



AGENDA - Revised

Game, Fish and Parks Commission

October 3-4, 2019

AmericInn Conference Center

1981 East King Ave., Chamberlain, SD

Livestream link <http://www.sd.net/home/>

Call to order 1:00 PM CT

Division of Administration

Action Items:

1. Conflict of Interest Disclosure
2. Approve Minutes of the September 2019 Meeting <https://gfp.sd.gov/commission/archives/>
3. Additional Commissioner Salary Days

Information Items:

4. Second Century Initiatives Update
 - a. Habitat Programs
 - b. Crowdsourcing
 - c. Bounty Program and Live Trap Update
 - d. Big Horn Sheep Auction License
5. Second Century Habitat Fund Board Update
6. WMI Program Review Update
7. Non-meandered Waters Update
8. Tribal Relations Update
9. Meeting Format and Board Management Software

Petitions

10. Preference Point System

Public Hearing 2:00 PM

Open Forum

Finalizations

11. Chronic Wasting Disease Regulations
12. Trapping Regulations
13. Muzzleloader Scopes
14. Dog Training on Public Land
15. CSP Coyote Hunting Season
16. Mountain Lion Hunting Season
17. Hoop Nets and Set Lines
18. Public Waters – Aeration
19. Fish Importation

- 20. Aquatic Invasive Species
- 21. Rules Review Process Chapter 41:04 through 41:05 – Style and Form
- 22. Park Entrance and Camping Fees

Division of Wildlife

Action Items:

- 23. Mountain Lion Plan Adoption
- 24. Budget Adjustment for GPA Equipment

Information Items:

- 25. Waterfowl Licenses
- 26. Education and License Data Dashboard
- 27. Feeding Wildlife
- 28. License Sales Update

Division of Parks and Recreation

Information Items:

- 29. Flooding Update
- 30. Concessions Update
- 31. Land Water Conservation Fund Grant Cycle
- 32. Recreational Trails Program Grants
- 33. Revenue, Camping and Visitation Reports

Solicitation of Agenda Items from Commissioners

Adjourn

Next meeting information:

November 7-8, 2019

Watertown Conference Center

1901 9th Ave SW, Watertown, SD

GFP Commission Meeting Archives <https://gfp.sd.gov/commission/archives/4/>

**Minutes of the Game, Fish, and Parks Commission
September 5-6, 2019**

Chairman Gary Jensen called the meeting to order at 1:03 p.m. MT at Holiday Inn Convention Center in Spearfish, South Dakota. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Scott Phillips, Russell Olson, Douglas Sharp, Robert Whitmyre and approximately 50 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 July 8-9, 2019 meeting minutes, July 24, 2019 special meeting minutes, and August 12, 2019 special meeting minutes or a motion for approval.

Motion by Sharp with second by Locken TO APPROVE THE MINUTES OF THE JULY 8-9, 2019 REGULAR MEETING, JULY 24, 2019 SPECIAL MEETING, AND AUGUST 12, 2019 SPECIAL MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

Commissioner Phillips requested two additional salary days one for parks meetings and the other for a trapping meeting, Commissioner Bies requested one day for ADC meeting, Commissioner Whitmyre requested one for trapping meeting and Commissioner Jensen requested 6, one for a Second Century Habitat Fund Board meeting and the other five for WAFWA.

Motioned by Olson, second by Boyd TO APPROVE THE COMMISSIONER SALARY DAYS AS REQUESTED. Motion carried unanimously.

Commission 2020 Meeting Schedule

Chris Petersen, administration division director, presented the 2020 Commission meeting calendar noting the criteria used to determine locations by considering factors such as adequate facility space and accommodation services, wireless connections, and relationship of location to agenda items.

Motion by Phillips with second by Bies TO APPROVE THE 2020 COMMISSION MEETING SCHEDULE. Motion carried unanimously.

License List Request

Petersen presented a license list requests to the Commission from South Dakota Landowner Alliance, Pierre, SD for a full fee license list request for All pheasant preserves, owners and operators to be used for marketing and membership.

Motioned by Whitmyre, second by Locken TO APPROVE THE LICENSE LIST

REQUEST. Motion carried unanimously.

Hunt for Habitat

Deputy Secretary Kevin Robling provided a quick summary of funds raised by the Hunt for Habitat raffle. In all, \$320,950 was generated during the 45 day raffle. Residents contributed \$201,110 and habitat funds generated from nonresidents were \$119,840. Robling reminded Commissioners that the individuals who won have been notified and they will have the opportunity to choose which hunting year they will use the tags; either 2019 or 2020. Wildlife Division Deputy Director Tom Kirschenmann briefly described the content of Resolution 19-21 which outlined the intended uses of the funds generated by the Hunt for Habitat raffle. The focus would be to conduct habitat efforts statewide on Game Production Areas and SD School and Public Lands.

Motion by Olson, second by Locken TO ADOPT RESOLUTION 19-21 (appendix A) TO UTILIZE HUNT FOR HABITAT FUNDS TO SUPPORT HABITAT. Roll call vote: Boyd-yes; Locken – yes; Bies - no; Olson- yes; Whitmyre - yes; Phillips – yes; Sharp-yes; Jensen-yes. Motion passes with 7 yes votes and 1 no vote. Motion passes

Recruitment Retention and Reactivation (R3)

Robling and Taniya Bethke, division staff specialist, presented information on recruitment, retention and reactivation.

