

Minutes of the Game, Fish, and Parks Commission December 7, 2020

Chairman Gary Jensen called the meeting to order at 1:00 p.m. CT via conference call. Commissioners Travis Bies, Gary Jensen, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, Robert Whitmyre. Public and staff were able to listen via SDPB livestream and participate via conference call with approximately 65 total participants via zoom.

DIVISION OF ADMINISTRATION

Conflict of Interest Disclosure

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

Approval of Minutes

Jensen called for any additions or corrections to the September 2-3, 2020 regular meeting minutes or a motion for approval.

Motion by Olson with second by Whitmyre TO APPROVE THE MINUTES OF THE NOVEMBER 5-6, 2020 MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

Jensen called for additional salary days. None were requested.

Commissioner Recognition

The current GFP Commissioners recognized Mary Anne Boyd and Scott Phillips for all their work during their time on the Commission.

GFP Leadership Development Program Graduation

Emmett Keyser, wildlife regional supervisor and Jeff VanMeeteren, parks and recreation regional supervisor, provided an overview of the GFP Leadership Development program then introduced the second graduating class.

Future of Habitat

Deputy Secretary Kevin Robling and Wildlife Director Tom Kirschenmann provided a briefing on the on-going discussion around habitat. Kirschenmann explained that primary focus of discussions will be on "What more can we do" and "How do we go about doing it" when considering private lands habitat. We will have internal discussions to generate ideas and concepts and also coordinate with other federal and state agencies as well as non-government organizations to help assure we are not duplicating habitat programs and determine how more can be complimentary. Discussions will prioritize habitat efforts and include prioritizing resources, both funds and staff.

Wildlife Damage Management Strategic Plan

Kirschenmann and John Kanta, terrestrials chief, provided an update noting that in May 2019, the South Dakota Governor's Office selected the Wildlife Management Institute to conduct an independent, 10-year historical review of South Dakota Game, Fish, and Parks' (GFP) comprehensive Wildlife Damage Management (WDM)

program. As a result of this review and staff discussions GFP developed an action plan to identify overarching issues and timelines to address these issues. Within the action plan a need for a WDM strategic plan and associated goals and metrics was identified. The WDM strategic plan was recently drafted and currently staff are reviewing the plan and providing input. GFP held four virtual listening sessions in each of the four administrative regions for the public to provide input. A virtual meeting was also held in September with the ADC Advisory Committee to review the plan and gather input. The WDM strategic plan includes three overarching goals; provide excellent customer service and program transparency, foster landowner relations while enhancing communications and mitigate livestock and property loss through effective delivery of wildlife damage program services. Within each of these goals is a number of strategies and associated action items to identify specific tasks and an expected completion date. Much of the plan centers on increasing outreach and public input opportunities and measuring customer satisfaction. Other action items deal with training and mentoring staff, prioritizing staff time on specific duties and ongoing aggressive and preventative coyote removal to reduce livestock loss.

Pheasant Hunting Marketing Update

Emily Kiel and Taniya Bethke provided an update on pheasant hunting marketing.

License Sales Update

Heather Villa, wildlife administration chief, said as we are approaching the end of the licensing season, we are seeing very positive numbers for license sales. We have been fortunate that Governor Noem has been very clear that the outdoors are open and that message is getting out as we are seeing in our license sales. We are currently \$2.6 million over our three-year average of license sales revenue. This includes Habitat Stamp sales which account for roughly \$2.5 million. Overall, we are still roughly \$155,000 up in revenue when comparing 2020 to the three-year license sales average. We will provide final figures of the licensing year at the next commission meeting.

2021 Legislative Session

Kevin Robling provided an update on possible legislation for the 2021 legislative session.

PETITIONS

Tom Kirschenmann, wildlife division director, provided information on the petition process and options available for commission action.

Mellette County West River Deer Hunting Dates

Dan Snyder, petitioner, presented his petition to reinstate Mellette County West River deer draw back into the A and B seasons. He explained his reason for the changes is because he started hunting on Darrell Iversen's ranches in Mellette Co. back in the mid 80's. when there was an A and B season until recently. Now the boys Aaron and Eric run the ranches, and in the last two years I have taken Aaron's oldest son Carter hunting and it's been a bust. Carter wants to hold out to shoot a buck that he has seen during haying and harvesting. We see nice white tails and mule deer on these ranches prior to hunting season. Both ranches have Tribal land in parts of their ranches and obviously allow tribal members access. I know Comm. Barry Jensen had a part in

this moving the dates of the Mellette County licenses, and he is an awesome person, so this is not anything but disagreeing with his idea. His neighboring Rancher Eric Iversen knew nothing about it. Most these ranchers feel they are lucky just to catch the morning or nightly news. We were also wondering why Bennett County on the same reservation wasn't changed too, but glad for those non-tribal landowners. The landowners should have equal opportunity to harvest animals they are feeding

Motioned by Sharp second by Bies TO DENY THE PETITION. Motion carried unanimously.

