Minutes of the Game, Fish, and Parks Commission March 5-6, 2020

Chairman Gary Jensen called the meeting to order at 10:00 a.m. CT at the Ramkota Hotel and Convention Center in Pierre, South Dakota. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, Robert Whitmyre and approximately 60 public, staff, and media were present.

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 January 16-17, 2020 meeting minutes and Special February 6, 2020 meeting minutes or a motion for approval.

Motion by Boyd with second by Whitmyre TO APPROVE THE MINUTES OF THE January 16-17, 2020 MEETING AND SPECIAL FEBRUARY 6, 2020 MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

Jensen and Whitmyre each requested 1 day for the pheasant marketing work group meeting and Spring requested 1 day for a staff visit in Custer State Park.

Motion by Sharp, second by Locken TO APPROVE THE ADDITIONAL SALARY DAYS AS REQUESTED. Motion carried unanimously.

Commissioner Introductions

Jensen began commissioner introductions by providing personal information about himself including his occupation and outdoor interests as well as his goals and challenges as a commissioner. The other commissioners followed suit.

Second Century Initiatives and Fund Board Update

Lisa Weyer, executive director, provided an update on the Second Century Habitat Fund Board. She stated Governor Noem has appointed Senator John Wiik and Representative Nancy York to sit on the Second Century Habitat Fund Board as Legislative Advisors. The Working Lands Habitat Program currently has a total of 41 landowners enrolled. 26 enrolled in 2019 and 15 enrolled to date in 2020. 2608 total acres is enrolled, so we are over half-way in reaching our goal of 5000 acres to be enrolled. \$391,334 has been paid out to landowners. 22 counties are represented in the program enrollment and the average acres enrolled per landowner is 63. The Second Century Habitat Fund Board has approved funding to assist with a Precision Ag & Conservation Specialist position. This is a cooperative agreement with Pheasants Forever and SDSU Extension. This position will be responsible for the field data analytics of the landowners who enroll into the Every Acre Counts program

Legislative Update

Kevin Robling and Jon Kotilnek, staff attorney, provide a legislative update on bills introduced pertaining to GFP.

Marketing Update and Pheasant Hunting Marketing Workgroup Update

Emily Kiel, GFP senior advisor, and Kirk Hulstein, industry, outreach and research director for the Dept. of Tourism updated the Commission on the work being done to develop a marketing plan focused on outdoor recreation in South Dakota. Emily set the stage for the big picture plan and provided an update on one component focused specifically on pheasant hunting marketing; initiated by the GFP Commission. This workgroup is made up of representation from the Commission (Gary Jensen, Russell Olson, Doug Sharp, Bob Whitmyre), Tourism (Kirk Hulstein, Katlyn Richter, Mike Gussiaas), GFP (Emily Kiel, Chad Switzer, Tom Kirschenmann, Taniya Bethke, Jona Ohm, Heather Villa and Lisa Weyer), the Governor's Office (Jason Simmons and Bailey Carlsen) and outside members from the SD Retailer's Association (Shuree Mortenson), Second Century Habitat Fund Board (Jim Scull) and the SD Wildlife Federation (Zach Hunke). The group first came together on Feb. 18 and will meet monthly through May 2020. Kirk then spoke about the next steps to continue marketing South Dakota's great outdoors. GFP and Tourism will use profiling software and secondary research studies to determine insights about each audience segment. This will include demographics, media preferences, population size, and travel behaviors. All of this will lead to a media strategy for each audience.

PETITIONS

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

Youth Pheasant Hunting Season

Savanah Hendricks, explained her petition to change or increase the days that youth can hunt pheasant to include two full weekends would allow youth like her who are involved in extracurricular activities more opportunity. She noted this policy has not been examined since 2008 and technology has exploited our youth. It is crucial to instill a passion for hunting and outdoors in our youth at a very young age. Any youth who are either academically or athletically inclined are unable to utilize the Monday, Tuesday, or Wednesday of the current "Youth Pheasant Hunt Season. Savanah stated she feel it's necessary to our South Dakota hunting industry to support the R3 movement and by changing this policy we will not only do so but make an impact on the next generation of hunters by letting them know they are important to South Dakota.

Motion by Boyd with second by Bies TO APPROVE THE PETITION INCREASING THE DAYS AVAILABLE FOR YOUTH PHEASANT HUNTING. Motion carried unanimously.

PUBLIC HEARING

The Public Hearing began at 2:00 p.m. and concluded at 2:45 p.m. The minutes follow these Commission meeting minutes.

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.

River Otter Delisting

Nancy Hilding, Prairie Hills Audubon Society, Black Hawk, SD, has not had time to review the proposal, but opposes it. Has not seen population estimates. Nothing discusses threats.

Nest Predator Bounty Program

Wayne Lloyd, Wentworth, SD, spoke in favor of the bounty program. Said it doesn't matter what govt program there is people will try and cheat the system therefor it should not be a reason to not do it.

Paul Lepisto, Izaak Walton League, Pierre, SD, noted written comments submitted by Ikes noting they oppose the next predator bounty program because it is not successful because it is done on such a wide scale to be effective for nesting. Does not want to see future GFP funds used on this program

Chris Hesla, SDWF, Pierre, SD opposes, but recommends only paying the bounty to kids.

Larry Fredrickson, Chamberlain, SD said he worked and biologist in the 60's. People say they can save a pheasant for each furbearer they trap. He explained how he said is should work and home many tails per species per square mile would be needed and it still would not work.

John Hauge, Deadwood, SD said he opposes this and wants to see data that shows people support this. Everything show this is a waste of time and money. Hunters should be outraged. The goal is to increase pheasants and ducks and the only way to do that is to increase habitat. Said this was traded under cover of darkness last year. It is the commissions responsibility to make the decision and show the data.

Carol Merwin, Rapid City, SD opposes the program because for the money it costs, we could have habitat. Some of the predators eliminate rats and mice and spoke on behalf of the women in action group who oppose the program. It is more important to teach youth about caring and kindness and other outdoor recreational actives for the love of nature.

Jamie Al-haj, Rapid city, SD opposes the program stating it is barbaric. This money would be better applied to habitat improvements. Commission is responsible to make decisions for what is best for our wildlife and state.

