreate. Please do not allow hounding of mountain lions on public lands in the Prairie. The proposal could harm my business and those of other livestock owners throughout the region.”

Beth Haivala, Black Hawk, SD, emailed, “There is nothing more enjoyable for me than to run & hike in the beautiful places of South Dakota. I almost always take my dog with, for companionship and protection. Allowing hunting mountain lions with dogs ensures the lions keep their distances from both of us. Please expand the areas allowing lion hunting with dogs. It protects people, young & old, as well as domestic animals, especially on places that have dogs.”

Thomas Shaw, White Owl, SD, emailed, “I support the use of hounds hunting lions on public land outside of the hills.”

Cory and Deb Levin, Hereford, SD, emailed, “Hi my name is Cory Levin. I am sending this email stating that my wife and I are in full support of using hounds to hunt mountain lions on public land outside the black hills (Ft. Meade, Slim Buttes, Corp land on Missouri and game production areas).”

Sydney Shaw, Sturgis, SD, emailed, “I support hound hunting on public lands outside of the hills.”

Anita Hachard, Newbury Park, CA, emailed, “SDGFP Commissioners: I’m writing to ask you to oppose the proposed amendment to expand hound hunting of mountain lions on public lands on the Prairie. Many of us like to frequent public lands and

hounding is a highly controversial hunting method and the majority of my friends and family do not support it, let alone want to allow on SD public lands. It's important to recognize hounds under the direction of houndsmen are often a nuisance in the areas they are permitted and often trespass onto private lands. Allowing hunters the increased ability to hound mountain lions is unwarranted, especially as only a handful of lions are ever found outside of the Black Hills. Mountain lions in South Dakota deserve reasoned management and protections. Allowing further hounding of the species in the state is a step backwards which will only appease a small number of hunters who want to easily track and kill these cats. Please oppose the proposed amendment."

Heather Nearman, Sioux Falls, SD, emailed, "Dear Commission members: Please do not allow the expansion of mountain lion hounding onto public lands in South Dakota. This method of hunting mountain lions is dangerous not only to the large cats being chased by dogs but also to the dogs themselves. Dogs used for hounding may be hurt by the prey they chase who try to defend themselves. As a result, hounding dogs can suffer from severe injuries and even death. Hounding dogs can also pose a threat to unintended animals such as livestock and other wildlife. Dogs can even kill mountain lions kittens if they come across these indefensible young cats. Opening up much of our state's public lands to hounding is not in the best interest of any of the animals potentially endangered by the practice. Hounding is a barbaric practice that must no longer be permitted in South Dakota. Thank you"

Lori Lockman, Sioux Falls, SD, emailed, "SDGFP Commissioners: I'm writing to ask you to oppose the proposed amendment to expand hound hunting of mountain lions on public lands on the prairie. As a South Dakotan from this region, I am highly opposed to hounding happening in my community, and on the public lands so many of us like to frequent. Hounding is a highly controversial hunting method and the majority of my friends and family do not support it; let alone want it in our backyard. Hounds are a nuisance in the areas they are permitted and often trespass onto private lands. Allowing hunters the increased ability to hound mountain lions is unwarranted, especially as only a handful of lions are ever found outside of the Black Hills. Mountain lions in South Dakota deserve reasoned management and protections. Allowing further hounding of the species in our state is a step backwards which will only appease a small number of hunters who want to easily track and kill these cats. I call on you to oppose the proposed amendment."

Riley Niewenhuis, Corsica, SD, emailed, "I support the pursuit of a lion onto public from private. I live 1/2 mile from GF&P ground. We run a 2800 hd feed lot and raise 7 different breeds of exotic sheep and goats , lions need to be able to be controlled in our area . If I have a coon or a coyote problem I am able to help control these with my dogs on the public land, so I feel lions shouldn't be any different. My friend and neighbor border the GF&P and can't keep any farm yard bird around for their kids to enjoy and are recently getting some goats. They are concerned for their safety as well as their kids if there is a lion out there we can't pursue. There has been two lion within 6 miles of us this summer, tracked into corn fields, so they are around our tightly populated community. Thanks for letting my voice be heard."

Karen Haggbloom, Sioux Falls, SD, emailed, "The mountain lion is a trophy animal. Hunting it with dogs is not very sporting. Anyone not willing to give this animal a fighting chance does not deserve a trophy."

Carah Tisdall, Rapid City, SD, emailed "I would like to speak about the proposal about the use of dogs to hunt Mountain Lions that continues onto public ground outside the Black Hills Fire Protection District. In South Dakota we allow dogs to hunt upland game, rabbits, raccoons, coyotes and bobcats on the public land outside of the Black Hills Fire Protection District, but you are discriminating against dogs hunting Mountain Lions. If a dog was tracking a bobcat and it crosses onto the public land it can continue to hunt, along with any other animal that dogs may hunt, except for a Mountain Lion. Boot hunters may hunt mountain lions on that public land, but dogs may not hunt Mountain Lions. I am 15 and a Mountain Lion hunter, I have been hunting them for quite a while and I understand that public land is public and that these dogs should be allowed to hunt. I hope you take this letter into consideration to pass our proposal. I strongly recommend that you pass this proposal."

Jim Hagen, Britton, SD, emailed, "Myself and several other members of ND Coonhunters assoc. who also live in SD, support the proposal to allow the use of dogs to hunt mountain lions that continue on to public ground outside the black hills fire protection district. Thank you Jim"

Willie and Barb Hasart, St Lawrence, SD, emailed," I support hound hunting of lions in public land outside of the Black Hills. We were residents of the Black Hills for 30 years and have seen what Mt. Lions can do to baby calves and other livestock. We now live on the East side of the river and have seen Mt Lion in this area also. Thank you for time."

Twila Rauth, Aladdin, WY, emailed, "I support hound use for mountain lion hunting on public land outside the black hills."

Philip and Linda VanDervoort, Piedmont, SD, emailed, "Dear Sirs: We support the use of hounds while hunting lions on public land outside of the Black Hills area."

Doug Theel, Rapid City, SD, emailed, "Dear GF&P Commission: I am writing to voice my support for approving the use of dogs to hunt mountain lions on public land outside of the Black Hills. This would include the Custer National Forest. However I'm personally opposed to allowing it on the Core land along Lake Oahe. A good friend has a lot of land along the Core land up there and constantly has people trespassing on his private land during grouse, pheasant, and deer seasons. Part of the problem is that some of it isn't very wide and is not marked well."

Timaysha D. Enfield, Woonsocket, SD, emailed, "Just wanted to get my name put in for supporting the proposal of continuing a lion track onto public land from private land outside the Black Hills Fire Protection District."

Daniel Jackson Nissen, Piedmont, SD, emailed, "I support hound hunting on public lands outside the black hills."

Kevin Hanks, Piedmont, SD, emailed, "I fully support allowing use of hounds to pursue mt lions on public lands. Lions are more often being reported near homes and one recently spotted on a playground in Rapid City. Public lands are open to many other types of hunting and recreation, why should this be any different?"

Mallory Wolford, Whitewood, SD, emailed, "Too whom it may concern: I support hounds for hunting mountain lions on public land outside of the black hills."

Donald G. Hofer, Miller, SD, emailed, "I support Hound Hunting of Lions on Public Land outside of the Black Hills."

Ross Rohde, Rapid City, SD, emailed, "I am writing you in support of the use of hounds on Public ground outside of the Black Hills national forest. I believe this will make things less complicated when tracking a cat that starts on private ground but continues on to public. This may not seem like a big deal for the average person, but for the land owner (that wants the cat removed) and the hunter (that has traveled 100 miles or better)it is. I appreciate the time you have taken to read this and hope you will agree with the land owners and houndsmen on this issue."

