

**Minutes of the Game, Fish, and Parks Commission
January 4-5, 2022**

Chairman Russell Olson called the meeting to order at 1:00 p.m. CT. Commissioners Travis Bies, Julie Bartling, Jon Locken, Stephanie Rissler, Doug Sharp, Charles Spring, Robert Whitmyre and Russell Olson were present. Public and staff were able to listen via SDPB livestream and participate via video conference or in person with approximately 50 total participants via zoom and in person.

DIVISION OF ADMINISTRATION

Conflict of Interest Disclosure

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

Approval of Minutes

Olson called for any additions or corrections to the December 9-10, 2021 regular meeting minutes or a motion for approval.

Motion by Whitmyre with second by Locken TO APPROVE THE MINUTES OF THE DECEMBER 9-10, 2021 MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

Olson called for additional salary days. Bies and Spring each submitted 1 salary day (Shooting Range Meeting), Motion by Locken with second by Rissler TO APPROVE THE SALARY DAY AS REQUESTED. Motion carried unanimously.

Election of Officers

Jon Kotilnek, senior staff attorney, opened the floor for nominations.

Motion by Sharp with second by Rissler TO NOMINATE OLSON AS CHAIRMAN. Motion carried unanimously.

Motion by Olson with second by Locken TO NOMINATE SHARP AS VICE CHAIR. Motion carried unanimously.

Legislative Update

Secretary Robling provided an update on proposed legislation for 2022.

Budget Presentation

Secretary Robling and the Division Directors presented the budget.

Go Outdoors SD Update

Heather Villa, wildlife administration chief, provided an update

South Dakota Shooting Range Update

Secretary Robling provided an update on the status of the shooting range.

PETITION

Adding Butte County to Unit 2 Goose Hunting Season

Tom Kirschenmann, wildlife division director, presented the petition received from Ian Williams to add Butte County into unit 2 for goose hunting because there are geese in the area by the end of the season.

Motion by Sharp, second by Locken to deny the petition. Motion carried unanimously.

Motion by Whitmyre, second by Locken to adopt resolution 22-01 (appendix A) denying the petition. Motion carried unanimously.

Modify the Possession Requirements for Walleye on Lake Francis Case

Kirschenmann presented the petition submitted by Tom Steinhauser to amend the rule for ice fishing that states you must keep the first four walleye caught. Steinhauser's petition states: This regulation has a direct economic impact on our business. People will inquire about coming, and after learning about this regulation they chose not to come. They are having to pay \$67 for a license, \$25 for a habitat stamp which brings them to \$92. If they add the cost of a guide or lodging to that, they feel it's not worth coming out for. So, Platte Creek Lodge and all other local businesses lose out. Not to mention the possible license revenue to the state. Fishing on Lake Francis Case typically occurs in the 30 foot range. Fisherman on Lakes Sharpe and Oahe fish the same depths or deeper water and have no regulations about keeping the first 4 fish. Additionally, we don't always fish that depth. A lot of the time we are fishing in 10-20 feet of water. Also, this seems to be a social regulation and not a biological regulation. In my opinion more fish are lost due to deep hooking and warm water fishing than are lost in the winter due to deep water. There is a deep water trolling program in the summer that is heavily utilized and the catch is much more than the ice catch. Ice anglers on Lake Francis Case catch a fraction of the fish that the open water or summer fishermen catch. Additionally, the day the the ice comes off we can fish the same spot and the same fish in the same depth in a boat and catch and throw back as we please. Local talk around town suggests that people are not following this rule. This rule is difficult to enforce because people fish in shacks and you can't see them. Thank you and please consider amending this rule to simplify and help us and other businesses.

Discussion noted this is a social issue and not a biological issue.

Motion by Whitmyre, second by Rissler to approve the petition. Motion carried unanimously.

Modify the Missouri River Refuge

Kirschenmann presented the petition received from Larry Steffen to enlarge the Pierre area refuge to include the area down river from LaFramboise Island to the tip of Farm Island and upstream above the Oahe Dam from Corp Bay area to the tip of Peoria Flats.

Motion by Sharp, second by Rissler to deny the petition. Motion carried unanimously.

It was noted the Commission requested staff look into this issue further to submit a proposal.