Susan Braunstein, Rapid City, SD opposes program spoke with Keith Fisk asking if we have knowledge of how many targeted species there are in the state. How do we know if we have too many? It doesn't make sense. There are other outdoor activities families can enjoy and teach different lessons to their kids. Other states have proven bounty programs do not work.

Kathern Hess, Summerset, SD said pesticides and other things cause more of a decline. Killing for profit is wrong. Pheasants are a non-native species that is being promoted while native species are being shot or clubbed to death. Other states have rehabilitations programs while our state just kills what the politicians what killed. Has spoken to people who are not away and am asking them to spend their vacation dollars elsewhere.

Sondra Seberger, Rapid City, SD stated she is appalled and opposes the program.

Tom Krafka, Greater Dacotah Chapter of SCI, Rapid City, SD spoke on behalf of self and SDBI opposes the program. There is no scientific evidence to show this program works.

Douglas Traub, Rapid City, SD said he opposes the program because there is a lack of science and the proposal misdirects finances in the hunting world in an inappropriate way. Recommends the proposal be defeated and propose the 250,000 be coupled with retailors and promote hunting in SD.

Erika Harvey, Rapid City, SD professional nature photographer. Other states and countries spend money to repair ecosystems instead we murder for \$10 per tail. Times have changed and we need to adapt to them.

Julie Anderson, Rapid City, SD opposes as it is morally wrong and will put the eco system out of balance. This is cruelty disguised as tradition.

Nancy Hilding, Black Hawk, SD, Prairie Hills Audubon Society. Opposed as it is based on faulty science. Animal cruelty. Trap check times are utterly abominable. If the program worked, it would need to be focused. Habitat is a better option for SD funds. Says staff will get fired and the commission will not be reappointed if this does not pass. The resolution is a cop out. At least drop the opossum or do a scientific experiment like commission Gary Jensen suggested.

Landowner Elk License Applications

Jess Wammen, Reva, SD said 2018 was the first year the season was held with 12 hunters the next year 20. Recommended how the department could improve the 500 elk days system instead of taking tags from the people who actually have tags. Said it shouldn't be that hard to prove the elk use and make it an application requirement. Also recommend splitting the unit down highway 85. Currently you can hunt all across the unit when you should be hunting in your own land if you have elk use.

Chance Lermeny, Reva SD. Believes Kanta will propose the split in the unit down highway 85 as Harding County is a large county. People say they have an abundance of evidence they shouldn't have to drive across the county. Need something put in writing to verify elk use.

Other

Tom Frier, Sunset Lodge, Pierre, SD spoke in regards to Bushes Landing boat ramp which is the 3rd most used boat ramp per GFP. Last year he spent own resources on the road to the ramp. He also went to Sully Co commission and didn't receive support. Have a lot of out of state money coming into Sunset Lodge and other lodge and this is a black eye. Wants to bring this to the commissions attentions to see if something can be done.

Nest Predator Bounty Program

Kevin Robling, deputy secretary, an overview of the nest predator bounty program and presented the Department of Game, Fish and Parks' desire to conduct the Nest Predator Bounty Program for 2020 and proposes for public consideration the following: an expenditure for five dollars per tail not to exceed \$250,000 for the bounty of nest predators for the Commission's approval.

Motioned by Bies, second by Sharp TO IMPLEMENT THE 2020 NEST PREDATOR BOUNTY PROGRAM. Roll call vote: Bies – yes; Boyd-no; Locken – yes; Olson- yes; Sharp – yes; Spring- yes; Whitmyre - yes; Jensen-no. Motion carries with 6 yes votes and 2 no vote.

PROPOSALS River Otter Delisting

Silka Kempema, wildlife biologist, presented information to remove the North American River Otter from the list of state threatened mammals. She explained several factors have allowed river otter populations to rebound across much of their former range, including reintroductions, improvements in wetland and river habitat management, and protections afforded under various state threatened and endangered species laws therefore the Department recommends that protection under the state endangered species law is no longer justified.

Motioned by Bies, second by Whitmyre TO DELIST THE RIVER OTTER. Motion carried unanimously.

Flathead Catfish - Border Waters

John Lott, fisheries chief, presented the proposed change to limit the harvest of flathead catfish 30 inches or longer in length to at most, one fish daily, as part of the daily limit in the Nebraska/South Dakota border waters. Lott explained "One Over" regulations are effective at reducing harvest of fish when it is common for anglers to catch two or more fish above the specified length during a fishing trip. No negative impacts of a one- over-30" regulation on flathead catfish populations are anticipated, however, staff believe the regulation will not result in an increase in larger flathead catfish.

Motioned by Olson, second by Locken TO APPROVED THE RECOMMENDED CHANGES TO THE FLATHEAD CATFISH LIMITS AS PRESENTED. Motioned carried unanimously.

Archery Deer Season

Chad Switzer, wildlife program administrator, presented the recommended changes to archery deer season as follows:

- 1. Modify the season start date for Lacreek National Wildlife Refuge from the fourth Saturday of September to September 1.
- 2. Modify the season start date for Sand Lake National Wildlife Refuge from the third Saturday of October to September 1.
- 3. In addition to the one "antlerless whitetail deer" license for residents and nonresidents for Unit ARD-LM1, make an allowance for no more than 500 single-tag "antlerless any deer" licenses that would be distributed amongst all municipal archer deer hunting units. Regular price of a single tag "any antlerless deer" resident license.
- 4. Establish municipal archery deer hunting units for the following city limits: Custer, Rapid City, Sioux Falls and Sturgis. Season structure and specific regulations would be determined by the appropriate municipality within the requirements and restrictions of the South Dakota archery season.

Motioned by Bies, second by Boyd TO APPROVE THE PROPOSED CHANGES TO THE ARCHERY DEER SEASON AS RECOMMENDED. Motioned carried unanimously.

Landowner Elk License Applications

John Kanta, wildlife regional supervisor, presented the recommended change to the landowner elk license to clarify the intent of this rule as it relates to qualifying land, documentation and qualifying members of the family. Changes also eliminate the "500 elk us days" as this is not easily defined in the field and is left to some interpretation by a qualifying landowner and the Department. Changes to elk use should clarify the intent of the rule that a qualifying landowner-operator must demonstrate that elk use the qualifying property.