Reed VanDervoort, Piedmont, SD, emailed, "Dear Commissioners and fellow South Dakotans: I'm vice president of the South Dakota Houndsmen Association and a 4th generation South Dakota rancher and member of the Montana Houndsmen Association. I encourage you all to support the proposal of allowing dogs to continue onto public land in pursuit of mountain lions outside the Black Hills Fire Protection District. As you all know other hunting dogs are currently legal on public ground in South Dakota and many ranchers I've visited with over this issue strongly support our proposal. The fact that the track must be started on private land before crossing onto public land is what intrigued a lot of them. These ranchers whose land borders these properties don't have to worry about the "public ground hunters" crossing onto their property without permission, which many have dealt with in the hunting of other species. The passing of this proposal would insure good hunter/ landowner relations and expand hunting opportunities in South Dakota. I strongly support this proposal. Thank you for your time."

Teri Kinsley, Murdo, SD, emailed, "I support hound use for mountain lion hunting on public ground outside the Black Hills."

Maretta Martin, Hitchcock, SD, emailed, "I support Hound hunting of mountain lions on public lands."

Christina Zuccaro, Midland, SD, emailed, "To Whom It May Concern: In 79 years, we have only seen two mountain lions on our ranch, and they were beautiful to watch. Leave the damn cats alone."

Austin Hagen, Rapid City, SD, emailed, "I am contacting you in regards to support the proposal of allowing the use of dogs to hunt mountain lions that continue onto public land outside the Black Hills Fire Protection District. I grew up in NE South Dakota (Sisseton) and we were always allowed to use dogs on public land whether it was upland bird hunting, waterfowl hunting, or raccoon hunting. I firmly believe it shouldn't be any different when it comes to mountain lions. I now am a student in college and unfortunately do not have the time for hounds, the first thing I will do when I graduate will be getting hounds again. Passing this proposal will help young kids like myself enjoy the outdoors South Dakota has to offer and make getting into hounds more pleasurable as I will be able to hunt more land surrounded by public land."

Megan Farrell, Beresford, SD, emailed, "I support hound use for hunting mountain lions on public land outside the Black Hills Fire Protection District and encourage the commission to support it as well."

Chris Wells, Beresford, SD, emailed, "I support hound use for hunting mountain lions on public land outside the Black Hills Fire Protection District and encourage the commission to support it as well. Hound hunting is just as traditional and as much of a sport as bird hunting behind dogs (a sport that has turned our great state into one of the largest destination hunt locations). Hounds men are very much a part of sportsmen that buy tags every year that help land owners benefit from creating public hunting opportunities. I am thrilled with the progress and the opportunities for hounds men that the Game Fish and Parks has allowed us in the last couple of years. We are very close to having equal opportunities for all sportsmen alike, and I am excited to be able to pass my love of the outdoors and hound hunting on to other generations, all while staying in South Dakota."

Julie Anderson, Rapid City, SD, emailed, "When first taking comments on starting a mountain lion hunting season, there were a group of people who spoke up against it and just wanted to keep the GF&P's role for solving any conflict with people and lions. The season got approved. Then there was another meeting to renew the mountain lion season. Again, people spoke up against this, and again the season was renewed. There was a comment period to up the number of lions to be killed. People spoke up against this again. Again it was approved. Then it was opening up Custer State Park for hunting. Against protest it was approved. Year round hunting on the prairie unit was proposed. Again, approved. Then hunting lions with dogs. Approved. Now, hunting with hounds on all public lands if it starts on private land has been proposed. On prairie land, this means very few trees, so the chances of a lion being ripped apart go up considerably. A hound hunter at the Rapid City meeting said sometimes the lion they tree isn't the one doing livestock damage. If they are unsure this is the lion, they should abandon the hunt in the first place. This is nothing but a ploy for trophy hunters to kill a bigger cat. When will the GF&P listen and abide by people like myself who do not want wildlife killed for trophy hunters or hound enthusiasts? A hunter at the Rapid City meeting stated that the hound hunters were "given" Custer State Park hunting to appease their wishes. I implore you, the commissioners on this board to listen to the group of constituents who have protested this hunt from its beginnings and ban the use of hunting with hounds from private to public lands. These lands belong to everyone, not just hunters."

Nick Scotto, Reno, NV, emailed, "I am writing to you about the possibility of hound hunting mountain lions on public lands in your state. First I feel like there is no fair chance for the lion, where is the sport in that? Why would anyone take pride in letting the dogs do the work then you shoot the animal stuck in a tree or edge of a cliff? That to me does not make a good Hunter. It's a lazy way out of actually doing the hunting. Where's the pride in that? As a retired Hunter myself I see this easy way out a disgrace. Please reconsider this and hopefully we can think of a better solution."

Brad Tisdall, Rapid City, SD, emailed, "I am writing you today asking you to Support the proposal in front of you Allowing The use of Dogs to hunt Mountain Lions that continues on to public ground outside the Black Hills Fire Protection District. In South Dakota we allow Dogs to hunt Upland birds - Waterfowl - Rabbits - Raccoons - Coyotes & Bobcats. We allow Trappers the use of Dogs to track lost game. We allow leashed dogs to track and recover wounded big game. Please pass this Proposal I believe it will also help with landowner relationship between land owners and the Department of Game, Fish & Parks. Again South Dakota Houndsmen Association would

ask you to pass this proposal. Our Association we be attending the meeting fell free to allow us to help answer any Questions you might have”

Veronica Yovovich, Sacramento, CA, emailed, “Dear Commissioners: Please see the attached public comment.” Lynn Cullens, Sacramento, CA, emailed, “Dear Commissioners: The Mountain Lion Foundation is writing in support of banning hound hunting mountain lions in the state of South Dakota. To explain our position, we would like to bring up the following issues: 1) Hound hunting cannot be considered fair chase. 2) Hound hunting is said to be more selective because hunters can tell sex, age, and reproductive status, but hunter ability to correctly ascertain this information is overestimated. 3) The population cannot sustain such heavy hunting pressures, which would jeopardize long-term viability of the State’s population. In the following paragraphs, we have further enumerated why we believe that banning hound hunting would be a prudent choice for the Commission. 1) Hound hunting is not fair chase. Hounding is an inhumane and outdated sport that has been banned in two-thirds of the U.S. Shooting an animal out of a tree at point blank range is unethical and it has no place in modern wildlife management or recreation. Hounding poses significant risk to the hounds as well as to young wildlife, including dependent kittens and cubs, who may be attacked and killed by hounds (Lindzey et al. 1992, Logan and Swenor 2001, Elbroch et al. 2013). Hounds also disturb or kill nontarget wildlife and trespass onto private lands (see e.g., Hristienko and McDonald 2007). This practice is not fair chase and is highly controversial even among hunters (Teel et al. 2002). Furthermore, lack of trees in prairie portions of the state leave few places where a mountain lion could successfully seek refuge from the hounds. This leads to two main problems: 1) prolonged chases, causing undue stress on the mountain lion, and 2) putting the mountain lion and hound dogs at risk of having a physical standoff on the ground. In each of these cases, there is a greater potential for causing unnecessary harm to the mountain lion, hound dogs, or both. 2) Hound hunting is incorrectly said to be more selective. Many proponents of hound hunting claim that hunters can be more selective using this technique. Since hunters can get so close to a treed animal, hound hunting advocates assert that hunters can determine the sex, size, and general age of an animal before determining whether or not they would like to harvest that individual. Knowing the sex and other demographic status of the individual being hunted could be helpful in maintaining a viable population. As information released by SDGFP states, “Some Western States research suggests lion populations begin to decline when adult females comprise > 25% of the harvest. SD 2017 adult female harvest = 31%”. Even with the ability to potentially sex an animal in a tree, by their own admission, their female harvest is above the estimated sustainable threshold. Adult female survival is vital for population growth and recovery from harvest (Martorello and Beausoleil 2003). The higher the proportion of hunted animals that are female, the more the population is likely to decline (Wolfe et al. 2015). So we have already seen that hound hunters are not necessarily using demographic information to hunt more sustainably. In addition, the Mountain Lion Foundation has conducted extensive research on this topic, and we have found this claim to be false. A review of 30 years of records from game managers throughout the western United States found that although technically feasible, most hunters could not tell the size and sex of an animal up a tree. Hunters had roughly 50% accuracy when determining sex – the same as if they had determined the sex with a coin toss. Furthermore, of the hunters who claimed to be selective and said they would let smaller and female animals go free, less than 30 percent actually did so. Hound hunting an animal is often a costly event in both time and resources – with expensive