Motion by Boyd, second by Olson TO ADOPT RESOLUTION 19-22 (appendix B) TO CONSIDER THE R3 IMPACT PRIOR TO AMENDMENT OR ADOPTION OF REGULATIONS IMPACTING PARTICIPATION IN HUNTING, ANGLING, TRAPPING AND OUTDOOR RECREATING. Motion carried unanimously.

Zebra Mussel Response Plan

Mike Greiner, aquatic invasive species (AIS) coordinator, and Jona Ohm, Strategic Communications Director, provided an update on the Department's response to the discovery of zebra mussels in Lake Sharpe and the high probability of presence in Lake Francis Case. Greiner provided a timeline of the field response by aquatics and law enforcement staff from the initial discovery until present time and Ohm provided the actions taken by the communications team. Law enforcement staff conducted 17 special details with 818 boats checked, 104 citations written, and 8 warnings issued. Watercraft inspectors checked 994 boats and trailers since the initial discovery (2042 total in 2019). Zebra mussels have been found as far upstream as West Bend in Lake Sharpe but have not yet been documented in Lake Francis Case, pending results from ongoing monthly monitoring efforts. An outline of future efforts for the next 1-2 months (public meetings, presentations, monitoring efforts) and for the next 12-18 months (authorities needed, funding sources, identifying priority waters, incorporating research, citizen science monitoring and outreach opportunities, other Agency contributions, long term communications plan) were provided. Greiner presented results from economic impact study, where statewide infestation of all surface waters at the maximum biological potential of zebra mussels could cost the state \$33.5M- \$81.4M annually. A finer scale study will be conducted at infested waters in SD and KS over the next year to ground truth those estimates.

Missouri River Refuges

Regional Supervisor Mark Ohm provided a short update on the refuge review workgroup. Progress has been slow, but about 30 individuals and groups have been contacted to participate in this workgroup. This groups main focus will be to provide a list of data for the Commission to consider, or a lens to look through, when considering changes to the waterfowl refuge system.

PETITIONS

Muzzleloader Antelope

Seth Vant Hof, Black Hawk, SD submitted a petition to add a specific muzzleloader antelope hunting season.

Motion by Phillips, second by Boyd TO DENY THE RECOMMENDED CHANGE TO ALLOW FOR A SPECIFIC MUZZLELOADER ANTELOPE HUNTING SEASON. Motion carried unanimously.

Motion by Olson, second by Phillips TO ADOPT RESOLUTION 19-24 (appendix D) DENYING THE PETITION.

Dog Training on Public Lands

Bobby Mills, Boston, GA submitted a petition to change the 3 allowed days from Friday, Saturday, Sunday to Monday, Wednesday, Friday to not have 3 consecutive days of pressure from dog trainers and sport enthusiast.

Motion by Bies, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGE TO CHANGE THE ALLOWED DAYS FOR DOG TRAINING ON PUBLIC LANDS. Motion carried unanimously.

Trapper ID

Nancy Hilding, Black Hawk, SD presented her petition to create a trapping ID that will be placed on all set traps.

Motioned by Bies, second by Boyd TO DENY THE PETITION TO CREATE A TRAPPING ID FOR ALL SET TRAPS. Motion carried unanimously

Motioned by Phillips, second by Locken TO ADOPT RESOLUTION 19-25 (appendix E) DENYING THE PETITION. Motion carried unanimously

PUBLIC HEARING

The Public Hearing began at 2:02 p.m. and concluded at 2:03 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.

John Hopple, Black Hawk, SD - SD Trappers Assoc. presented information to the commission in regards to trapping regulations specifically trapper ID's and trap check times.

Ben Page, Mud Butte, SD voiced his concern about shortening the trap check time explaining it takes over an hour each day to run trap lines. Said he has traps with his ID on them in multiple states. Support departments position to maintain the time at 72 hours.

Vince Logue, Oelrichs, SD - Western SD Furharvesters support 72 hours and clarifications. He does not support trap tags. No one has more of a vested interest in the well-being of animals in the state. For trappers it is to enjoy what we do we need a healthy population of wildlife. No other organizations are better at it.

Finn Sacrison Bison, SD - Western SD Furharvesters thanked to commission for the new proposal. Works hard to promote ethical trapping to the youth. Enjoy being out there and want it to go on for generations. Do not support the 24 hour trap check. The only way there can be a future is through education of youth and it's good to do this as a group.

Tuffy Halls, Hot Springs, SD - Western SD Furharvesters said he is impressed with the positive attitude of the commission and GFP. The R3 initiative is a refreshing outlook for GFP. Trapping is thought of as the old version with the big teeth on them but several years ago the best management practices helped evolve the traps used and the humane trapping of the animal was taken into consideration. These are not pets they are wild animals. Thanked GFP for work on youth education programs

Joe Logue, Oelrichs, SD - private trapper. They did a 24 hour trap check in the 50's and it simply did not work and was removed. I am opposed to any trap marking. Believe the 24 hour check came about after the tail bounty that is a horrible program. Doesn't like to see young animals killed because I can't catch them when they are larger and have the furs.

Justin Krajewski, Spearfish, SD - trapper licensed trapper. Commended commission and Governor Noem on bounty program. Successful to get kids outdoors trapping as part of the R3 efforts. Supports the department recommendation on the rule change.