He explained there are landowners that qualify as landowner elk preference applicants but are not receiving an elk license in units where the Department is seeking to reduce the number of elk. The Department recommends establishing a limited landowner own-land elk license to ensure that landowners can hunt elk on agricultural lands they own or operate within elk units where the Department's management objective is to decrease the overall elk population. Landowner licenses help to build tolerance for elk and promote elk hunter access and serve to demonstrate the appreciation that the Department has for landowners and producers that help support elk populations, hunter access, the Department's mission and other wildlife management objectives.

Motioned by Bies, second by Sharp TO APPROVE THE PROPOSED CHANGES TO LANDOWNER ELK LICENSES AS RECOMMENDED. Motion carried unanimously.

Youth Waterfowl Season

Chad Switzer, wildlife program manager, presented the recommended change to the youth waterfowl season to modify the eligibility from youth who have not reached the age of 16 to youth who have not reached the age of 18.

Motioned by Whitmyre, second by Locken TO APPROVE THE PROPOSED CHANGES TO YOUTH WATERFOWL SEASON AS RECOMMENDED. Motion carried unanimously.

Elk - BH, Archery, CSP and Prairie

Switzer explained the intent of the changes being recommended are to allow an opportunity for adjustments to be made at finalization during the Commission meeting in April and in administrative rule to maximize hunter opportunity based on the results of the upcoming aerial survey and to meet population objectives identified in the elk management plan.

Switzer presented the recommended changes to the Black Hills Elk Hunting Season to Adjust the total number of available licenses from 425 "any elk" and 700 "antlerless elk" licenses (total of 1,125 licenses) to 450 "any elk" and 470 "antlerless elk" licenses (total of 920 licenses).

Motioned by Olson, second by Boyd TO APPROVE THE RECOMMENDED CHANGES TO THE BLACK HILLS ELK HUNTING SEASON LICENSE NUMBERS BY TYPE. Motion carried unanimously.

Switzer presented the recommended changes to the Archery Elk Hunting Season to adjust the number of licenses available from 142 "any elk" and 80 "antlerless elk" licenses (total of 222 licenses) to 152 "any elk" and 75 "antlerless elk" licenses (total of 227 licenses).

Motioned by Olson, second by Bies TO APPROVE THE RECOMMENDED CHANGES TO THE NUMBER OF LICENSES ALLOCATED FOR ARCHERY ELK. Motion carried unanimously.

Switzer presented the recommendation to retain the current allocation of 8 "any elk" licenses and retain 3 "any elk" archery licenses in Custer State Park.

Motioned by Olson, second by Whitmyre TO RETAIN THE CURRENT "ANY ELK" LICENSES AND ARCHERY LICENSES IN CUSTER STATE PARK. Motion carried unanimously.

Switzer presented the recommended changes to the Prairie Elk Hunting Season to

- 1. Adjust the number of licenses available from 68 "any elk" and 73 "antlerless elk" licenses (total of 141 licenses) to 78 "any elk" and 178 "antlerless elk" licenses (total of 256 licenses).
- 2. Modify the proposed Unit PRE-WRA to also exclude the boundary of the Lower Brule Indian Reservation.
- 3. Establish two additional antlerless elk seasons for Unit 11 as follows: a. Unit 11E with season dates of November 1 December 31
 - b. Unit 11F with season dates of January 1 February 28
- 4. In conjunction with the proposed unit boundary change to Unit 15A, establish Unit 15B for antlerless elk harvest and season dates of December 1 January 31.
- 5. Modify Unit 35A that currently includes all of Harding County to the following: a. Unit 35A: that portion of Harding County west of US Hwy. 85
 - b. Unit 35B: that portion of Harding County east of US Hwy. 85

Motioned by Sharp, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGES TO THE PRAIRIE ELK HUNTING SEASON. Motion carried unanimously.

Switzer presented the administrative action for elk license allocation by unit. (see appendix D)

Motioned by Spring, second by Olson TO APPROVE THE RECOMMENDED CHANGES TO THE ELK HUNTING SEASONS AND LICENSE ALLOCATIONS BY UNIT. Motion carried unanimously.

FINALIZATIONS Public Waters

Mike Klosowski, wildlife regional supervisor, presented the recommended changes to remove the current water safety zone at Mina Lake on the southwest side of the dam and remove the current water safety zone at Lake Norden. Klosowski explained the request to remove these safety zones as the areas are not active swimming beaches in these locations and no public desire for buoyed safety zones in these locations.

Motioned by Locken, second by Olson TO REMOVE THE WATER SAFETY ZONES AT MINA LAKE AND LAKE NORDEN AS PRESENTED. Motion carried unanimously.

Bighorn Sheep Hunting Season

Chad Switzer, wildlife program administrator, presented the recommended changes to the Black Hills Bighorn Sheep Hunting Season. He explained that due to the presence of pneumonia, low recruitment and low ram numbers, the Department recommends retaining the hunting closure for Unit 1. The establishment and availability of licenses for Unit 4 (Hell Canyon) is a result of a successful transplant and availability of quality rams. The establishment and availability of a license for Custer State Park is the result of management implemented from research findings and will not negatively affect the viewability of bighorn sheep for park visitors.