outfitters and travel costs leading up to the event, hours spent waiting for the hounds to tree an animal, and then hiking out to the site where the animal has sought refuge in a tree. After all this, more than 70 percent of hunters shoot the first animal they tree, regardless of age, size, or sex. 3) South Dakota's mountain lion population is too small to sustainably support heavy hunting. The proposed hunting recommendations for the Black Hills and Custer State Park is 60 total lions, or 40 females. If the estimated adult/subadult population is 230 individuals, this represents 26% of the huntable population. If the true population is actually smaller, and there's a good chance it is, that percent increases at an alarming rate. In northern Washington, where they have a much larger population, and where dispersing individuals are likely much more readily available, a 24% hunter harvest resulted in a declining female cougar population (Robinson et al. 2008). A sustainable harvest is between 12 and 16 percent of the population. Other Western populations may have been able to sustain the proposed harvest level, however, this is unlikely to be the case in South Dakota. Recovery from harvest relies on nearby source populations; therefore, mountain lion harvest should be managed at the metapopulation scale (Cougar Management Guidelines Working Group 2005:73–74). This means something very different for a well-connected population in other western states, such as Washington, Colorado, or Wyoming than it does for an isolated population like the one in South Dakota. Since South Dakota is isolated, dispersing individuals will not be as readily available to help replenish the population after many of the individuals have been hunted. Even when healthy source populations exist, prolonged harvest can have detrimental impacts on female mountain lion numbers. Harvesting resident adult males can allow higher rates of immigration by males seeking recently opened territories. When a new resident moves into an area, he may kill off the existing kittens so the local females will be ready to breed more quickly so he can sire his own young (Ross and Jalkotzy 1992, Logan and Swenor 2001). In addition, harvested females leave kittens orphaned and unable to survive (Beausoleil et al. 2013). We urge you to take leadership for South Dakota's mountain lions by calling for an end of hound hunting in the state. Thank you for your consideration.”

Bruce Blair, Piedmont, SD, mailed, I support using dogs on public lands for mountain lion hunting the same as Wyoming and Montana as a season. There are not enough lions killed as I still have lions on camera year around and often on my ranch.

Darci Adams, Hartford, SD, emailed, “On behalf of The Humane Society of the United States (HSUS) and our supporters in South Dakota, we oppose the proposed amendment to ARSD 41:06:61:06 regarding the use of dogs to hunt mountain lions (*Puma concolor*), referred to here as “hounding.” The amendment would expand hounding outside of the Black Hills Fire District (Prairie region) of South Dakota, allowing trophy hunters to pursue mountain lions that originated on private lands to cross over or culminate on public land. Currently, hounding is restricted to Custer State Park and on private lands in the Prairie region with permission of the landowner or lessee. Hounding pursuits of mountain lions that originate on private lands in the Prairie region may only cross over or culminate on property owned by the Office of School and Public Lands or the United State Bureau of Land Management other than the Fort Meade Recreation Area (ARSD 41:06:61:06). The proposed amendment to expand this practice, however, is unnecessary and not based on reasoned decision-making. Therefore, we call on the South Dakota Game, Fish and Parks (SDGFP) Commission to reject the proposed amendment and not allow hounding to expand in the Prairie region. I. Hounding is unsporting, cruel and harmful to wildlife, including to mountain lions The

HSUS believes hounding is a cruel and unsporting practice and should not be expanded in South Dakota. Using radio-collared trailing hounds to chase mountain lions and bay them into trees or rock ledges so that the trophy hunter can shoot the cat at close range is unethical and inhumane. Hounds kill kittens, and mountain lions often injure or kill hounds (Lindzey et al. 1992, Logan and Sweanor 2001, Elbroch et al. 2013). The practice is exceedingly stressful and energetically taxing to mountain lions (Harlow et al. 1992, Bryce et al. 2017). Hounding is not considered “fair chase” hunting by most (Posewitz 1994, Teel et al. 2002). Hounds also chase non-target wildlife such as deer and other ungulates and trespass onto private lands (e.g., Hristienko and McDonald 2007, Grignolio et al. 2011, Mori 2017). Grignolio et al. (2011) found hounding was highly costly to non-target deer. While the hounds were chasing other species, they caused non-target deer, especially younger animals, to panic and huddle in an inferior habitat. Hounds also significantly increased deer home range sizes—meaning deer had to expend extra energy to distance themselves from the hounds. Furthermore, Grignolio et al. (2011) citing several others, indicated that hounding highly disturbs deer, likely reducing individual fitness and reproductive success while harming deer populations on the whole. This disturbance likely affects domestic livestock as well, causing stress and reducing their health and reproductive potential. Additionally, the amendment is entirely unnecessary and does not reflect the justification for it provided by SDGFP—to provide “livestock producers better assistance in the removal of mountain lions outside of the Black Hills Fire Protection District” (SDGFP 2017). Only a handful of livestock losses from mountain lions have ever occurred in the Prairie region of South Dakota. In 2016, wildlife damage staff responded to only 11 conflicts throughout the state, primarily in the Black Hills region (Fisk 2016). As such, exposing the region’s public lands and wildlife to packs of noisy and energetic hounds is an excessive and gross overstep in addressing these very rare, if any, conflicts, which are far better managed using a host of non-lethal techniques. The proposed language does not reflect this justification and, instead, allows for all hounding, including for trophy hunting, which originates on private land to cross over or culminate on public land. It would be arbitrary and capricious for the Commission to finalize this proposed regulatory amendment based on a justification that it is necessary to address livestock conflicts when the record shows that the true purpose of the amendment is to expand hounding in the Prairie region in order to appease a handful of trophy hunters. S.D. Codified Laws § 1-26-36 (a court may set aside an agency decision that is “Clearly erroneous in light of the entire evidence in the record” or “Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.”); *Johnson v. Lennox Sch. Dist.* No. 41-4, 649 N.W.2d 617, 621 (S.D. 2002) (“a decision is arbitrary and capricious when the decision-making agency: 1) relies on factors not intended to be considered; 2) fails to consider an important aspect of the problem; 3) offers an explanation for its decision that runs counter to the evidence before it; 4) renders a decision so implausible that it cannot be ascribed to a difference in view or the product of agency expertise.”). II. Mountain lions are rare but incredibly valuable to other wildlife and to South Dakotans. Top carnivores are sparsely populated across vast areas, invest in few offspring, provide extended parental care to their young, have a tendency towards infanticide, females limit reproduction and social stability promotes their resiliency (e.g., Weaver et al. 1996, Stoner et al. 2006, Wielgus et al. 2013, Creel et al. 2015, Wallach et al. 2015, Elbroch et al. 2017). Research shows that human persecution, especially from trophy hunting, can be quite harmful to their social structures, disrupting their relationships among one another (Stoner et al. 2006, Darimont et al. 2009, Peebles et al. 2013, Bryan et al. 2014,

Wallach et al. 2015), and threatens their persistence (Darimont et al. 2015). A recently published study on mountain lions in the Teton region show that mountain lions are quite social animals and live in “communities” (Elbroch et al. 2017). The effect of human persecution is “super additive” meaning that hunting pressures on mountain lions and other native carnivores far exceed what would occur in nature (Vucetich et al. 2005, Wright et al. 2006, Eberhardt et al. 2007, Darimont et al. 2015). Mountain lions provide a host of essential ecosystem services, including to other wildlife (Maehr et al. 2003, Soule et al. 2003, Ripple and Beschta 2006, Elbroch and Wittmer 2012, Allen et al. 2014, Elbroch et al. 2014). The wild cats enhance South Dakota’s ecosystems and prevent deadly and socially costly collision with overabundant deer (Gilbert et al. 2016). South Dakota wildlife officials must educate citizens on the best practices for co-existence rather than constant, harmful persecution (Carter and Linnell 2016, Chapron and Treves 2016). Only around 300 mountain lions exist in South Dakota and a handful of these cats disperse from the Black Hills onto the Prairie. As a result, South Dakota is the stepping stone for mountain lion recovery to the Eastern United States (The Humane Society of the United States 2017). Yet, this small population already suffers from overexploitation as the state sets incredibly high hunting quotas. In 2016, the state’s hunting quota was 60 lions in the Black Hills region and an unlimited quota in the Prairie region. Expanding hound hunting in the Prairie further harms South Dakota’s mountain lion population and threatens the survival of dispersers, restricting the species’ potential expansion into their historic range.