Jamie Al-Haj, Rapid City, SD other states have 24 hour trap check times and SD is lagging behind as we often do. GFP needs to establish humane and ethical treatment of animals. Inconceivable that we would allow an animal to suffer for 3 days because it is an inconvenience to trappers. Talked about wanting more people to be involved and participate in the outdoors this allows the opportunity. Also in support of trapper id as how can there be oversight and enforcement when they do not need to identify themselves. Respect trappers and feel they have good intentions, but there are other things that need to be considered as this is doable and 36 other states are currently doing this.

Nancy Hilding, Black Hawk, SD - Prairie Hills Audubon Society, worries about the 360 day harvest with hounds. There is suitable habitat on the prairie and GFP has finally acknowledged this. There are 4 dead kittens found in the streams. This plan is completely and utterly inadequate. Completely object to the next predator bounty program and hope it is not done again but if it is you need to be transparent and meet

the administrative rule deadlines. Oppose the trap check time rules and provided a handout on trap robbing that allows GFP to intervene. Stand by the 24 hour trap check time.

Roger Twamley, Oacoma, SD Muzzleloader optics should be changed. Love the sport and hope other with the same concerns have notified you as we all want to ethically and humanely harvest an animal. It is difficult as you get older and would like the change in optics to allow for this.

Max Matthews, Bison, SD – Perkins County Predator Control Board has never been a trapper and does plan to like to leave it to the professionals who know what they are doing. This is an important management tool. Fear the trapper would not be successful if the time taken to check traps was set at 24 hours would not allow for other aspects of the job. Sheep and lambs have no defense against predators. Often times predator kill them for fun or they are severely wounded and eventually die or need to be euthanized. Would like the commission to consider this and not the livestock industry depends on the trappers to do their job.

Eric Loken, Camp Crook, SD – Sheep Mountain Taxidermy Do not agree with the first two points on the CWD proposal because business come from neighboring states this would cause to go out of business. Doesn't understand why the butchers are not here to voice concerns. Doesn't understand what exactly is being proposed.

Clark Blake, Camp Crook, SD CWD has the potential to have a negative impact on taxidermist and businesses like his who depend on hunters. Supports the 72 trap check proposal and state trappers are necessary. Do not support trapper id. Need to leave the prairie mountain lion season as is.

Mike Watkins, Alzada, MT outfitter in Montana and Wy, the CWD proposal would be detrimental. Under this proposal I could not use the taxidermist. This doesn't address or provide enforcement for the people who go out of state to hunt because they cannot bring their deer back. Appreciate the commission giving people the opportunity to address the commission.

Don Hausle, Spearfish, SD – Rancher last good hay crop was in 2015. Cannot afford to purchase the hay we need because of the elk recommends the units be smaller so the elk could be targeted. \$700-\$800 is a fraction of what the forage is worth. Will send a letter within 60 days that will cite court cases. Needs a resolution on this depredation.

Wes Reinford, Nisland, SD butcher concerns with CWD and understands the impact. All waste goes to a crematorium on the property. Spoke with sportsmen against hunger said they cannot bring things from other counties and other states.

FINALIZATIONS

Velvet Antler Tagging

Chad Switzer, wildlife program administrator, presented the recommendation to repeal the rule requiring velvet antlers be tagged as the statute was repealed by legislation during the 2019 session.

Motion by Locken, second by Sharp TO REPEAL THE TAGGING OF VELVET ANTLERS. Motion carried unanimously.

Wildlife Feeding Dates

Switzer presented the recommendation to modify wildlife feeding dates to begin August 1st in stead of August 15th because of the September 1st start date for archery deer hunting.

Motion by Sharp, second by Phillips TO APPROVE THE CHANGE IN WILDLIFE FEEDING DATES. Motion carried unanimously.

Rules Review Process Chapter 41:01 through 41:03 – Style and Form

Jon Kotilnek, senior staff attorney presented the recommended changes to administrative rules pertaining to GFP as part of the review process. The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

Chapter 41:01

1. 41:01:01:02 – Appointment of hearing officer – amend rule to insert gender neutral language and update authority.
2. 41:01:01:03 – Create new rule within article 41:01 to address applicability of GFP rules for Department employees in the performance of their official duties.
3. 41:01:02:01 – Definitions – create additional definitions of “state park system” and “water access areas.”

Kotilnek also presented the recommended change from proposal to not create the new rule 41:01:01:03 as SDCL 41-2-16 adequately addresses the concerns and a new rule is not necessary.

Motion by Boyd, second by Bies TO AMEND THE FINALIZATION AS RECOMMENDED. Motion carried unanimously.

Motion by Sharp, second by Boyd TO APPROVE THE RECOMMENDED CHANGES AS AMENDED TO RULES IN CHAPTER 41:01. Motion carried unanimously.

Chapter 41:02

1. 41:02 – License Agents – amend article title to “Licensing Agents” for consistency with rules found within this article.
2. 41:02:01:04 – Restriction on sale of licenses – amend rule to address nomenclature for consistency.
3. 41:02:01:05 – Postdating prohibited-Exception – amend rule to address nomenclature for consistency.
4. 41:02:01:07.01 – Disconnecting licensing agents with past due accounts – amend rule to differentiate between agent suspensions and revocations.

5. 41:02:01:12 – Emergency authorization books – amend rule to make form and style changes.