- 1. No more than 8 bighorn sheep licenses may be issued.
- 2. Modify Unit 2 to include that portion of Custer and Fall River counties within a line beginning at the junction of SD Hwy 16 and the WY state line, east on SD Hwy 16 to the intersection of SD Hwy 16 and Mann Rd (USFS Rd 270) then south along the Mann Rd to Pass Creek Rd (USFS Rd 272) then south on Pass Creek to Richardson Cutoff (USFS Rd 276) then east on Richardson Cutoff to Pleasant Valley Rd (USFS Rd 715) then south on Pleasant Valley Rd to Pilger Mountain Rd (USFS 317) then south on Pilger Mountain Rd to County Rd 15 then south on County Rd 15 to SD Hwy 18 then west on SD Hwy 18 to County Rd 16 then north on County Rd 16 to Dewey Rd (USFS Rd 769) then north and west on Dewey Rd to the Custer County line then west on the Custer county line to the WY state line then north on the WY state line to the point of origin.
- 3. Establish Unit 4 which includes those portions of Custer and Pennington counties beginning at the junction of the WY state line and Summit Ridge Rd (USFS Rd 265) then north on Summit Ridge Rd to Boles Canyon Rd (USFS 117) then north on Boles Canyon Rd to Six-Mile Rd (USFS 301) the east on Six-Mile Rd to Ditch Creek Rd (USFS Rd 291) then south on Ditch Creek Rd to the Custer/Pennington county line then east on the Custer/Pennington county line to SD Hwy 79 then south on SD Hwy 79 to the Custer/Fall River county line then west on the Custer/Fall River county line to Pilger Mountain Rd (USFS Rd 317) then north on Pilger Mountain Rd to Pleasant Valley Rd (USFS Rd 715) then north and east on Pleasant Valley Rd to Richardson Cutoff (USFS Rd 276) then north on Richardson Cutoff to Pass Creek Rd (USFS Rd 272) then west and north on Pass Creek Rd to Mann Rd (USFS Rd 270) then north on Mann Rd to SD Hwy 16 then west on SD Hwy

16 to the WY state line then north on the WY state line to the point of origin, excluding Jewel Cave National Monument (SEE UNIT MAP).

4. Establish Custer State Park unit which includes the fenced portion of Custer State Park (SEE UNIT MAP)

Motioned by Bies, second by Olson TO APPROVED THE RECOMMENDED CHANGES TO THE BLACK HILLS BIGHORN SHEEP HUNTING SEASON AS PRESENTED. Motion carried unanimously.

Waterfowl: Duck, Youth Duck, Tundra Swan Chad Switzer Duck

Switzer presented the recommended changes to the duck hunting season to decrease the scaup daily bag limit from 3 to 1 and modify the start date of the Low Plains Middle and North Zones from beginning on the last Saturday of September to the Saturday closest to September 24.

Motion by Whitmyre, second by Sharp TO DECREASE THE SCAUP DAILY LIMIT TO 1 AND MODIFY THE START DATE FOR THE LOW PLAINS MIDDLE AND NORTH ZONES TO THE SATURDAY CLOSEST TO SEPTEMBER 24.

Youth

Chad Switzer, wildlife program administrator, presented recommended changes to the youth waterfowl hunting season to modify the start date from beginning on the Saturday prior to the last Saturday of September to beginning 14 days prior to the Saturday closest to September 24.

Motion by Sharp, second by Olson TO MODIFY THE YOUTH WATERFOWL SEASON TO BEGIN 14 DAYS PRIOR TO THE SATURDAY CLOSEST TO SEPTEMBER 24. Motion carried unanimously.

Tundra Swan

Switzer presented the recommended changes to the Tundra Swan hunting season to reduce the total number of licenses from 1,675 to 1,300 and reduce the number of licenses available for nonresidents from 250 to 200.

Motion by Boyd, second by Olson TO REDUCE THE NUMBER OF LICENSE FROM 1,675 TO 1,300 AND NONRESIDENT LICENSES FROM 250 TO 200. Motion carried unanimously.

Rules Review Chapters 41:06-41:07

Jon Kotlinek, staff attorney, explained that during the 2019 Legislative Session HB 1162 was introduced by Representative Gosch. The intent of the bill was to have the Department conduct a systematic review of our administrative rules. During the review the Department was to identify rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. After discussions with Representative Gosch, the Department agreed to conduct the systematic review without legislation and to report its findings and corrective changes back to the Executive Board of the Legislative Research Council. During the December meeting the Commission formally

proposed suggested changes to ARSD 41:06 and 41:07 to correct inconsistencies, remove unnecessary barriers and arrange rules logically thus promoting an administrative code that benefits current, former and new users.

The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

Chapter 41:06

Motion by Sharp, second by Bies TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:06. Motion carried unanimously.

Chapter 41:07

Motion by Sharp, second by Boyd TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:07. Motion carried unanimously.

West River Spring Turkey - Use of Rifles

Tom Kirschenmann, wildlife deputy director, presented the proposed change to the spring turkey hunting season to allow the use of rifles (rimfire, centerfire, and muzzleloading) on private land (excluding private land leased by GFP for public hunting access through the Walk-In Area program) for West River spring prairie hunting units. He explained some individuals have contacted the department and commissioners on the topic of no longer allowing the use of rifles for hunting turkeys during the spring season. The department recommends retaining the current rule that prohibits the use of rifles.

Motion by Sharp, second by Whitmyre TO ALLOW THE USE OF RIFLES DURING THE WEST RIVER SPRING TURKEY HUNTING SEASON. Roll call vote: Bies – no; Boyd-no; Locken – no; Olson- no; Sharp – yes; Spring- yes; Whitmyre - yes; Jensen-yes. Motion fails with 4 yes votes and 4 no vote.

Flathead Catfish Trophy Regulations

John Lott, fisheries chief, presented the recommended changes to modify the flathead catfish trophy regulations proposal to apply only to inland waters rather than statewide. The recommended change from proposal to modify the proposed change to flathead catfish regulation in inland waters to allow at most one flathead catfish 30 inches or longer as part of the daily limit

Motioned by Whitmyre, second by Bies TO AMEND THE PROPOSAL TO ALLOW ONE FLATHEAD CATFISH 30 INCHES OR LONGER AS PART OF THE DAILY LIMIT. Motion carried unanimously.

Motioned by Locken, second by Sharp TO APPROVED THE RECOMMENDED CHANGES TO THE FLATHEAD CATFISH TROPHY REGULATIONS ARE AMENDED. Motion carried unanimously.

Nonresident East River Special Deer License

Tom Kirschenmann, wildlife regional supervisor, presented the recommended changes to:

- 1. Establish a nonresident East River special "any whitetail" deer license and fee of \$554.
- 2. Annually allocate 500 nonresident East River special "any whitetail" deer licenses.
- 3. Applicants must have permission from an owner or lessee of private land before applying.
- 4. Applicants must also include the name and telephone number of the owner or lessee providing permission.