III. Mountain lions must be conserved for all, not just managed for a few trophy hunters. The state has an obligation to manage mountain lions for all citizens, not just a vocal minority who enjoy trophy hunting mountain lions. See *State v. Halverson*, 277 N.W.2d 723, 724 (S.D. 1979) (“Wild animals in this state are the property of the state. SDCL 41-11-1. The citizens of this state have an interest in the management of wildlife so that it can be effectively conserved.”). The majority of Americans, by 61%, hold positive values towards mountain lions compared to just 13% who hold negative values (George et al. 2016). Another study showed that most people hold positive attitudes towards mountain lions and were likely to believe that mountain lions are a sign of a healthy environment and pose little real risk to people living near them (Zinn et al. 1996). Expanding hounding of mountain lions onto public lands in the Prairie region is harmful to the state’s public lands and all wildlife in the region, including the few mountain lions that find themselves east of the Black Hills. Further, while the regulations provide that “Wind Cave National Park, Jewell Cave National Park, and Mount Rushmore National Memorial are closed to mountain lion hunting” (S.D. Admin. R. 41:06:61:06), the proposed amendment fails to give proper notice to the regulated community that the new expansion of hounding onto public land would not (and could not lawfully) include those federal properties managed by the National Park Service that are adjacent to Custer State Park. See 36 C.F.R. §§ 1.4, 2.2 (prohibiting hunting – including take and attempted take, which includes pursuit – of wildlife in National Parks); U.S. Const., art. IV, § 3, cl. 2; *Wyoming v. United States*, 279 F.3d 1214, 1226-27 (10th Cir. 2002) (Congress’ power under the Property Clause is “plenary.”). Thus, the Commission must not finalize this regulation without clarifying that the pursuit of a mountain lion by dogs that originates on private land may not cross over or culminate on public land owned by the National Park Service. See S.D. Codified Laws § 1-26-36 (agency actions may be set aside if they are “In violation of constitutional or statutory provisions” or “In excess of the statutory authority of the agency”).

IV. Conclusion We call on the Commission to oppose the proposed hounding amendment. The proposed amendment is cruel and not in the best interest of South

Dakotans. Approving the amendment would be arbitrary and capricious. Mountain lions deserve reasoned management so that their populations are conserved for future generations—including for all stakeholders (Jacobson et al. 2010, Nelson et al. 2011). Instead of expanding trophy hunting opportunities for mountain lions, SDGFP must look to reduce this practice across the state in order to ensure the species' long term protection. Thank you for this opportunity to comment.”

Nancy Hilding, Black Hawk, SD, emailed, “Comment letter in Opposition to Increasing Access of Hound Hunters of Cougars to the Prairie Public Lands. Prairie Hills Audubon Society (PHAS) objects to recreational hound hunting of cougars every place in SD, except by SDGFP professionals doing research or doing control of "conflict" lions. Here are some of our reasons: 1. Hound hunting is cruel and can cause harm to both the cats and the dogs. It is more cruel and unethical in the prairie areas where there are fewer trees for lions to climb to avoid dogs. Kittens can be inadvertently killed or orphaned. 2. Hound hunting is not "fair chase" 3. Hound hunting is generally more efficient than "boot hunting" and confers a hunting advantage to those who own hounds or acn hire guide(s) with hounds, over those who merely own a rifle. 4. One justification for the hound hunt is to help landowners remove "problem lions" that threaten livestock. At the October Commission meeting the petitioner (President of the South Dakota Houndsmen Association) could not clearly show that many of the 9 lions killed by hound hunters in the prairie - since prairie hound hunting of cougars was allowed (2015) - were in fact "conflict" lions. He claimed one lion of the nine lions killed via hound hunters was alleged to have scared livestock in a pen and thus harmed livestock. GFP staff disclosed only 4 documented depredations by cougars on livestock or pets in 1999-2015 on the Prairie, and there have been no documented depredations since then, that West River staff could tell us of -- so where are the documented depredations problems that the hound hunters are allegedly curing? Why doesn't GFP insist on substantive evidence - instead of listening to stumbling & uncertain response to the question -- “were the hound hunted lions on prairie "problem lions"”? The President of the South Dakota Houndsmen Association and proponent of the petition could not clearly answer that question. 5. Hounds may disturb other wildlife and may disturb other public land users. 6. Public land managers may have a duty to protect wildlife viability – that includes protecting their few cougars. There is a body of federal law that protects wildlife on various federal land jurisdictions. The Federal Government's land management does not exist primarily to deliver hunting licenses to sportsmen, or grazing to ranchers. The public owns public lands and the federal lands serve much broader purpose and are accountable to broad and diverse constituencies. 7. Hounds may create trespass to private lands. This is also a jurisdiction issue when in the checkerboard of tribal/non-tribal lands on the prairie unit, as hounds & hunters may exit GFP jurisdiction to tribal jurisdiction, where hunting may not be permitted, especially without tribal licenses. 8. Hound hunting harms the recovery of the small number of breeding cougars in suitable habitat on prairie. When cougar populations are small, every female and kitten in small populations is especially important and connectivity to larger cougar populations is needed for population viability. Hound hunting is more effective than "boot hunting" and will make recovery of lion populations on prairie even more difficult, given the 365-day prairie season. There are documented trapped and/or killed kittens on the prairie. Dead mothers with past proof of lactation have also been documented. Breeding is happening on the prairie. Jurisdictions involve both tribal and non-tribal lands. 9. Hound hunting of mammals is a controversial practice and is outlawed in many states. Many folks object to it for many reasons. The hound hunters have been piecemeal enlarging on past wins.

First they got Custer State Park, then private land on the prairie and now seek access to public land on the prairie. They are continually asking for more. We believe that the SDWF agreed to not object to the allowing hound hunting in prairie on private lands in Jan. 2015, with a compromise not to include public land in the hound hunt... but now the hound hunters want that extra piece too. 10. Increased hound hunting will further impede possible cougar recolonization of the Midwest and East. Since 1990, occasional wild cougars have been turning up in states where they'd been extirpated by the 1920s. DNA analysis has shown that most of these cougars were born in the Black Hills. The SD Game Fish & Parks (GFP) has declared all the state outside the Hills as "[politically] unsuitable habitat". Cougars on the Prairie can be killed at any time. Hounds drive cougars into trees or onto rock outcroppings where they can easily be shot & thus are extremely effective method for killing them. The GFP is in the process of reducing the Black Hills lion population by setting unattainable hunting quotas/caps. Expansion of opportunities for killing cougars with the use of hounds on the Prairie may cut off any possibility of re-colonization of the Midwest and East and restoring more balanced ecosystems there. Additional Amendment to the Rule The proponent of the petition for rule change could not well document that hound hunters were actually killing "conflict lions" rather than just engaging in recreational hunting. We object to hound hunting of cougars on the prairie unit and object to the petition and the proposed rule, however if this rule change is passed, it should be amended to require an affidavit of landowner be submitted to SDGFP, along with the cougar carcass stating the conflict he/she had with the dead lion and that he/she requested the help of the hound hunter and had notified SD GFP of the conflict lion, prior to calling the hound hunter. Such affidavits should be available for public review. The hound hunter should also submit an affidavit, if the hunt left private land to public land, explaining actions on public land." These attached comments further develop and prove the comment we sent you in a long letter on Monday of this week. In the below letter we develop this argument further by providing you with legal citations that show the duty of Federal Land Managers for the Forest Service and BLM to protect species and their resources. We believe these Federal duties are not consistent with SDGFP plans for cougars on their lands. Comments on hound hunting of cougars on public land in the prairie. In our previous letter we sent on Monday October 30th, we expressed concern for federal public land manager's duty to protect wildlife on their land (wildlife includes cougars). We believe this duty is not consistent with allowing cougar hunting (with or without hounds) in their jurisdictions where minimal number of cougars may exist. FOREST .SERVICE The situation you have for the Forest Service lands in the prairie is different than Forest Service lands in the Black Hills. In the Black Hills SDGFP can argue that viability of cougars on the Black Hills National Forest is not currently endangered by the harvests allowed by the Wyoming and SD game agencies. We believe that the level of hunting allowed by SD GFP on the Forest Service lands in the prairie endangers local cougar population. SD Forest Service lands include Custer National Forest, Buffalo Gap National Grasslands, Fort Pierre National Grasslands and Grand River National Grasslands. There has been a female cougar with kittens seen on the Custer National Forest by Forest Service staff in the mid 1990s. There was a female killed at Slim Buttes. There have been males killed in Custer National Forest generic area who were older (older than sub-adult age). We question whether the Forest Service Units of land in the Prairie can sign memorandum of understanding with you, when your policy is to eradicate cougar populations on their lands in the prairie. Discussion of Federal Law for protecting Species Viability 1982 Planning Rule. The Forest Service promulgated NFMA planning