Motion by Olson, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGES AS PROPOSED TO RULES IN CHAPTER 41:02. Motion carried unanimously.

Chapter 41:03

1. 41:03:01:01 – Unauthorized land use and entry on posted land prohibited – amend rule to eliminate unnecessary language.
2. 41:03:01:01.01 - Time restrictions for use of George S. Mickelson Trail – amend rule in an effort to consolidate rules and address time restrictions for use of all Department lands.
3. 41:03:01:01.02 – Time restrictions for use of state park system – repeal rule/consolidation.
4. 41:03:01:01.03 – Time restrictions for use of public hunting areas and lake access areas – repeal rule/consolidation.
5. 41:03:01:01.04 – Prohibited use of walk-in areas – amend rule to eliminate unnecessary language.
6. 41:03:01:02 – Leaving of property on department land – amend rule to address nomenclature for consistency.
7. 41:03:01:04 – Permit required for certain organized events – amend rule to address nomenclature for consistency.
8. 41:03:01:07 – Commercial use prohibited – amend rule to eliminate unnecessary language.
9. 41:03:01:10 – Buildings, erection of signs, advertising, and fences prohibited – amend rule to eliminate unnecessary language and address nomenclature for consistency.
10. 41:03:01:11 – Loud speakers prohibited – amend rule to eliminate unnecessary language and address nomenclature for consistency.
11. 41:03:01:13 – Pet prohibitions – amend rule to address nomenclature for consistency and make form and style changes.
12. 41:03:01:14 – Horses and riding prohibited-Exception – amend rule to address nomenclature.
13. 41:03:01:15 – Camping in state park, state recreation area, and state lakeside use area allowed only in designated campgrounds – Fourteen-night limit – amend rule to address nomenclature.
14. 41:03:01:16 – Restrictions on use of firearms, crossbow, and bows-Exceptions – amend rule to address nomenclature and eliminate unnecessary language.

15. 41:03:01:16.02 – Restrictions on use or possession of firearms on lake and fishing access and game production areas-Exceptions – amend rule to address nomenclature.
16. 41:03:01:16.03 – Discharge of firearms and bows on George S. Mickelson Trail prohibited – repeal unnecessary rule.
17. 41:03:01:17 –Slingshots prohibited – amend rule to address nomenclature and eliminate unnecessary language.
18. 41:03:01:19 – Limitation on tree stands, elevated platforms, and portable blinds – amend rule to provide additional clarity.
19. 41:03:01:20 – Hiking off trails at Bear Butte without permission prohibited-Exception – amend rule to provide additional clarity.
20. 41:03:01:21 – Hang gliding prohibited – amend rule to add appropriate authority.
21. 41:03:01:23 – Residential trash prohibited at department trash facilities – amend rule to provide additional clarity.
22. 41:03:01:24 – Glass containers prohibited – amend rule to provide additional clarity and eliminate unnecessary language.
23. 41:03:01:25 – Jumping and diving at Palisades State Park, Custer State Park, Big Sioux Recreation Area, and Angostura Reservoir prohibited – amend rule to provide additional clarity.
24. 41:03:01:26 – Use of certain rock climbing aids prohibited-Exceptions – amend rule to address nomenclature.
25. 41:03:01:27 – Forage restrictions – Custer State Park and Mickelson Trail – amend rule to add authority.
26. 41:03:01:29 – Restrictions on use of metal detectors-Written authorization required – amend rule to address nomenclature.
27. 41:03:01:31 – Alcoholic beverage prohibited at Lake Alvin swim beach – amend rule in an effort to consolidate similar rules and add provision for Bolton Game Production Area in Union County.
28. 41:03:01:32 – Alcoholic beverage prohibited at Bear Butte State Park – repeal rule/consolidation.
29. 41:03:01:33 – Leaving of human remains at Bear Butte State Park prohibited – repeal rule as it is covered by other state statutes and administrative rules by Department of Health.
30. 41:03:01:34 – Hunter Quarry Lake and Fishing Access Area-Entry or use prohibited-Exceptions – repeal rule and move to more appropriate section under ARSD 41:04:02.
31. 41:03:01:35 – Bait stations prohibited – amend rule to provide additional clarity.
32. 41:03:01:36 – Limitation on trail cameras – amend rule to provide additional clarity.

33.41:03:01:37 – Firewood prohibited – amend rule to address nomenclature.

Kotilnek also presented the recommended change from proposal to also create the new rules 41:03:01:36 and 41:03:01:37 to clarify rules in regards to trail cameras and firewood prohibitions.

Motion by Sharp, second by Phillips TO AMEND THE FINALIZATION AS RECOMMENDED. Motion carried unanimously.

Motion by Locken, second by Sharp TO APPROVE THE RECOMMENDED CHANGES AS AMENDED TO RULES IN CHAPTER 41:03:01. Motion carried unanimously.

Chapter 41:03:02

1. 41:03:02:01 – Driving off roads prohibited-Exceptions – amend rule to provide clarity and eliminate unnecessary language and add specific authority.
2. 41:03:02:02 – Speed limit on department lands – amend rule to provide clarity and consolidate similar rules and add specific authority.
3. 41:03:02:05 – Exhibition driving prohibited – amend rule to provide clarity on applicable areas and add specific authority.
4. 41:03:02:07 – Obedience to yield signs required-Pedestrian has right of way – repeal rule/consolidation.
5. 41:03:02:09 – Obedience to stops signs required – repeal rule/consolidation.
6. 41:03:02:10 – Obedience to one-way road signs required – repeal rule/consolidation.
7. 41:03:02:11 – Parking in no parking zones prohibited – repeal rule/consolidation.
8. 41:03:02:12 – Parking in handicapped space restricted – repeal rule/consolidation.
9. 41:03:02:13 – Restrictions on motor vehicles-Exceptions – amend rule to provide additional clarity on applicable areas and add specific authority.