Motion by Locken, second by Bies to adopt resolution 22-02 (appendix B) denying the petition. Motion carried unanimously.

OPEN FORUM

Jon Kotilnek, senior staff attorney, opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda. None presented.

PROPOSALS

Elk Seasons

Chad Switzer, wildlife program administrator, presented the recommended changes to the elk seasons.

Black Hills Elk

1. Adjust the total number of available licenses from 425 "any elk" and 700 "antlerless elk" licenses (total of 1,125 licenses) to no more than 500 "any elk" and 1,000 "antlerless elk" licenses (total of 1,500 licenses).
2. Modify the boundaries of BHE-H9A and BHE-H9B to correct unit boundary.

He explained the recommended maximum number of elk licenses will be established in administrative rule and the GFP Commission via administrative action will determine specific number of licenses by tag types and allocation amongst hunting units. Updated population objectives and any recommended license adjustments will be shared at the March Commission meeting once preliminary harvest estimates have been obtained and population modeling exercises have been completed. There is currently a small geographic area that technically does not reside in any elk hunting unit; this unit boundary modification will correct this oversight.

Motion by Bies with second by Spring TO APPROVE THE RECOMMENDED CHANGES TO THE BLACK HILLS ELK SEASON. Motion carried unanimously.

Custer State Park Elk

1. Adjust the total number of available licenses from 9 "any elk" licenses to no more than 15 "any elk" licenses.
2. Administrative rule clean-up for season dates.

Switzer explained the recommended maximum number of elk licenses will be established in administrative rule and the GFP Commission via administrative action will determine specific number of licenses by tag types and allocation amongst hunting units. Updated population objectives and any recommended license adjustments will be shared at the March Commission meeting once preliminary harvest estimates have been obtained and population modeling exercises have been completed. Of the nine any elk licenses issued for Custer State Park, eight will be valid specifically for Custer State Park and the ninth any elk license will be made available to a non-governmental organization as a raffle license that is valid in Custer State Park and any Black Hills elk hunting unit in which an any elk license is issued.

Motion by Rissler with second by Locken TO APPROVE THE RECOMMENDED CHANGES TO THE CUSTER STATE PARK ELK SEASON. Motion carried unanimously.

Custer State Park Archery Elk

1. Adjust the total number of available licenses from 3 "any elk" to no more than 10 "any elk" licenses.

Switzer explained the recommended maximum number of elk licenses will be established in administrative rule and the GFP Commission via administrative action will determine specific number of licenses by tag types and allocation amongst hunting units. Updated population objectives and any recommended license adjustments will be shared at the March Commission meeting once preliminary harvest estimates have been obtained and population modeling exercises have been completed.

Motion by Rissler with second by Whitmyre TO APPROVE THE RECOMMENDED CHANGES TO THE CUSTER STATE PARK ARCHERY ELK SEASON. Motion carried unanimously.

Archery Elk

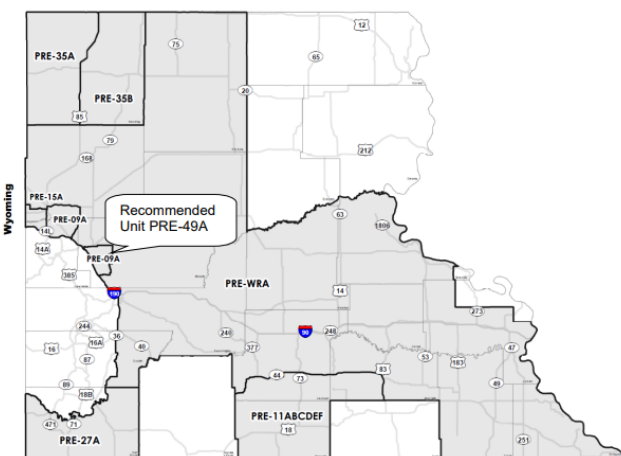
1. Adjust the number of licenses available from 142 “any elk” and 80 “antlerless elk” licenses (total of 222 licenses) to no more than 200 “any elk” and 100 “antlerless elk” licenses (total of 300 licenses).

Switzer explained the recommended maximum number of elk licenses will be established in administrative rule and the GFP Commission via administrative action will determine specific number of licenses by tag types and allocation amongst hunting units. Updated population objectives and any recommended license adjustments will be shared at the March Commission meeting once preliminary harvest estimates have been obtained and population modeling exercises have been completed.