Motion by Bies, second by Spring TO ESTABLISH NONRESIDENT EAST RIVER SPECIAL DEER LICENSES. Roll call vote: Bies – yes; Boyd-no; Locken – no; Olson- no; Sharp – no; Spring- yes; Whitmyre - no; Jensen-yes. Motion fails with 2 yes votes and 6 no vote.

Hunting Requirements and Prohibited Methods - CWD Chad Switzer

Switzer presented the recommended changes to chronic wasting disease endemic areas defined as listed.

- 1. Modify 41:06:03:15 (listed above) by adding the following deer hunting units: WRD-11B, WRD-15B, WRD-35A, WRD-35A, WRD-35A, WRD-31A, WRD-39B, WRD-49A, WRD-49B, WRD-60A, RFD-LC1 and RFD-LC2.
- 2. Modify 41:06:03:15 (listed above) by adding the following elk hunting units: BHE-H1, PRE-09A, PRE-11A, PRE-11B, PRE-11C, PRE-11D, PRE-35A and PRE-WRA.

He explained a CWD endemic area is defined as a hunting unit where CWD has been confirmed in wild cervids. Managing the transportation and disposal of carcasses or carcass parts outside of a known CWD endemic is critical in reducing the artificial spread of CWD. Hunting units identified as a CWD endemic area will automatically trigger intrastate transportation and carcass disposal requirements as outlined in 41:06:03:17, 41:06:03:18 and 41:06:03:19. Information regarding these new endemic areas and CWD regulations will be incorporated into all deer and elk applications so applicants are aware of these regulations for applicable hunting units.

He also presented the recommended change from proposal to modify 41:06:03:15 to define chronic wasting disease endemic areas to include any firearm deer or elk hunting unit, excluding prairie elk Unit PRE-WRA, that includes any portion of a county where chronic wasting disease has been confirmed. In addition, any deer harvested during the archery, muzzleloader and apprentice deer seasons and any elk harvested from Unit PRE-WRA within a county where chronic wasting disease has been confirmed would be subject to carcass transportation and disposal regulations.

Motioned by Sharp, second by Olson TO AMEND THE CWD AREAS TO EXCLUDE PRARIE ELK UNIT PRE-WRA. Motion carried unanimously.

Motioned by Locken, second by Bies TO MODIFY THE LISTED CWD ENDEMIC AREAS AS AMENDED. Motion carried unanimously.

Switzer presented the recommended changes to repeal the mandatory submission of samples for chronic wasting disease testing. He explained the goal of surveillance strategies in South Dakota is to determine the likely spread of chronic wasting disease (CWD) to new units where the disease has not been detected in wild, free-ranging cervids. Assuming natural movement of CWD by wild cervids will provide

the most predictable disease spread across the landscape, high surveillance sampling goals will be established for units with no known CWD positive wild cervids that are within the expected dispersal distance of a known, wild CWD positive cervid. Without pre-determined research design and management objectives, prevalence rates will not be quantified. If research objectives require prevalence rates or a management strategy will be implemented based on prevalence rate thresholds (i.e., implement management strategy X if prevalence exceeds Y%), prevalence will be estimated by collecting a representative sample with desired levels of precision.

Motioned by Sharp, second by Boyd TO REPEAL THE ADMINISTRATIVE RULE THAT REQUIRES THE MANDATORY SUBMISSION OF SAMPLES FOR CWD TESTING. Motion carried unanimously.

DIVISION OF WILDLIFE

Black Hills Fisheries Plan Update

John Lott, wildlife fisheries chief, informed the Commission that the draft South Dakota Game, Fish and Parks 2020-2024 Black Hills Fisheries Management Area Plan was available for public comment. A total of 17 public comments were received on the draft plan. The majority of the comments were in favor of the plan, with increasing management of smallmouth bass and walleye being the most common suggestions in other comments provided. Walleye stockings continue in Sheridan and Stockade Lakes, with a few fish being caught by anglers. Smallmouth bass are actively managed in Sheridan, Stockade, and Bismarck Lakes. The Rapid City Aquatics staff to discuss public comments received and believe standard management activities and the draft BHFMA plan cover topics submitted as part of the public comment process and no modifications to the draft plan are required.

Motion by Bies, second by Whitmyre TO ADOPT THE 2020-2024 BLACK HILLS FISHERIES MANAGEMENT PLAN. Motion carried unanimously.

Captive Cervid Herds and CWD - AIB

Dr. Dustin Oedekoven proviced an overview of the Animal Industry Board and an update on CWD in captive cervid herds. He explained the standards used for the herd certification program.

CWD Update

Chad Switzer, wildlife program administrator, provided a brief update on chronic wasting disease (CWD)

Border Water State Agency Update

John Lott, wildlife fisheries chief, explained GFP fisheries biologists and managers met with their counterparts in Iowa and Nebraska on February 13 to discuss border water catfish regulations. The meeting focused on catfish population updates, discussion of management philosophies, and opportunities for standardizing regulations on border waters. As a result of the meeting, the department recommended changing the current flathead catfish proposal of at most one flathead catfish 28 inches or longer, as part of the daily limit for inland waters, to one flathead catfish 30 inches or longer. In association with this finalization, the department recommended the Commission propose the same regulation for the South Dakota – Nebraska border waters.

Refuge Meeting Update

Kevin Robling, deputy secretary, and Tom Kirschenmann, wildlife division director, provided a brief update on the refuge meeting held February 19, 2020 in Pierre.