Motion by Boyd, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGES AS PROPOSED TO RULES IN CHAPTER 41:03:02. Motion carried unanimously.

Chapter 41:03:03

1. 41:03:03:03 – Park entrance license required for admission to state parks and certain recreation areas and lakeside use areas – amend rule to provide additional clarity and add specific authority.
2. 41:03:03:03.01 – Park entrance license exemptions – amend rule to consolidate similar rules and address additional areas where park license exemption exists and add specific authority.
3. 41:03:03:03.02 – Spring open house park entrance license exemption – amend rule to provide additional clarity and add additional periods for free park entrance and add

specific authority.

4. 41:03:03:03 – Park entrance license not required – repeal rule/consolidation.
5. 41:03:03:04 – Time limits on daily license – amend General Authority/Law Implemented.
6. 41:03:03:05 – Limitations on half-price annual park entrance license – amend rule to provide additional clarity.
7. 41:03:03:06 – Park entrance license fees – amend rule to provide additional clarity.

Motion by Bies, second by Sharp TO APPROVE THE RECOMMENDED CHANGES AS PROPOSED TO RULES IN CHAPTER 41:03:03. Motion carried unanimously.

Chapter 41:03:04

1. 41:03:04:01 – Definitions – amend administrative misspelling.
2. 41:03:04:02 – Camping permit required-Exceptions – amend rule to provide clarity.
3. 41:03:04:04 – Registration procedures – amend rule to provide additional clarity.
4. 41:03:04:05.01 – Campsite reservations-Payment of camping fees-Cancellation fees – amend rule to provide additional clarity and add authority.
5. 41:03:04:05.02 – Reserved group picnic shelter fee – amend General Authority/Law Implemented.
6. 41:03:04:07.01 – Sale of firewood – amend rule to address nomenclature and add authority.
7. 41:03:04:10.02 – Camping cabin and rent-a-camper occupancy restricted – amend rule to eliminate reference to rent-a-camper and add authority.
8. 41:03:04:11 – Use of electrical service restricted – amend rule to address nomenclature and add authority.
9. 41:03:04:12 – Checkout times enforced – amend rule to provide additional clarity and address nomenclature and add authority.

Motion by Locken, second by Phillips TO APPROVE THE RECOMMENDED CHANGES AS PROPOSED TO RULES IN CHAPTER 41:03:04. Motion carried unanimously.

Chapter 41:03:05 and Chapter 41:03:06

1. 41:03:05:01 – Payment of trail user service fee required for certain recreational trails – amend rule to provide additional clarity and add authority.
2. 41:03:05:04 – Expiration of daily trail user pass – amend rule to extend time period that daily trail user pass is valid.
3. 41:03:05:06 – Display of trail user pass – amend rule to provide additional clarity.

4. 41:03:06:01 – Display of a commercial snowmobile trail user pass required – amend rule to eliminate unnecessary language.

It was recommended to make a change from proposal to removed 41:03:05:04

Motion by Sharp, second by Boyd TO AMEND THE FINALIZATION AS RECOMMENDED. Motion carried unanimously.

Motion by Whitmyre, second by Phillips TO APPROVE THE RECOMMENDED CHANGES AS AMENDED TO RULES IN CHAPTER 41:03:05 and 41:03:06. Motion carried unanimously.

PROPOSALS

Chronic Wasting Disease Regulations

Switzer presented the recommendation to establish new rules related to transportation and disposal of deer and elk carcasses from other states and hunting units within South Dakota's known endemic areas where Chronic Wasting Disease had been confirmed.

Motion by Sharp, second by Olson TO APPROVE THE RECOMMENDED CHANGES TO CHRONIC WASTING DISEASE REGULATIONS. Motion carried unanimously.

Trapping Regulations

Keith Fisk, animal damage control program administrator, presented the proposal on trap check times that resulted from a petition that was approved by the Commission. Fisk explained changes to the current rule as follows:

1. Modify existing administrative rule to require that all traps and snares in South Dakota be checked within 24-hours from the time the trap or snare was set.
2. Create a new administrative rule that would allow Game, Fish and Parks personnel to grant extensions to the 24-hour check time due to unanticipated complications or emergencies.
3. Create a new administrative rule that before setting traps and snares, it shall be the duty of the person setting a trap or snare to study the weather reports for the next 48-hours and make a record of that data. It is expected that such person will not set traps and snares when a reasonable person would conclude that the weather-related complications would likely preclude checking traps and snares within 24-hours.
4. Create a new administrative rule which would allow Game, Fish and Parks personnel to release or euthanize an animal held in a trap or snare longer than 24-hours.
5. Create a new administrative rule which would allow any person, after receiving permission from a Game, Fish and Parks personnel, to release or euthanize an animal in a trap or snare longer than 24-hours.
6. Create a new administrative rule that requires any animals euthanized by an authorized person of Game, Fish and Parks, which a profit is generated, to be reverted back to Game, Fish and Parks.
7. Create a new administrative rule in which Game, Fish and Parks shall keep records on trap check time extensions and shall give an annual summary report to the Game, Fish and Parks

No action is necessary to move forward to finalization.