Motion by Locken, second by Locken TO APPROVE RESOLUTION 20-25 (appendix A) denying the petition. Motion carried unanimously.

PROPOSALS

Aerial Permit Adjustments

Kirschenmann presented the proposal to modify existing administrative rule to remove application requirements for submitting pilot certificate data and medical certificate data. He explained aerial hunting is a highly regulated activity in South Dakota and to obtain an aerial hunting permit, pilots must file an annual application with GFP. While applicants will still need to confirm they possess valid certifications, they will not be required to provide a copy of the pilot's certificate data (i.e. pilot's license) and medical certificate. This will help simplify the application process.

Motioned by Whitmyre, second by Locken TO APPROVE THE RECOMMENDED CHANGES TO REMOVE APPLICATION REQUIREMENTS FOR AERIAL HUNTING PILOTS. Motion carried unanimously.

Big Game Ammo Minimum Size and Type

Kirschenmann presented the proposal to allow for the use of monolithic copper fluted bullets to be used to take big game animals and provide supporting information on ammo trends, current regulations and toxicity.

Whitmyre has some concerns because there should have a qualifying factor for performance for copper fluted bullet so it's difficult to make a criteria.

Kirschenmann responded we will be following up with staff knowledgeable with ammunition to provide further information.

Spring asked what are minimum requirements for use of handguns for harvesting game?

Sam Schelhaas responded it goes by foot pounds of energy. 500 for handgun and 1000 for rifle which you can typically find on the ammunition box.

Motioned by Olson, second by Sharp TO ALLOW THE USE OF MONOLITHIC COPPER FLUTED BULLETS TO BE USED TO TAKE BIG GAME ANIMALS. Motion carried unanimously.

Nonmeandered Waters Navigation Lane Process

Robling presented the proposal to create a new rule to establish procedure for the public to request a navigation lane through a closed nonmeandered body of water when no other alternative legal access is available. He explained that during a special legislative session in 2017, the Legislature passed the nonmeandered waters compromise. As part of the legislation, the Commission is obligated to promulgate rules to establish a process whereby a person may petition the commission to open a portion of waters or ice of a closed nonmeandered lake for the limited purposes of transportation to a portion of a nonmeandered lake that is open for recreational use.

Bies so this allows them to petition access over private property.

Robling explained when a closed piece of NM waters cuts off access to public water, they can petition for access via a navigation lane.

Kotilnek noted this is only when there are no other legal means and provided examples to access the body of water which is specifically for nonmeandered waters per statute.

Robling further clarified this creates the process to allow for a process to request a navigation lane as required by law. He also noted the department will mark the navigation lane

Whitmyre said safety and practicality needs should be discussed before we even get to the petition for access.

Robling responded if we were to receive a petition from the public, we would look into all of those safety and practicality concerns.

Spring to clarify this is private property covered by water and they are asking the commission to go against a landowner.

Robling explained the open waters compromise provides for landowners to request closure. During the compromise discussions they wanted a rule made to allow for a process to request access to public area via a navigation lane.

Sharp said the bar is and should be set high. We are obligated to do this.

OPEN FORUM

Jensen opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda. No presenters came forward.

DIVISION OF PARKS AND RECREATION CSP Resort Repair and Maintenance Recap

Matt Snyder, parks and recreation regional supervisor, and Josh Schmaltz, Regency Resort Management, presented the Custer State Park Resort repair and maintenance recap.

Sheps Canyon Road Update

Scott Simpson, division director and Al Nedved, deputy director, presented an update on Sheps Canyon Road.

Revenue, Camping and Visitation Report

Al Nedved, deputy director provided an update on revenue, camping and visitation stats. He also provided information on visitor origin based on park entrance license sales and camping reservations.

DIVISION OF WILDLIFE

Bighorn Sheep Auction Tag Approval

Kanta stated the 2020 auction license sold for \$312,000. The hunter harvested a ram in the eastern Pennington unit that was rough scored at 198¼ inches on the Boone and Crocket scale. GFP is currently making plans to auction a bighorn sheep license valid for the 2021 bighorn sheep season. Emails were sent to non-governmental organizations that may have an interest in auctioning this license. Any party interested in auctioning the license was required to submit an application by November 24, 2020. The organization that auctioned the license for the 2020 season was the Midwest Wild Sheep Foundation (MWSF). The MWSF is again interested in auctioning the 2021 license and was the only organization to submit an application.