regulations on September 30, 1982. See National Forest System Land and Resource Management Planning, 47 Fed. Reg. 43,026 (Sept. 30, 1982) (codified at 36 C.F.R. pt. 219) (“1982 Rule”). These rules, rather than the revised 2012 Planning Rule are the ones that govern Custer National Forest, Buffalo Gap National Grasslands & Fort Pierre National Grasslands. I forget which version of the planning rule governs Grand River. However 2012 version of the Planning Rule changed the language from providing for “viable populations” to providing for species capacity to persist. With respect to wildlife, the 1982 Rule established “population viability” provisions to implement NFMA’s so-called diversity requirement, 16 U.S.C. § 1604(g)(3)(B). The 1982 Rule provides that “[f]ish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area.” 36 C.F.R. § 219.19. See also *id.* § 219.27(a)(6) (requiring Forest Service to “[p]rovide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species”). The 1982 Rule defines a “viable population” as “one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area,” and specifies that “habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.” *Id.* at § 219.19. These specific management requirements apply to the development, revision, and amendment of Forest Plans, and to the implementation of Forest Plans through specific projects and actions. (§ 219.27.) 2012 Planning Rule The 2012 Forest Planning Rule applies to Forest Plan Revisions done after 2012, instead of the language of 1982 Rule, it has the following requirement to protect at-risk species. Species-specific plan components are required when Sustainability and Ecosystem plan components are insufficient to provide the ecological conditions to: “contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area.” (36 CFR 219.9(b)(1)). (emphasis added) SCC are defined as: “a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species’ capability to persist over the long-term in the plan area.” (36 CFR 219.9(c)). (emphasis added) Bureau of Land Management. BLM also has rules that would protect species, but they are not as clear-cut/obvious as the Forest Service’s rules. The Federal Land Policy and Management Act’s (FLPMA’s) has a requirement that BLM must manage the public lands in order to prevent unnecessary and undue degradation (UUD) and permanent impairment to the quality of the environment. See 43 U.S.C. §§ 1702(c), § 1732(b). FLPMA directs that the Secretary of Interior (and hence BLM) must “take any action necessary to prevent unnecessary or undue degradation of the lands.” 43 U.S.C. § 1732(b). The obligation to avoid “unnecessary and undue degradation” is a substantive one, and BLM is required to deny approval of an action if UUD cannot be avoided. Similarly, FLPMA provides that the Secretary “shall manage the public lands under principles of multiple use and sustained yield,” which means, *inter alia*, “without permanent impairment of the productivity of the land and the quality of the environment.” 43 U.S.C. § 1702 (c), 1732(a) (emphasis added). FLPMA’s obligation to avoid “permanent impairment . . . to the quality of the environment” is a substantive limitation on BLM’s actions, and BLM is required to deny approval of an action if the action will “permanently impair” the environment. FLPMA’s “non-impairment” provision elevates the protection of the

“environmental quality” of public lands as an “important objective” of public lands management. Thus, the “non-impairment” mandate is not a factor to be balanced in determining whether to approve a project on public lands, but, rather, is a nondiscretionary mandate to judge the propriety of moving forward with an agency action. Under FLPMA’s “non-impairment” requirement, BLM must disapprove of any action that will have a fixed or enduring impact damaging, weakening or diminishing the environmental quality of the public lands. So the question for BLM is can they sign a memorandum of understanding with you, when you have a goal , visa vie your hunting policy to extirpate cougars from their land. Thanks,”

Richard Finn, Sturgis, SD, emailed, “I would like to convey my opinion on the use of dogs while hunting Mt Lions, I live 6 miles south of Sturgis, west of exit 37, I have several pictures of cats on my trail camera and a video from my bedroom window of a big cat. They have killed 2 deer on my property (20 acres), 3 or 4 weeks ago we seen a young cat on our ridge. I have never hunted with dogs, but I have a friend that has dogs and one thing I like is when they tree a cat they are able to not only take pictures but assess the size, age, sex +/- and can decide if they should harvest the cat, thus reducing the chance of killing a young (kit/cub). Even though I love Mt Lions I still feel there are to many and would like to see their numbers reduced. It seem like Wyo has a working system, you might consider something like theirs. In closing, yes I am in favor of the use of good well trained hunting dogs,Thank you”

Rick Hanson, Spearfish, SD, emailed, “I support the use of hounds for mountain lion hunting, on public lands outside the Black Hills Fire Protection District. I think this would be good for many reason's. I think this would help SDGFP relationship with ranchers, it gives mountain lion hunters a chance, to help curb the expense of a problem cat that SDGFP might otherwise have to take on in manpower and travel time, etc. I find that this is a positive proposal and encourage you the commissioners to support this proposal.”

Bob Brister, Salt Lake City, UT, emailed, “Please do not expand hound hunting of cougars. Cruelty does not become South Dakota. Thank you,”

Francis DiCesare, Rapid City, SD, emailed,” I wish to object to the expansion of hounding lions in south Dakota. I am an avid hunter and I do hunt mountain lion in SD. However I do not believe that using hounds falls within the principals of fair chase. When using hounds the hunter becomes the follower and the hounds become the hunter. If the hounds happen to catch the lion then the lion is not quickly reduced to possession but dies a long and tortuous death. I believe that there is a place for dogs when hunting. A retriever who jumps into freezing water to bring downed waterfowl to the hunter or a bird dog who holds point while the hunters get into position for a high percentage shot help to make the hunt more ethical. But I believe the line is crossed when the dog becomes the primary pursuer of game.”

April West, Santa Rosa, CA, emailed, “I am writing to express **STRONG OPPOSITION** TO expanded opportunities for hunting mountain lions with hounds on the South Dakota Prairie. The use of hounds is inhumane, outdated and **NOT** considered fair chase. Expanding hounding onto prairies, where there are few trees for lions to escape, poses increased risk to the lions and the dogs. This is terrible. Where is your

compassion? Public lands belong to the public and not to the NRA and hunters. PLEASE protect our environment!"

Wolfgang & Kathleen Schmidt, Nemo, SD, emailed, "Please forward this e-mail to whomever has the final say (a/k/a the "commissioners") on using hounds to hunt our few remaining mountain lions in the Black Hills. We totally object to using hounds to hunt mountain lions on the public lands on the SD prairie and in Custer State Park. It is unfair and is orphaning many kittens. Please do not always favor the hunter in this state! If they cannot satisfy their need to kill a beautiful lion with a rifle, they should absolutely not be allowed to use dogs. There are no trees on the prairie where a lion being chased can climb. Soon, there will be no more cougars in South Dakota if this keeps up the way it is going. I have spoken to people at Game & Fish as well as at meetings and there is definitely an attitude among the commissions that is FAVORING the hunters. Please do not allow hounds to hunt lions anymore. It is cruel, inhumane and should be STOPPED. We have lived in the Nemo area for over 40 years and have NEVER even seen a mountain lion here. If there are that many that need to be killed every year, why isn't the quota being met. Isn't it time to stop killing and screwing up the balance of Mother Nature?"