Fisk presented the proposed rule change to modify existing administrative rule to require all traps and snares in South Dakota be checked prior to 12 o'clock midnight of the third full calendar day following a previous check or when the trap was initially set, and for any trap or snare entirely submerged in water that remains set beneath the ice to be checked prior to 12 o'clock midnight of the fifth full calendar day statewide, following a previous check or when the trap was initially set.

Motion by Olson, second by Bies TO APPROVE THE RECOMMENDED CHANGES TO THE TRAP CHECK TIMES. Roll call vote: Boyd-yes; Locken – yes; Bies - yes; Olson- yes; Whitmyre - yes; Phillips – yes; Sharp- no; Jensen-yes. Motion passes with 7 yes votes and 1 no vote. Motion passes.

Muzzleloader Scopes

Kirschenmann presented the recommended changes to the muzzleloading restrictions to make an allowance for 1-4x or 1-6x power scopes for seasons to muzzleloading firearms. He explained a petition was received by the Commission indicating that the non-telescopic sights are no longer available and have been discontinued by manufacturers.

No action is necessary to move forward to finalization.

Mountain Lion Hunting Season

Kirschenmann and Switzer presented the recommended changes to the mountain lion hunting season.

1. Change the season dates from December 26 – March 31 to December 26 – April 30.
2. Increase the number of access permits in Custer State Park from 57 to 65.
3. Allow nonresident hunting opportunity and provide 250 nonresident lottery licenses.
4. Establish a nonresident license fee of \$280.
5. Outside the Black Hills Fire Protection District, expand the allowance for the use of dogs that originates on private land to cross over or culminate on any public lands where unleashed dogs are permitted. The current restriction for the Fort Meade Recreation Area would remain.
6. Authorize the Commission to extend the hunting season beyond April 30.

Motioned by Phillips second by Olson TO APPROVE THE RECOMMENDED CHANGES TO THE MOUNTAIN LION HUNTING SEASON. Motion carried unanimously.

CSP Coyote Hunting Season

Switzer presented the recommended changes change to the CSP Coyote Hunting Season dates from December 26 – March 31 to December 26 – April 30 and remove the requirement of a free access permit.

Motioned by Boyd second by Olson TO APPROVE THE RECOMMENDED CHANGES TO THE CSP COYOTE HUNTING SEASON. Motion carried unanimously.

Hoop Nets and Set Lines

Will Sayler, fisheries program administrator, presented the recommended changes as follows:

1. Add a definition of setline in rule.
2. Add traps to hoop net and setline regulation title.
3. Allow the use of wire fish traps.
4. Change hoop net, trap and setline rules to require them to be emptied by midnight the day following when they were set instead of 72 hours. This will improve the chance of live release of the few game fish caught on setlines and turtles in all gears.
5. Change hoop net, trap and setline gear restrictions on border waters to match those for inland waters.
6. Allow use of hoop nets, traps, and setlines in the James, Vermillion, and Big Sioux River mainstems.
7. Allow use of hoop nets and traps in western Missouri River tributaries to increase angler opportunity.

Motioned by Sharp second by Boyd TO APPROVE THE RECOMMENDED CHANGES TO HOOP NETS AND SET LINES. Motion carried unanimously.

Public Waters – Aeration

Sayler presented the recommendation to create a new rule in 41:04 Public Waters to identify the department as the designated agent of the Commission for permitting use of aeration systems in meandered waters or other waters to which the state has acquired a right, title, or interest.

Motioned by Sharp, second by Phillips TO APPROVE THE CREATION OF THE NEW RULE. Roll call vote: Boyd-yes; Locken – yes; Bies - no; Olson- yes; Whitmyre - no; Phillips – yes; Sharp- yes; Jensen-yes. Motion passes with 6 yes votes and 2 no vote. Motion passes

Fish Importation

Sayler presented the recommended changes to fish importation as follows:

1. Allow for a single importation permit from an out-of-state source to cover an entire year from their last fish health inspection to reduce paper work and staff time.
2. Specify in rule which fish species need to be tested for which pathogens of regulatory concern. This will reduce the costs for private industry and GFP to have fish health testing conducted.

Motion by Olson, second by Sharp TO APPROVE THE RECOMMENDED CHANGES TO FISH IMPORTATION RULES. Motion carried unanimously.

Aquatic Invasive Species

Sayler presented the recommended changes to fish importation as follows:

1. Add spiny waterflea (*Bythotrephes longimanus*), round goby (*Neogobius melanostomus*), and white perch (*Morone americana*), to the aquatic invasive species (AIS) list in South Dakota.
2. Add Lakes Sharpe and Francis Case to the list of designated containment waters for AIS management in South Dakota.

Motion by Bies, second by Sharp TO APPROVE THE RECOMMENDED CHANGES TO FISH IMPORTATION RULES. Motion carried unanimously.