Motion by Rissler with second by Locken TO APPROVE THE RECOMMENDED CHANGES TO THE ARCHERY ELK SEASON. Motion carried unanimously.

Prairie Elk

1. Adjust the number of licenses available from 78 “any elk” and 178 “antlerless elk” licenses (total of 256 licenses) to no more than 100 “any elk” and 300 “antlerless elk” licenses (total of 400 licenses).
2. Modify Unit PRE-9A (see map).
3. Establish a new unit (PRE-49A) to include a portion of Meade County and season dates (see map).
4. Correct season dates in administrative rule for units PRE-11B, PRE-11C, PRE-11D, PRE-35A, and PRE-35B.



Switzer explained the recommended maximum number of elk licenses will be established in administrative rule and the GFP Commission via administrative action will determine specific number of licenses by tag types and allocation amongst hunting units. Updated population objectives and any recommended license adjustments will be

shared at the March Commission meeting once preliminary harvest estimates have been obtained and population modeling exercises have been completed. The recommended changes to prairie elk hunting unit boundaries and season date changes are to improve elk management on private land and simplify season dates.

Motion by Sharp with second by Rissler TO APPROVE THE RECOMMENDED CHANGES TO THE PRAIRIE ELK SEASON. Motion carried unanimously.

Bighorn Sheep

Switzer presented the recommended changes to the bighorn sheep hunting season.

1. Increase the number of “ram bighorn sheep” licenses from 8 to 11.
2. Change the mandatory orientation meeting from “preceding the opening day of the season” to “preceding the first day of hunting by the license holder”.

He explained that due to the recent *M. ovi* pneumonia outbreak in Unit 3, both the Department and Badlands National Park recommend issuing no licenses in this unit. Based on the strong numbers of ram bighorn sheep across all age classes, the increase to the number of licenses being recommended in Custer State Park will not negatively affect the viewability of bighorn sheep for park visitors and will provide additional hunting opportunities. Modifying the requirement for the mandatory hunter orientation will provide better customer service to those licensed hunters. In addition to the licenses allocated by units above, the Department recommends the auction license to be valid in Units 2, 4, and Custer State Park.

Motion by Sharp with second by Rissler TO APPROVE THE RECOMMENDED CHANGES TO THE BIGHORN SHEEP SEASON. Motion carried unanimously.

Public Waters

Al Nedved, parks and recreation deputy director, presented the recommended changes to remove no boating zones and allow for non-motorized watercraft within the Waubay National Wildlife Refuge and Waubay State Game Bird Refuge. They explained GFP and the USFWS have been in collaboration to discuss ways to increase recreational opportunities, while still meeting the objectives of the refuge system. The USFWS Refuge System recently removed restrictions to increase outdoor opportunities at Waubay National Wildlife Refuge within their mission and management responsibilities. These respective administrative rules are prohibiting the USFWS from allowing these outdoor opportunities.

License Agent Process

Keith Fisk, program manager, presented the recommended change to modify two administrative rules to align new business practices with GFP’s new licensing system and requirements. To adjust electronic ACH transfers, processes, and timeframe for payments and remove the use of Emergency Authorization books. He explained GFP will be launching the new licensing system on December 15, 2021. Once this occurs, license agents will be required to work within new business practices (i.e. electronic ACH transfers and different timeframes when the electronic money sweeps occur) to continue to be a license agent for GFP. License agents serve an important role for selling licenses on behalf of GFP as well as providing hunters with the ability to purchase hunting and fishing licenses outside normal business hours that GFP offices are open. As technology advances, the ability to sell paper hunting and fishing licenses

is no longer needed. Customers will be able to purchase licenses online (through GFP's licensing website) or by visiting a license agent or by calling GFP's call center.