Elk Aerial Survey Results

Chad Switzer and Andy Lindbloom, wildlife senior biologist, provided a powerpoint presentation on elk aerial survey results. Elk populations are monitored and assessed primarily from evaluations of harvest surveys, herd composition surveys, survival monitoring, aerial surveys, and population modeling. In 2019, nearly 31,000 people applied for the 1336 elk licenses that were sold. Elk hunters in 2019 harvested a total of 802 elk in the Black Hills, with an overall tag success of 63%. Hunter success for those hunters with an "any elk" license average 71%, which meets the 60% minimum objective established in the Elk Management Plan. Approximately 74% of bulls harvested in the Black Hills were 4+ years or older, again exceeding minimum objectives established in the Elk Plan. Herd composition surveys documented 43 calves per 100 cows for recruitment in 2019, while bull ratios were 28 bulls per 100 cows. Survival monitoring efforts continue in the Black Hills with 35 cow elk captured and radio collared with GPS collars in the winter of 2020. Currently approximately 150 cows are being monitored, with annual survival rates of 85% (95% CI: 78-91) in 2019. Aerial surveys are conducted every 4 years and were completed this winter with 3 helicopters. The entire Black Hills in South Dakota and portions of Wyoming was flown, and abundance was estimated using research developed sightability models. The model estimate for all Black Hills hunting units was 6,483 (95% CI 6,098 - 7,958), Custer State Park was 457 (95% CI 442 - 544), and Wyoming Black Hills was 1,687 (95% CI 1,584 - 2,118). The number of elk in the Black Hills is on the lower elk of the objective range of 6,000 - 8,000 and Custer State Park is below the objective of 700 -900. Recommendations for elk licenses for 2020 and 2021 hunting seasons will reflect overall reductions to allow the elk population in the Black Hills to slowly grow, while increases in some units will be made to address depredation concerns on private lands.

Elk Depredation Update

John Kanta, wildlife division director updated the Commission. He explained a meeting was held on January 7, 2020 to discuss ideas on how GFP can improve current programs and services and ideas for new programs and services that GFP can offer to help address damage to private property caused by elk. An invite letter was sent to 87 landowners. Approximately 35 landowners attended the meeting and there was some good discussion. Some of the major topics of discussion were loss of forage and grass that will be harvested for hay, reimbursement rates for landowners' labor expenses when fixing fence damaged from elk and a reduction in elk numbers where they continue to impact private property. Department staff have discussed the input from the meeting and are moving ahead with some changes to elk depredation programs and some additional assistance.

Creel Survey Enhancements

Cameron Goble, wildlife fisheries biologist, presented information on the use of vehicle counters to estimate fishing pressure on Lakes Sharpe and Oahe. Beginning in 2018 the Upper Missouri River Fisheries Management Area began implementing a new survey design for measuring angler pressure, catch-rates, and harvest on Lakes Oahe

and Sharpe. Prior to this, angler use surveys were conducted using standardized methods requiring significant labor and monetary expense. Rough estimates suggest that costs for surveying each reservoir likely exceeded \$40,000 annually. Additionally, it was believed that traditional surveys on Lake Oahe (and perhaps Lake Sharpe) were likely producing inflated (but consistent) estimates of angling pressure, catch, and harvest due to factors out of the control of biologists (e.g. weather affecting flight surveys). By tapping into and expanding on an existing network of remote vehicle counters widely used by the Parks Division of GFP we have been able to dramatically increase the frequency and consistency of our angler counts for both reservoirs allowing for increased precision in our estimates of angling pressure, catch-rates, and harvest on both reservoirs with substantial cost-savings (> \$10,000 per year for each reservoir) to the department.

License Sales Update

Heather Villa, wildlife administration chief, presented license sales as of March 1, 2020. License sales are up 19.7% over which equates to roughly \$400,000. We have a significant increase in resident combination licenses. Junior combination and Youth Small game licenses are trending higher sales than both 20118 and 2019 while our senior combination licenses are surpassing sales from 2016-2019. These license numbers give a glance at where we were at this time of year in previous years.

DIVISION OF PARKS AND RECREATION Custer State Park Private Cabin Transfer

Matt Snyder, parks and recreation regional supervisor, presented three requests for private cabin transfers in Custer State Park.

Resolution 20-02 authorizes the department to execute consent to provide Adam Hoffman interest and site permittee of the private cabin permit in Custer State Park currently owned by Richard Hoffman.

Resolution 20-03 authorizes the department to execute consent to provide daughter Angela Leggate, and sons James Dahlberg and Peter Dahlberg interest and site permittee of the private cabin permit in Custer State Park currently owned by Mary Ellen Dahlberg.

Resolution 20-04 authorizes the department to execute consent to provide Justin Kane Nelson and Nicole Doneil Dave interest and site permittee of the private cabin permit in Custer State Park currently owned by Donna K. Nelson.

Motioned by Bies with second by Olson TO ADOPT RESOLUTION 20-02 (Appendix A) RESOLUTION 20-03 (Appendix B) and RESOLUTION 20-04 (Appendix C) as presented Motion carried unanimously.

Spring Creek Concessions

Scott Simpson, Parks and Recreation Division Director, provided the Commission with information on the status of the concessions at Spring Creek for the restaurant and convenience store.

Motion by Bies, second by Whitmyre TO EXTEND THE SUBMISSION DEADLINE FOR PROPOSAL TO APRIL 6. Motion carried unanimously.

Preliminary Flooding Outlook

Al Nedved, Deputy Director for the Division of Parks and Recreation and Andy Alban, Law Enforcement Administrator for the Department of Game, Fish and Parks presented a preliminary flooding outlook for the state that could affect GFP facilities and services. Flooding conditions in the fall presented a concern going into the winter. Soils throughout the state are saturated and rivers and lakes remain in very high stages of flooding categories. However, the mild winter especially in February has seen a retreat of snowpack on the plans and slow release of runoff into the rivers and lakes. Snowpack and moisture in the northern Black Hills is extremely high. Warm and sunny conditions in February with forecast outlooks for March are very favorable for minimal flooding. Runoff conditions on the Missouri River are tracking towards a lower year than in 2019 where the runoff amounts were nearly equal to that of 2011. Mountain snowpack is running approximately average, but peaks in mid-April. Mild conditions have allowed for higher releases in January and February making more room for flood storage. Preparations are in place for key parks that are most likely to be affected by flooding such as Lake Poinsett, Lake Thompson, Roy Lake, Lake Herman, Fisher Grove, Big Sioux, and Lake Vermillion. Parks are lower Lake Francis case tend to be affected the most by high river levels and releases from the mainstem dams.

Revenue, Camping and Visitation Report

Al Nedved, parks and recreation deputy director, provide the year to date revenue, camping and visitation reports for all parks and districts.