Rules Review Process Chapter 41:04 through 41:05 – Style and Form

Kotilnek presented the recommended changes to administrative rules pertaining to GFP as part of the review process. The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

Chapter 41:04:01

- | | |
|-------------|---|
| 41:04:01:01 | Applicability of chapter - Repeal |
| 41:04:01:02 | Special purpose buoy specifications - Update authority. |
| 41:04:01:03 | Restricted area buoy markings - Update authority. |
| 41:04:01:04 | Reduced speed area buoy markings - Update authority. |
| 41:04:01:05 | Information buoy markings. Update authority. |
| 41:04:01:06 | Safety zones defined – Adjust language and update authority |
| 41:04:01:07 | Buoy placement requirements - Adjust language and update authority. |
| 41:04:01:08 | Diver-down flag requirements - Update authority. |
| 41:04:01:10 | Presence of persons in water near boat ramps prohibited-Update authority. |

Motion by Boyd, second by Sharp TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:01. Motion carried unanimously.

Chapter 41:04:02

- | | |
|-------------|---|
| 41:04:02:02 | Beadle County public water safety zones – Update language |
| 41:04:02:04 | Bon Homme County public water safety zones – Update language |
| 41:04:02:06 | Brown County public water safety zones. Update language and authority |
| 41:04:02:07 | Brule County public water safety zones – Update language |
| 41:04:02:09 | Butte County public water safety zones – Update language |
| 41:04:02:11 | Charles Mix County public water safety zones – Update language |
| 41:04:02:12 | Clark County public water safety zones – Update language |
| 41:04:02:14 | Codington County public water safety zones – Update language |
| 41:04:02:15 | Corson County public water safety zones – Update language |
| 41:04:02:16 | Custer County public water safety zones – Update language |
| 41:04:02:18 | Day County public water safety zones. Update language and authority |
| 41:04:02:19 | Deuel County public water safety zones – Update language |
| 41:04:02:20 | Dewey County public water safety zones – Update language |
| 41:04:02:22 | Edmunds County public water safety zones – Update language |

- 41:04:02:23 Fall River County public water safety zones – Update language
- 41:04:02:25 Repealed. Add Grant County public water safety zones (New Rule)
- 41:04:02:26 Gregory County public water safety zones – Update language
- 41:04:02:29 Hand County public water safety zones – Update language
- 41:04:02:30 Hanson County public water safety zones – Update language
- 41:04:02:32 Hughes County public water safety zones – Update language
- 41:04:02:33 Hutchinson County public water safety zones – Update language
- 41:04:02:38 Kingsbury County public water safety zones – Update language
- 41:04:02:39 Lake County public water safety zones – Update language
- 41:04:02:41 Lincoln County public water safety zones – Update language
- 41:04:02:42 Lyman County public water safety zones – Update language
- 41:04:02:43 McCook County public water safety zones – Update language
- 41:04:02:44 McPherson County public water safety zones – Update language
- 41:04:02:45 Marshall County public water safety zones – Update language
- 41:04:02:46 Meade County public water safety zones – Update language
- 41:04:02:49 Minnehaha County public water safety zones – Update language
- 41:04:02:51 Pennington County public water safety zones – Update language
- 41:04:02:52 Perkins County public water safety zones – Update language
- 41:04:02:53 Potter County public water safety zones – Update language
- 41:04:02:54 Roberts County public water safety zones – Update language
- 41:04:02:58 Stanley County public water safety zones – Update language
- 41:04:02:62 Turner County public water safety zones. – Update language
- 41:04:02:63.01 Union County public water safety zones – Update language
- 41:04:02:64 Walworth County public water safety zones – Update language
- 41:04:02:66 Yankton County public water safety zones – Update language

Motion by Phillips, second by Bies TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:02. Motion carried unanimously.

Chapter 41:04:03

- 41:04:03:01 Meandered water areas defined – Update language and update authority
- 41:04:03:02 Restriction of access prohibited – Update authority
- 41:04:03:03 Posting of signs prohibited – Language and update authority
- 41:04:03:04 Farming prohibited – Exception – Update language and authority
- 41:04:03:05 Modification prohibited – Exception – Update language and update authority

Motion by Sharp, second by Boyd TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:03. Motion carried unanimously.

Chapter 41:04:04

- 41:04:04:01 Definition of terms - Update language
- 41:04:04:05 Requirements for dock and floating dock maintenance – Update language

Motion by Boyd, second by Bies TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:04. Motion carried unanimously.

Chapter 41:04:05

- 41:04:05:01.01 Boat license fees – Update language
- 41:04:05:02 Life preservers required – Update language
- 41:04:05:03 Fire extinguishers required – Exception – Update language and authority
- 41:04:05:04 Flame arresters required – Update authority
- 41:04:05:04.01 Whistle required – Update authority
- 41:04:05:04.02 Bell required – Update authority
- 41:04:05:05 Ventilation required – Update authority
- 41:04:05:06 Navigation rules – Update language and authority
- 41:04:05:08 Restriction on right-of-way – Update authority
- 41:04:05:09 Blockage of docks forbidden – Update authority
- 41:04:05:15 Audible signals – Update language and authority
- 41:04:05:16 Emergency signals -- Boats to stop – Update authority
- 41:04:05:18 Lights required - Exception – Update language and authority
- 41:04:05:19 Overloading prohibited – Update authority

Motion by Whitmyre, second by Olson TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:05. Motion carried unanimously.