Motioned by Bies, second by Olson TO APPROVE THE ADMINISTRATIVE ACTION GRANTING THE REQUEST FROM THE WILD SHEEP FOUNDATION – MIDWEST CHAPTER TO OBTAIN A BIG HORN SHEEP AUCTION LICENSE. Motion carried unanimously.

Outdoor Campus East Expansion Project

David Parker, outdoor campus east director, said The SD GFP Outdoor Campus Sioux Falls is exploring the opportunity for an expansion to include an indoor and an updated outdoor archery/bb gun range. The proposed ranges would utilize federal funds specifically from the Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act, which is a 90% federal dollars to 10% matching non-federal dollars. The Campus seeks to utilize grants and fundraising to supplement the 10% match to create this space allowing for more hunting/fishing programming year-round.

2020 River Otter Season Summary

John Kanta and Alex Solem, wildlife biologist, provide a powerpoint on the 2020 river otter season. The 2020 river otter hunting/trapping season started November 1. The season harvest limit of 15 river otters was reached on November 6 and the season officially closed November 7 after the 24-hour reporting period ended. A total of 6 female and 9 male river otters were harvested. River otters were harvested in Brookings (1), Minnehaha (2), Moody (8), Grant (1), Roberts (1), and Hamlin counties (2) within the designated open season boundary.

Law Enforcement Section Update

Sam Schelhaas gave a brief update of what is happening in the Law Enforcement Section. Sam shared that the 3 top priorities, along with the daily duties of Conservation Officers, were developing the Strategic Plan, Merging Parks and Wildlife law enforcement into one section and the National Law Enforcement Recruitment

Campaign. Sam talked about these in more detail is proud off the work that has been accomplished in such short time.

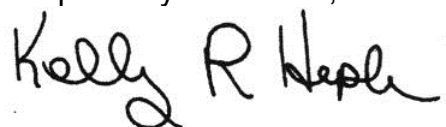
SD Youth Learning Wildlife Conservation

Taniya Bethke provided information on programs available for South Dakota youth to learn wildlife conservation.

Adjourn

Meeting adjourned at 3:50 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 "H".

Kelly R. Hepler, Department Secretary

Appendix A
RESOLUTION 20-25

WHEREAS, Dan Snyder of Pierre, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated December 1, 2020, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:20.02 (Open units – Exceptions) to reinstate the split West River deer season in Mellette County for the reasons more fully set out in the petition (hereinafter referred to as “the Petition”); and

WHEREAS, all members of the Commission have been furnished with and have reviewed a copy of the Petition; and

WHEREAS, the Commission has been advised that a copy of the Petition has been served on all members of the Interim Rules Review Committee and Director of the Legislative Research Council as required by SDCL § 1-26-13; and

WHEREAS, the Commission has been advised that SDCL § 1-26-13 requires that within thirty (30) days of submission of a Petition, the Commission shall either “deny the petition in writing (stating its reasons for the denials) or shall initiate rule-making proceedings in accordance with SDCL 1-26-4.”; and

WHEREAS, the Commission has been advised and is of the opinion that a hearing on the Petition is neither statutorily required nor necessary; and

WHEREAS, the Commission has reviewed and carefully considered the requirements and procedures set out in SDCL §1-26-13 and the contents of the Petition, including the reasons advanced by Petitioner in support of reinstating the split West River deer season in Mellette County; and

WHEREAS, the split season structure used prior was to reduce hunter density and attempt to align season dates; and

WHEREAS, in 2017, the split season structure for Mellette County was eliminated to simplify regulations, further align units with the same hunting dates, and the fact that fewer licenses and tags are now issued compared to 5-10 years ago due to lower deer numbers; and

WHEREAS, current deer management objective is to substantially increase deer numbers and a split season approach will increase overall harvest with two opening weekends and contradict management direction.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby deny the Petition for the reasons hereinabove stated in this Resolution, which said Resolution as adopted by the Commission shall constitute the Commission’s written denial of the Petition and its reasons, therefore.

BE IT FURTHER RESOLVED that the Petition, a record of the Commission’s discussions concerning same, and this Resolution be made a part of the Minutes of the Commission meeting at which this Resolution is adopted, and further, that the Department be and it is hereby authorized and directed in compliance with SDCL §1-26-13 to serve a copy of an extract of that portion of the Commission minutes which pertain to the Commission’s discussion of the Petition and its adoption of this Resolution, including a copy of the Resolution, on all members of the Interim Rules Review Committee and Director of the Legislative Research Council with copies also to be provided to the Petitioner, Dan Snyder of Pierre, South Dakota.