Bob Koscak, Rapid City, SD, emailed, "I believe GFP does quite a good job in all its work, however I am adamantly OPPOSED to allowing dogs in lion hunting. Reasons are as follows: 1) South Dakota is not a rocky mountain state where there are lions found virtually anywhere in the state. You know better than I, but lions are almost non-existent, with very limited occurrences, anywhere but in the Black Hills, a relatively small geographical area. We do not have anywhere near the lion populations of the other western states. 2) Dogs chasing lions are virtually a guaranteed treeing experience if one is willing to chase after the dogs. True, the hunter, better described as the "shooter", is more able to verify if the lion is male or female. But, if the "shooter" chooses to shoot, the kill is guaranteed. Thus, one hunting license = one lion killed. 3) If your intent is guaranteed lion kills, dogs will do that. But do you really only want to generate license sales income of say 50 licenses for the 50 lions you want eliminated? That is hot hunting; that is pest control. I for one, would never buy a license again under those conditions. Why would I want to compete with those who own or can hire trained dogs? I actually quit buying a lion tag when you decided to allow dogs in the situations you now allow them for. My idea in the past was that perhaps I might "stumble upon" a lion in other parts of the state besides the Black Hills. That hope, of course, was eliminated when you allowed dogs to be used outside of the Black Hills. And now you are considering allowing dogs used everywhere. Be sure of your voting actions; you might get what you didn't intend to get. Unless you really are looking for a sure way to eliminate mountain lions. Please pass this along to the committee that is considering allowing dogs to hunt lions."

Donna Watson, Deadwood, SD, emailed, "I am adamantly opposed to the use of hounds for hunting cougars. I feel that it is cruel, unethical and far from sportsmanlike. It seems to me (and others I know) that it is just one more step toward eradication of this keystone species."

Teah Homsey-Pray, Deadwood, SD, emailed, "I object to hound hunting cougars. To whom is this fair? Please use science and studies to direct your decision concerning this matter."

Dr. Tom Huhnerkoch, Lead, SD, emailed, "As you may or may not know and certainly don't care...I spent over 15 years of my life and about that same amount of personal savings [for retirement] on the advocacy of Mountain Lions in the Black Hills. I had to give up the fight realizing that all my efforts and costs, done with the attention to the statutes and truths, were for essentially nothing seeing that your concerns lie NOT with the animals of SD, especially the invaluable predators, but with two major groups: The Killers some call them hunters...and the Livestock producers sometimes called stewards of the land. I had hoped that when cheerleaders for the Puma's elimination left office, things might improve. Such was not the case. Now I see that my forecast of Texas like killing of this animal would in time be the law of the land....I am considering returning to the fray. As humans, just another animal species, none of us, especially you who are given the charge to protect and serve OUR wildlife have the right to stop the restoration and repopulation of historic ranges of God's wonderful gifts to us all. To allow any hunting outside the Hills is totally wrong and unnecessary..but you know that...and to criminally allow fun seekers like Hound Hunters to trample on all lands outside the Hills, especially Federal Lands...is worse than wrong. So, grow a spine and for once...take a compassionate and humane stand for the cougars...if not...consider the emptiness of you and your legacy!"

Nick Haivala, Black Hawk, SD, emailed, "I support hound hunting lions in public land outside the hills"

Penelope Maldonado, The Cougar Fund, Jackson, WY, emailed, "Thank you for accepting public comments from The Cougar Fund. We have many constituents in your great state. It is a privilege to communicate on their behalf. The Cougar Fund respectfully asks that you consider the following factors when deciding whether to allow hunting of mountain lions with hounds to extend onto Public Lands on the Prairie. Unlimited harvest for 365 days per year was permitted as an alternative to SDGFP with their contract hounds men-response to conflict events. This was largely driven by politics, as even at that time it was difficult to confirm depredations by mountain lions. The decision was made to limit the hunting to private lands with the permission of the landowner. Although nine lions have been killed there has been no evidence of increased depredation, which suggests that the very presence of lions passing through marginal habitat does not lead to automatic conflict with people, pets or livestock. There is still no evidence to support random and widespread culling of mountain lions as a valid response to possible conflict. Many hunters question the efficacy of whether hound hunting qualifies as a 'fair chase' activity, according to the North American Model of Wildlife Management. Females disperse less frequently than males, but they do disperse. Mountain lions do not reproduce on a 'spring time' schedule, as do birds, fish and wild mammals, but may be pregnant or caring for dependent young at any time. Orphaned lions, even if they do survive, may be more prone to depredate, because they are not skilled in hunting wild prey. *The fact that SDGFP has a lion population is directly related to the regulation by states to the west, which allowed for natural dispersal into native range. You have an opportunity to maintain Public Lands as refuge for lions*

dispersing eastward, in much the same way that allowed you to develop a sustainable population in South Dakota. Thank you for your kind attention to our comments.”

Marking of Non-meandered Waters

Rosie Smith, SD Glacial Lake and Prairies Tourism, Watertown, SD provided suggestion on nonmeandered waters that an early resolution is better. She offered suggestion received by attendees they visit with at sports shows That if at all possible have waters marked by a specific deadline or timeframe so people can plan travel and vacations and not arrive to SD and the water be marked.

Bighorn Sheep Hunting Season

No oral or written testimony was received

CSP Antlerless Elk Hunting Season

No oral or written testimony was received

Threatened and Endangered Species

No oral or written testimony was received

Aerial Hunting Permits

No oral testimony was received

Dave Jennings, Oelrichs, SD, emailed, “I am Dave Jennings from Oelrichs SD. We are ranch close to the Nebraska border. Last winter we tried to hire a contract pilot from Nebraska to help control coyotes. We couldn't do that because of a rule allowing only South Dakota pilots to aerial hunt. In our case the Nebraska pilot is minutes away from our ranch. To hire an instate pilot would mean paying additional ferry time greatly increasing the cost and possibly compromising his effectiveness. I would think other ranchers close to state borders would be in a similar situation. I encourage you to support the proposed aerial hunting rule change.”

Walleye Length Limit on Lake Poinsett

Representative Spencer Hawley, Brookings, SD said most people he has spoken to are in support and think this is a good management of fish.

Daniel Nefzger, Lake Norden, SD, emailed, “On oct 11 I attended a gfp meeting about ending 15in min length. Some interesting info was presented but more discouraging was the lack of information presented. Some even seemed fabricated such as walleyes with sunken rib cages, of which I have yet to see or know anyone that has. The gfp seemed to have a one track mindset that night . They presented only one solution and shrugged off any other ideas or suggestions not noting a single comment. I understand gfp is undermanned and doesnt want to enforce regulations on poinsett any more. However I think they should take into account the number of businesses they will be adversely affected the next 2-4 years. I believe there was a thoughtful solution presented that night which would allow for two unders . While removing a number of smaller fish it would allow the lake to maintain fishing opportunities. I believe this would not only help gfp sell more licenses, but better sustain the local businesses, also support the number of tournaments held every year.

Yet most discouraging was they said we would have final say and this was only a proposal. When surveyed they said it was around 70% didn't want slot removed completely and I can't say I know anyone in total support my question would be what %of us does it take to have a voice?"

Brian Fritz, Brookings, SD, emailed, "I think the length limit on Poinsett should mirror what's done in part of the Missouri River (15" minimum, except in July and August when there's no minimum). Try this proposal for a year or two and see how the walleye population reacts. If after two years there is still not the desired effect then see about removing the 15" limit. The lake has always had a minimum size limit on it as far as I can remember and it has always had good, and sometimes great fishing. The lake is dominated by a couple of outstanding year classes of fish. What happens when those year classes are gone? I understand people can be frustrated because they go and catch a bunch of fish on Poinsett but struggle to catch keepers because of the 15" Minimum. There are dozens of lakes within 30 Minutes of Poinsett that have walleye no minimum limit. While the bite may not be the as good on those lakes, you can keep sub 15" walleye on them."