Adjourn

Meeting adjourned at 11:30 A.M. Motion carried unanimously.

Respectfully Submitted,

Kelly R. Hepler, Department Secretary

Public Hearing Minutes of the Game, Fish and Parks Commission January 16, 2020

The Commission Vice chair Scott Phillips began the public hearing at 2:00 p.m. CT at Capitol Lake Visitors Center in Pierre, South Dakota. Commissioners Gary Jensen, Mary Anne Boyd, Jon Locken, Charles Spring, and Robert Whitmyre were present. Olson indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Olson then invited the public to come forward with oral testimony.

Public Waters

Julie Johnson, Mina Lake, SD thanked GFP staff for work and partnership on repair of Mina Lake Dam. Want to be clear the press misinterpreted the rule stating it closes the swimming beach and this rule change does not.

Elk no verbal comments

Rules Review no verbal comments

Flathead Catfish no verbal comments

Hunting Requirements – CWD no verbal comments

Bighorn Sheep no verbal comments

Waterfowl no verbal comments

West River Spring Turkey – Use of Rifles

Dylan Alffallison, Watertown, SD, said he disagrees with rifle hunting for turkeys. If you use safety, you would know if it is a real turkey. Deer hunting with rifles seems more unsafe.

Barett Bauer, Hayti, SD speak in support of proposed change to allow the use of rifles on private land. Noted majority of comments are in support of the change. Comments in opposition were related to the Black Hills region. Has hunted turkey for 17 years and have yet to experience an unsafe situation. Feels this will limit potential license revenue that would be brought into the state. This would allow landowner the right to choose as it should be.

Randy Winge, Watertown, SD said he began hunting as a group with rifles a few years ago. Prefers using a rifle as a shotgun is not as quick of a kill. Feels there is opportunity for generations in the future and if it changes that will not happen.

Bridget Bauer, Watertown, SD thanked the commission for opportunity to comment. If the proposal is approved, it will allow older generations the opportunity to hunt spring turkey again as well as providing the younger generation the opportunity to choose. For families who only hunt big game animals they would prefer rifles.

Understand safety is a concern, but every rifle hunter is taught from the beginning is to focus on what is in front of and behind your target.

Bruce Bauer, Watertown, SD asked the commission to finalize and approve the rules change in a time of declining hunters and tag purchases you should expand opportunity not limit. Says there has never been an accident on the prairie. This is a landowner issue and a hunter preference issue. Thanked former Commissioner Phillips for proposing the rule change. 2018 Hunter spring turkey opinion survey of 939 said their preferred weapon rifle 657 said their 216 archery 64 shotgun of 939.

Danny Hubregtse, Rapid City, SD, as a lifelong hunter he expressed his support for the proposal and that the choice should be left up to the hunter. Also stressed the need to continue hunting safely and encouraging children to engage in the outdoors.

Francis Strohfus, Henry, SD supports one state one rule. Statistically we do not have accidents recorded but do talk about near misses and safety issues. Did get shot when he was younger by his hunt safe instructor. Safety is always a concern.

Jason Matthews, Sioux Falls, SD said he is paraplegic and in support of proposal and preferred it how it was before because it allowed him to shoot down into the valley. Has been shot at when deer hunting because he is 4 feet tall and moves in his wheelchair. Should not punish all because of the irresponsible few.

Nonresident East River Special Deer License

Wayne Lloyd, Wentworth, SD if you allow 500 more licenses it will increase the revenue and they will open more land to this group and not the residents.

Doug Abraham, Pierre, SD represents SD Landowner Alliance 54 members. Group has never threatened a lockout. Expressed support for the proposal as it provides uniformity because their already special west river tags. This will allow landowners an additional revenue stream with this group having an emphasis on habitat development. Possible alternatives would be to consider an 8 percent allocation or allow a special tag to be drawn. These tags provide opportunity for the landowner and development of opportunity.

Chris Hesla, SDWF, Pierre, SD spoke in opposition and stated he continues to hear the 3R's from everyone who proposes something but think the commission should prioritize on residents.

Richard Phetze, Watertown, SD spoke regarding his concerns with nonresidents not knowing how they will be allowed to purchase a license and it's hard enough for a resident to find a deer. Has a good friend who comes over to hunt a doe tag. Disagrees with people being able to come over and hunt wherever they want. Opposes the proposal.

See attached written public comments submitted prior to the public hearing

The public Hearing concluded at 2:45 p.m.

Respectfully Submitted,

Kelly R. Hepler, Department Secretary

Appendix A RESOLUTION 20-02

WHEREAS, the South Dakota Game, Fish and Parks Commission has been advised that Richard Hoffman is an owner of a cabin located in Custer State Park (Custer County) on property described as:

No.5 Pine Crest in the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twelve (12), Township Four (4) South, Range Five (5) East of the Black Hills Meridian, Custer County, South Dakota.

WHEREAS, the property upon which the cabin is located is owned by the South Dakota Department of Game, Fish and Parks and has been leased to Richard Hoffman by permit by reason of a Stipulation of Settlement and Dismissal entered in <u>Craft v. Wipf</u>, Civil Action No. 85-5092, U.S. District Court for the District of South Dakota, Western Division, and subsequent agreements and permits executed thereafter based on said Stipulation and Dismissal; and

WHEREAS, the Commission has been advised that Richard Hoffman is deceased and per the Estate desires to and have transferred and assigned all his joint interest in said cabin and cabin site permit to Adam Hoffman; and

WHEREAS, the Commission has been requested to approve said Transfer and Assignment.

NOW, therefore, be it resolved that in the event the Department receives an executed Agreement and Assignment of the cabin site permit and cabin and appurtenances located thereon and which further provides that said Assignee agrees to abide by all of the terms and conditions of the aforementioned Stipulation of Settlement and Dismissal and all subsequent agreements relative thereto, including but not limited to Cabin Site Permits, Addendums, and all agreements relative to establishing the lease or rental payments due the Department, then in that event, the Department is authorized to execute a Consent to the requested Assignment.