Camping Reservation Cancellation Policy

Scott Simpson, division director, presented the recommended changes to allow for cancellation of campsites and lodging facilities without fee for a period of time after a reservation is made. After that period has elapsed, a fee of one-half of the first night's camping or lodging fees will be assessed for both types of overnight use. This rule proposal helps simplify cancellation policies and associated fees by providing one cancellation procedure for campsites, and one for lodging facilities and Custer State Park French Creek Horse Camp. Simpson further explained The Department's cancellation policy was developed at a time of lower demand for camping and lodging facilities, and the ability to resell those facilities was more difficult. The current procedure is to assess a cancellation fee of one-night's camping or \$25 for cabins/lodges effective immediately after the reservation is made. With the increased demand for camping and lodging facilities, the ability to fill those vacancies left by cancellations is much more likely. This change will also help the Department be more consistent with industry cancellation standards and allow more flexibility of users to cancel a reservation without penalty due to unforeseen circumstances.

DIVISION OF PARKS AND RECREATION

Sylvan Lake Lodge Fire

Matt Snyder, regional supervisor, provided an update.

Custer State Park Buffalo Auction Results

Matt Snyder, regional supervisor, provided an update.

Custer State Park Resort Repair and Maintenance Plan Update

Matt Snyder, regional supervisor, provided an update.

Lake Vermillion SE Boat Ramp Park Entrance License Requirement

Al Nedved, parks and recreation deputy director, provided an update.

Fort Sisseton Master Plan Update

Al Nedved, parks and recreation deputy director, provided an update.

Year in Sales and Revenue Report

Al Nedved, parks and recreation deputy director, provided an update.

DIVISION OF WILDLIFE

Bighorn Sheep Auction Licenses

John Kanta, wildlife administration chief, presented the recommendation to authorize auction tags and include units 2, 4, and Custer State Park to the area valid to hunt with the bighorn sheep auction license for the 2022 bighorn sheep hunting season.

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

Motioned by Bies second by Spring TO APPROVE THE ADMINISTRATIVE ACTION ALLOWING TO INCLUDE UNITS 2,4 AND CUSTER STATE PARK. Motion carried unanimously.

Sage Grouse Plan

Chad Swtizer, wildlife program administrator, presented the sage grouse plan for approval. He explained the process noting revisions went out for comment last fall.

Travis Runia, senior upland game biologist, detailed comments received and noted change to include a better map for the Corp area.

Motion by Whitmyre, second by Sharp TO APPROVE THE SAGE GROUSE PLAN. Motion carried unanimously.

Bighorn Sheep Status

Chad Lahman, senior wildlife biologist, provided a powerpoint presentation regarding the distribution of bighorn sheep and harvest survey data.

License Sales Update

Tom Kirschenmann, wildlife division director, provided an update on resident and nonresident license sales.

EHD Impact on Licenses

Chad Swtizer, wildlife program administrator, provided an update.

Lake Oahe Fishery Update

Mike Smith, fisheries biologist, provided an update.

Habitat and Access Update

John Kanta, wildlife administration chief, and John Lott, fisheries chief, provided updates.

Walk in Area Survey

Faren Wolter, human dimensions specialist, provided an update.

Adjourn

Meeting adjourned at 10:40 a.m.

Respectfully Submitted,



Kevin Robling, Department Secretary

Appendix A
Resolution 22-01

WHEREAS, Ian Williams of Whitewood, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated December 11, 2021, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:16:007 (Goose hunting season, open units) – to combine units two and three into one hunting unit 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 combining goose units two and three into one unit; and

WHEREAS, Butte County is currently included in Unit 1 to maximize Canada goose harvest from early fall through early December as in most years this is when the most opportunity exists; and

WHEREAS, early fall goose harvest targets locally breeding individuals; moving Butte County into Unit 2 would reduce the ability to manage these geese. Early harvest on local Canada goose populations helps maintain goose population objectives and maximizes opportunities for goose hunters.

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, Ian Williams of Whitewood, South Dakota.

Appendix B
Resolution 22-02

WHEREAS, Larry Steffen of Pierre, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated December 29, 2021, requesting that the Game, Fish and Parks Commission amend ARSD § 41:05:02:68 (Missouri River refuges) – to modify refuge on Missouri River 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 modifying the refuge on the Missouri River; and

WHEREAS, there have been extensive discussions over existing waterfowl refuges on the Missouri River system over the past few years; and

WHEREAS, there is no regulatory means of making a refuge permanent thus the petition submitted is an invalid rule change request; and

WHEREAS, the commission believes the requested additions to the Pierre waterfowl refuges deserves more discussion and will propose the expanded refuges for public comment.

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, Larry Steffen of Pierre, South Dakota.