Kody Campbell, Brookings, SD, emailed, "Hi my name is Kody Campbell from Brookings SD I fish Poinsett whenever I can go fishing and all I catch pretty much is either 14-14 1/2" walleyes and am disappointed that I have to throw so many back since I take my kids and they get upset when I throw them back. It would be a nice change at least for a little while sincerely Kody"

Robert Nelson, Sioux Falls, SD, emailed, "REMOVAL VERY MUCH NEEDED!! We have been saying this for a couple years. The "eyes" are hungry because of the demand for food ..we catch the small ones and return them only to be caught again. When we catch & release about 40 fishonly to keep a couple over 15 in. there is message there somewhere! We need to harvest under 15 in. to restore some balance! REMOVE 15INCH MINIMUM! Thanks"

Clint Davis, Castlewood, SD, emailed, "Gentlemen, I would rather have the size limit go from 15" to 14" like it used to be rather than no size limit. There are a ton of fish in that range in that lake. I also believe that most of the fish that are over the 15" mark are your spawners and go up and out the inlet and go up to Albert or out the outlet down the Sioux River and never return or can't. This would knock the population down but yet keep a good population in the lake for the future. Thank you for your time and what you do for us"

Kenny Kranz, Watertown, SD, emailed, "I'm for the change as 90% of eyes you catch there are the 8-13 inches Rarely do you pull up a big one. Is nice to thin those smaller ones out so the larger class can continue to grow"

Daniel Schaal, Brookings, SD, emailed, "I am strongly in favor of removing the 15 inch minimum size on walleyes in Lake Poinsett. It is clear that this regulation is not working, there are too many small fish and they are not growing. The sub 15 inch walleyes are often very skinny and the fish over 15 almost always have nothing in their stomach when cleaned, indicating it is hard for them to find enough food. The biggest reason the current regulation is not working is that a large number of small fish die from

hooking mortality. When fishermen catch and release 50 to 100 small walleyes in an attempt to catch some legal fish, which very often happens on Lake Poinsett, considerable hooking mortality is inevitable. I have a property on lake Poinsett and often see undersized fish floating into shore.”

Cory Gagnon, LeMars, IA emailed, “I would like to comment on removing the 15” minimum length limit on walleyes on Poinsett. 1. If you look at the health of all the fish coming of that lake, Perch, white bass, crappie they all look very health and well feed but when you get to the walleyes they look like they are starving. 2. I was fishing this lake 3 weeks ago with my boy and we were way up by E lake drive fishing the rock point and we stopped counting at 85 walleyes that we caught that were 14 to 14.75 inches long out of the 85 we did get one that was 15.75” to keep. Don’t get me wrong it was fun to catch that many fish but they were biting like they were starving and no matter how careful we were to remove the hooks I’m going to guess from deep hooks that 7+ of them was going to die. 3. If you don’t remove the 15” minimum length limit maybe you could put a regulation on fish that are going to die? Just my thoughts thanks for taking the time to read this and thanks for all you guys do to make great opportunities on so many good lakes!!”

Jerry Kastein, Hayti, SD, emailed, “I would like to see the size limit moved to 14 inches. I like that there are a lot of smaller fish because it makes great opportunity to take kids fishing and have a high chance of catching something making it more enjoyable for them. At the same time I would like to have better opportunity for larger walleye. From my experience fishing the lake I have found a decent number of walleye that are just under the 15 inch limit. I think by decreasing the limit to 14 inches we could help balance things out a bit more by having a few less fish maybe we could have more large fish to catch.”

Curt Coover, Brookings, SD, emailed, “I am okay with taking size limit done to 14” but don’t think it should be taken off completely. And then only for a short period of time. Feel nature will take care of the problem of fish not growing much, if food shortage is the problem fish will start eating each other, tell there is enough food supply to support the hatchery.”

Bret Brown, Sioux Falls, SD, emailed, “I fear with all the fishing pressure that Lake Poinsett receives, it may not survive without some kind of limit. I’m sure u have studied up on this proposal and can guess what will probably happen. A lot of Minnesota lakes have gone to a slot limit to protect the breeders, and this program seems to work very well as there seems to be a never ending supply of 14 in tasty eaters. Maybe we have tried this before, I can’t remember. Anyway, I hope we are doing this to protect the fishery and not because of pressure from the public, because it looks like a large city out there every year as soon as the ice will support pickups. And isn’t Albert connected and already without a limit? We did very well on Albert this year as well as many many other fishermen and women. Anywho, I’m sure you have had all of these discussions already and will make the right choice.”

Pat Malcomb, Sioux Falls, SD, emailed, “I thought this size limit should have been gone 2 years ago. I haven’t fished there since I saw a bunch of sub legal fish

floating belly up, they were nice fish just under the 15 inch limit that almost everybody would have kept. I vote yes get rid of it.”

David Rusten, Brookings, SD, emailed, “I will not be able to be at the meeting. I have fished on Lake Poinsett and agree that something needs to be done. Size limits have been removed on lakes before with too many fish being removed. I have talked to a number of people and the consensus is that if the size limit is removed it should be for a short time like it is on part of the Missouri River and then reevaluated. If there is no size limit people will keep fish down as small as twelve inches or less and that is too small to keep.”

Richard Koisti, Brookings, SD, emailed, “As someone who fishes in Lake Poinsett and Lake Albert regularly, I personally feel that removing the 15” size limit on walleyes would be a mistake. I am 44 years old and have lived in this area all of my life. The walleye fishing on Lake Poinsett currently is as good or better than I can ever remember. The walleye fishing on that lake has been poor to ok at best for many years and has greatly improved since the 15” limit was imposed. If anything, maybe it could be dropped to 14”, but I personally am not in favor of removing the limit entirely.”

Steve Will, Brookings, SD, emailed, “I am in favor of removing the 15 inch minimum on walleyes caught on Lake Poinsett. I have fished there regularly over the years and sometimes it is very difficult to catch even one fish that is legal to keep. I have to believe that catching and releasing many smaller fish on those days results in a some mortality, so removing the regulation should help in that respect.”

Lynn Borgers, Howard, SD, emailed, “Hello, I recently fished Lake Poinsett. I guess if you are asking my opinion I would have to say to take off the restriction. I spent the whole day fishing and never caught a fish over the 15” limit. I did catch and release probably 30 smaller ones that day. I friend of mine has been there several times this summer and had the same luck. I think that there might be too much competition for food and that they are not growing larger because of that. I have not returned and have been fishing elsewhere.”

Dennis Olson, Brandon, SD, emailed, “I think the length should stay. Perhaps set aside a month or two each year to take some from 14” to 15” long to delete the population some to allow those left enough to grow.”

Jared Anderson, Brookings, SD emailed, “I would like to take a few minutes to voice my opinion concerning the regulatory changes on minimum size limit concerning walleye on Lake Poinsett. Being a Wildlife and Fisheries student at the university, I have been able to first hand witness several giant year classes of walleye dominate a fishery. Having fished both from shore in waders as well as out of a boat, I can honestly say that on any given night we as a collective group are able to catch over 100+ walleye on a nightly basis. These fish, with a few rare exceptions, range in size from 10” to 14.5”, over a half inch shorter than the current minimum size limit. It is quite obvious that the condition of the walleye population is deteriorating, as the fish appear "skinny" and are willing to bite on almost anything thrown on the lake, even a bare jighead. I support the removal of the minimum size limit on Lake Poinsett in the hopes that this change will promote the removal of individuals from the dominate year classes, and hopefully long

term allow anglers to help work towards a more healthy walleye population in the fishery.”

Dean Lipetzky, Sioux Falls, SD, emailed, “Being a fisherman myself I am opposed to re moving the 15" minimum size limit for walleye. To be practical the amount of meat you get from a fish smaller then 15" is not worth the time it takes to fillet them. I would sooner throw them back and let them grow.”

Andrew Kerkhove, Salem, SD, emailed, “I just want to voice my support for the removal of the 15 inch requirement for walleye on lake Poinsett. I have fished this lake a great deal over the last 2 years and found the walleye to be very hungry and don't appear to be growing. My only concern is the number of anglers this may bring but that is a whole other topic in particular the number of nonresidents that fish South Dakota while their state is closed due to the spawn. South Dakota should make some changes to address the negative impact this is bringing to the over fishing of walleye state wide during the spawn. Possibly closing fishing to non residents until May 1st or increased and or limited fishing license to say 5 day.”