Appendix B RESOLUTION 20-03

WHEREAS, the South Dakota Game, Fish and Parks Commission has been advised that Mary Ellen Dahlberg is an owner of a cabin located in Custer State Park (Custer County) on property described as:

No. 5 Sunkaka Humpa in the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twelve (12), Township Four (4) South, Range Five (5) East, of the Black Hills Meridian, Custer County, South Dakota.

WHEREAS, the property upon which the cabin is located is owned by the South Dakota Department of Game, Fish and Parks and has been leased to Mary Ellen Dahlberg by permit by reason of a Stipulation of Settlement and Dismissal entered in <u>Craft v. Wipf</u>, Civil Action No. 85-5092, U.S. District Court for the District of South Dakota, Western Division, and subsequent agreements and permits executed thereafter based on said Stipulation and Dismissal; and

WHEREAS, the Commission has been advised that Mary Ellen Dahlberg is deceased and per the Estate desires to and have transferred and assigned all of her interest in said cabin and cabin site permit to her daughter Angela Leggate, and sons James Dahlberg and Peter Dahlberg; and

WHEREAS, the Commission has been requested to approve said Transfer and Assignment.

NOW, therefore, be it resolved that in the event the Department receives an executed Agreement and Assignment of the cabin site permit and cabin and appurtenances located thereon and which further provides that said Assignee's agrees to abide by all of the terms and conditions of the aforementioned Stipulation of Settlement and Dismissal and all subsequent agreements relative thereto, including but not limited to Cabin Site Permits, Addendums, and all agreements relative to establishing the lease or rental payments due the Department, then in that event, the Department is authorized to execute a Consent to the requested Assignment.

Appendix C RESOLUTION 20-04

WHEREAS, the South Dakota Game, Fish and Parks Commission has been advised that Donna K. Nelson is partial owner of a cabin located in Custer State Park (Custer County) on property described as:

The Oakes No. 2 in the SW1/4 of the NE1/4 of Section 20, Township 3 South, Range 6 East, of the Black Hills Meridian, Custer County, Custer South Dakota; and

WHEREAS, the property upon which the cabin is located is owned by the South Dakota Department of Game, Fish and Parks and has been leased to Donna K. Nelson and other joint owners by permit by reason of a Stipulation of Settlement and Dismissal entered in Craft v. Wipf, Civil Action No. 85-5092, U.S. District Court for the District of South Dakota, Western Division, and subsequent agreements and permits executed thereafter based on said Stipulation and Dismissal; and

WHEREAS, the Commission has been advised that Donna K. Nelson desires to and has transferred and assigned all of her interest in said cabin and cabin site permit to Justin Kane Nelson and Nicole Doneil Dave; and

WHEREAS, the Commission has been requested to approve said Transfer and Assignment.

NOW, therefore, be it resolved that in the event the Department receives an executed Agreement and Assignment of the cabin site permit and cabin and appurtenances located thereon and which further provides that said Assignee agrees to abide by all of the terms and conditions of the aforementioned Stipulation of Settlement and Dismissal and all subsequent agreements relative thereto, including but not limited to Cabin Site Permits, Addendums, and all agreements relative to establishing the lease or rental payments due the Department, then in that event, the Department is authorized to execute a Consent to the requested Assignment.

Appendix D 2020-2021 Elk Hunting Seasons

2019

Black Hills Elk			
	Resident Licenses		
Unit	Any Elk	Atl Elk	
	21	23	
H1A	60		
H1B		20	
H2A	250		
H2B		75	
H2C		75	
H2D		25	
H2E		75	
H2F		75	
H2G		75	
H2H		15	
H2I		15	
H2J		15	
H3A	80		
H3B		15	
H3C		15	
H3D		15	
H3E		50	
H3F		50	
H3G		50	
H4A	10		
H4B		10	
H5A	5		
H7A	10		
H7B		10	
H9A	10		
H9B		20	
TOTAL	425	700	1,125
Contigency	NA	140	140

Archery Elk			
	Resident L		
Unit	Any Elk	Atl Elk	
	21	23	
H1A	20	10	
H2A	90	50	
H3A	25	20	
H4A			
H5A	2		
H7A	5		
H9A			
30A			
TOTAL	142	80	222

2020-2021

Black Hills Elk			[
	Resident Licenses		
Unit	Any Elk	Atl Elk	
	21	23	
H1A	50		
H1B		15	[
H2A	240		
H2B		15	
H2C		10	
H2D			
H2E		25	
H2F		25	
H2G			
H2H		5	
H2I		15	
H2J		15	
H3A	100		[
H3B		30	
H3C		30	
H3D		30	
H3E		60	
H3F		60	[
H3G		60	[
H4A	20		
H4B		40	
H5A	5		
H7A	20		
H7B		15	
H9A	15		
H9B		20	
TOTAL	450	470	Ş
Contigency	NA	94	9

Archery Elk				
	Residen	Resident Licenses		
Unit	Any Elk	Atl Elk		
	21	23		
H1A	20	15		
H2A	95	40		
H3A	25	20		
H4A				
H5A	2			
H7A	10			
H9A				
30A				
TOTAL	152	75	227	
	•			

Prairie Elk			
	Resident L		
Unit	Any Elk	Atl Elk	
	21	23	
9A	10	10	
11A		18	
11B	16		
11C	16		
11D		30	
11E	Not Appl	icable	
11F	Not Applicable		
15A	8	5	
15B	Not Applicable		
27A	10	10	
30A			
35A	8		
35B	Not Applicable		
WRA	Not Applicable		
TOTAL	68	73	141

Custer State Park			
	Resident L		
Season	Any Elk	Atl Elk	
	21	23	
CEE-CU1	3		
CUE-CU1	9		
TOTAL	12		12

Prairie Elk			
	Resident Licenses		
Unit	Any Elk	Atl Elk	
	21	23	
9A	10	15	
11A		18	
11B	16		
11C	16		
11D		30	
11E		30	
11F		30	
15A	8		
15B		5	
27A	10	10	
30A			
35A	4	8	
35B	4	12	Ī
WRA	10	20	
TOTAL	78	178	

Custe			
	Residen		
Season	Any Elk	Atl Elk	
	21	23	
CEE-CU1	3		
CUE-CU1	9		
TOTAL	12		12