Dennis McGuire, Sioux Falls, SD, emailed,” I've haven't fished Poinsett in years, but still fish many of the glacial lakes. I would say to keep the limit of 15" as it is. Not many worthwhile fish to eat below this 15" anyway. Not sure the reason for taking it off in the first place. Poinsett will be overrun with “fishermen” if limit is lifted and then how long to get the population back up to reasonable size fish. Nothing wrong with throwing back fish below 15”, because I feel fish in that size range it is more about catching and not eating.”

Brayton Mack, Brookings, SD, emailed, “Hello this is Brayton Mack I live in Brookings South Dakota and I am 13 years old. When I go fishing I like to be a little close to home and come home at a reasonable time. It take longer than it should to catch a 2 man limit because I always catch 14 1/2 inch walleye. I think that lowering the length to 14 is a great idea.”

Rollie Kludt, Watertown, SD, emailed, “I ask that if a change needs to be made at Lake Poinsett, at least leave a 14" minimum on. By taking the minimum off completely, and let people clean and eat fish on the ice, and still keep limits is about the worst law ever. We have seen how doing away with at least a 4" minimum has ruined Lake Kampeska, and now is having the same effect on Bitter Lake. Our lakes cannot sustain hundreds of fishermen seven days a week.”

Todd Lauseng, Watertown, SD, emailed, “Drop size limit to 14 inch.”

Holly Heiberger, Sioux Falls, SD, emailed, “Keep the regulation size as is or lower to 14 inches max. There must be a regulation size in place, without this the increase in anglers could cause concern for overharvest. Possibly the concern should be to reevaluate the predation or lack of forage?”

Jay Schriever, Woonsocket, SD, emailed, “If you remove the size limit, with the amount of fishing pressure, you will end up with another Lake Oahe. I'm not sure if youve done creel surveys on Oahe but the fishing is bad. If you want to do something

productive, seign those little fish out of lake Poinsett and put them into other lakes that don't have those sizes. Please don't ruin the Poinsett fishery too.”

Miron Helvik, Arlington, SD, emailed, “I think changing the size limit is a good idea due to the amount of smaller fish in Poinsette. However with the size change I think the daily limit needs to be adjusted also. Lowering the size will flood Poinsette with both resident and nonresident fisherman and will destroy the fish population for the future. Maybe limit to 2 14” and 2 15s.”

Ross Schulte, Watertown, SD, emailed, “Take off the 15” size limit on Lake Poinsett. Fishermen are capable of returning healthy fish under 15” without regulation, but they need to have the option of harvesting fish that are sizeable to eat or are not going to survive being released. Thank you for the opportunity to offer my input.”

Earl E. Nelson, Erwin, SD, emailed, “I’m Strongly Oppose reducing the length limit of Walleyes on Lake Ponsett. I have fished Lake Ponsett this year more than any other Lake in South Dakota. I found fishing Ponsett the most enjoyable of all the Lakes in South Dakota. Catching and Releasing 30-40 under Length 14 1/2 - 14 3/4 inch fish) unharmed and being able to keep non-targeted fish (Northern Pike, Smallmouth Bass and the exciting 2-3 lb. White Bass) made for a much more exciting and memorable fishing trip. Reducing the size limit on Walleyes will reduce the numbers of catchable fish available for everyone. After the Boondoggle of The Non-meandering lakes issue, last Spring, Lake Ponsett Walleyes Fishing was the highlight and the only redeeming light of my fishing this year. Please do NOT reduce the Length Limit on Walleyes for Lake Ponsett!”

John Rodenborn, Brandon, SD, emailed, “Gentlemen: When considering a size reduction on walleyes at Lake Poinsett please consider what size reductions have done to other walleye fisheries. Size reductions on Waubay Lake have caused many fishermen to choose other lakes to fish. It has also caused a major reduction in the number of walleyes in Waubay Lake. The same is happening at Bitter Lake. These lakes have been overfished. Please consider alternate approaches. Wouldn’t it be best to introduce more bait fish? Is there a reason that the GF&P cannot pursue a policy of stocking more fry in the species of crappie, bluegills or perch? If walleye growth is truly stagnant, why not introduce more natural foods to the waters? At the very least, would a change in the overall limits be best? Possibly allow only one walleye under 15” in the daily limit. Or, lower the overall limit to 3 walleyes daily. Many out-of-state fishermen come to South Dakota in the hopes of catching trophy walleyes. Lowering size limits will only cause these fishermen to look for other states in which to fish. It will also cause a large reduction in the sale of fishing licenses and result in a loss of revenue to GF&P. All of my fishing friends love to catch walleyes. They also appreciate catching large crappies, bluegills and perch. So please be considerate of all the panfish varieties and the diversity of fishermen who come to South Dakota to relax and enjoy our great state.”

Tim Casper, Lake Preston, SD, emailed, “My concern is that if this minimum size is lowered in anyway at the January date the ice fisherman will boat-pig it out.”

Jeffery Jankord, Watertown, SD, emailed, “I support the proposal to remove the size limit on walleyes.”

Chris Waba, Madison, SD, emailed, "Lake Poinsett has always been an outstanding fishery. I think that the 15 in minimum is a regulation that needs to be removed. the quality of fish in the lake has not seemed to improve over the past several years and I have certainly caught my share of 14.5 inch fish. I feel if a few of those fish can be removed, the size and quality of fish will improve."

Arlene and Ron Freeseemann, Castlewood, SD, emailed, "The facts support removal and it should help reduce the numbers that compete with each other for the available food supply. My wife & I live near the lake and fish it plus other lakes and can vouch for that similiar size fish in the other lakes are wider over the top plus have more weght along with a healthier "look". Most of us like to catch bigger fish so we are not just going to fish more (abusethe regulation) just because of the change but a 14 " walleye will "taste good" in the pan while the remaining fish in the lake get healthier/bigger for their age category!"

Bait Dealer Application Reuirements

No oral testimony was received

Mark Ponter, Brookings, SD, requested clarification on bait dealer application requirement rules.

Park Entrance and Camping Fee Changes

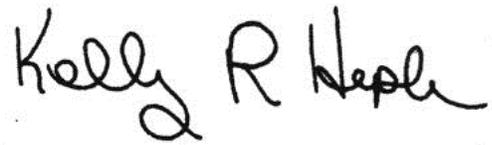
No oral testimony was received

Sammi Kenzey, Rapid City, SD, emailed, "GFP Commission: I am sure that these changes will take place regardless of what people say or how many say it! I have done my share of camping in the Black Hills over the years and I will tell you the one thing I can not stand is the bathrooms! Who monitors this? If I have to pay more for my camping I want to see bathrooms that are pumped out more frequently, deodorizer in all bathrooms, toilet paper always stocked, and someone that cleans them daily! Seems that the way of the world is that we pay more and receive less these days. If the fees increase, I expect to see my services increase as well. Just sayin!"

Nancy Hilding, Prairie Hills Audubon Society, Black Hawk, SD, emailed, "Prairie Hills Audubon Society Objects to the removal of Primitive Lodging Campsite: Changes are proposed to - "41:03:04:01. Definitions" & "41:03:04:03. Camping permit fees" that include removing Primitive Lodging campsites & there fees. This seems to have been offered at Fort Sisseton State Park (12) "Primitive lodging campsite," a campsite where a canvas teepee or wall tent with a wooden floor is provided by the department; (12) Primitive lodging campsite fee, \$23. The campground included is Fort Sisseton State Park; We object to removing an experience that could be of interest to tribal members or SD history buffs & could be used as option at other parks. We believe that Native American culture is fascinating to many tourists and this might be a tourism draw and is not just relevant to local people. If you don't want to currently erect such tents/teepees, does having the category as an option, require you to erect the tents/teepees each year or does it merely give you the option to store the equipment and erect them whenever you wish to do so?"

The public Hearing concluded at 2:17 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kelly R Hepler". The signature is written in a cursive style with a large, looped "K" and a distinct "R".

Kelly R. Hepler, Department Secretary