Chapter 41:04:06

- 41:04:06:02 Commission action on petition to restrict recreational use of nonmeandered lake. – Update language and reduce redundancy
- 41:04:06:03 Due process requirements for interested parties from the public - Repeal
- 41:04:06:04 Appeal from commission's final action on petition to restrict recreational use of nonmeandered lake – Repeal.
- 41:04:06:05.01 Placement of department supplied signs – Update language

Motion by Boyd, second by Olson TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:06. Motion carried unanimously.

Chapter 41:05:01

- 41:05:01:01 Types of refuges defined – Update language and authority
- 41:05:01:02 Hunting within a waterfowl refuge – Update language
- 41:05:01:03 Hunting and trapping within a state game refuge – Update language and authority
- 41:05:01:04 Hunting within a state game bird refuge –Update language and authority
- 41:05:01:05 Hunting within a federal refuge, park, or monument – Exception - Repeal

Motion by Sharp, second by Bies TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:05:01. Motion carried unanimously.

Chapter 41:05:02

41:05:02:06	Brown County refuges – Update language
41:05:02:07	Brule County refuges – Update language and authority
41:05:02:08	Buffalo County refuges - Repeal
41:05:02:11	Charles Mix County refuges - Repeal
41:05:02:12	Clark County refuges – Update language
41:05:02:15	Corson County refuges - Repeal
41:05:02:18	Day County refuges – Update language
41:05:02:20	Dewey County refuges - Repeal
41:05:02:22	Edmunds County refuges – Update language and authority
41:05:02:24	Faulk County refuges – Update language and authority
41:05:02:25	Grant County refuges – Update language and authority
41:05:02:26	Gregory County refuges - Repeal
41:05:02:29	Hand County refuges – Update language
41:05:02:32	Hughes County refuges – Update language and authority
41:05:02:33	Hutchinson County refuges – Update language and authority
41:05:02:42	Lyman County refuges - Repeal
41:05:02:45	Marshall County refuges – Update language and authority
41:05:02:52	Perkins County refuges – Update language and authority
41:05:02:53	Potter County refuges - Repeal
41:05:02:54	Roberts County refuges – Update language and authority
41:05:02:57	Spink County refuges – Update language
41:05:02:58	Stanley County refuges – Update language
41:05:02:59	Sully County refuges - Repeal
41:05:02:64	Walworth County refuges - Repeal
41:05:02:66	Yankton County refuges – Update language and authority
41:05:02:68	Missouri River refuges – Update language

Motion by Sharp, second by Bies TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:05:02. Motion carried unanimously.

Park Entrance and Camping Fees

Robling and Al Nedved, parks assistant director, presented the recommended changes to park entrance and camping fees as follows:

1. Increase certain Park entrance fees and camping fees:

Park Entrance	License Current Fee	Proposed Increase	New Fee
Annual	\$30	\$6	\$36
Second Vehicle	\$15	\$3	\$18
Transferable	\$65	\$15	\$80
Daily	\$6	\$2	\$8
CSP Motorcycle 7-Day	\$10	\$10	\$20
Camping Fees			
Prime*	\$21	\$5	\$26

Preferred Campgrounds*	\$19	\$4	\$23
Modern Campgrounds*	\$17	\$3	\$20
Basic Equestrian CG except CSP	\$13	\$5	\$18
Semi-modern Equestrian CG except CSP*	\$19	\$7	\$26
CSP Modern Campgrounds*	\$25	\$5	\$30
CSP Equestrian Campground*	\$35	\$5	\$40
CSP Camping Cabins	\$50	\$5	\$55
Camping Cabins except CSP	\$45	\$10	\$55
Firewood	\$5	\$1	\$6
*Fee includes \$4 for sites where electricity is available			

2. Remove group lodge designation for Mina Lake (\$205) and designate as a modern cabin (\$150)
3. Increase the fee from \$10 to \$15 for each day a vehicle is in a park and does not display a valid park entrance license. This amount may be applied to the purchase of an annual park entrance license.
4. Create a new state-wide fee for Designated Tent-Only Campsites with no electricity at \$15.

Motioned by Sharp, second by Bies TO APPROVE THE RECOMMENDED CHANGES TO PARK ENTRANCE AND CAMPING FEES. Motion carried unanimously.

DIVISION OF PARKS AND RECREATION

Gorton Property Transfer

Nedved presented information on the transfer of property from the Parks and Wildlife Foundation at Palisades State Park offering wildlife habitat, preservation and public recreation.

Motioned by Olson with second by Boyd TO ADOPT RESOLUTION 19-23 (Appendix C) as presented. Motion carried unanimously.

Revenue, Camping and Visitation Reports

Nedved provided the reported that year-to-date visitation, camping and revenue by district through August 2019.

DIVISION OF WILDLIFE

Elk Contingency Licenses

Kirschenmann presented information regarding elk contingency licenses for the 2019 hunting season.

Big Game Water Development Projects

John Kanta, wildlife regional supervisor, explained to the Commission that water is not generally not a limiting factor for wildlife in the Black Hills. As such water projects are not a top priority for habitat projects in the Black Hills. Examples of higher priorities

would protecting and enhancing riparian areas, removing pine regeneration from meadow areas and hardwood releases. When it comes to water habitat projects they are typically projects to protect springs, seeps and ponds. When determining if a water development project is necessary SDGFP first looks at whether water is a limiting factor for wildlife in the area keeping in mind that wildlife can go to water and are able to jump fences. SDGFP also considers issues that wildlife may cause when visiting private property to get to water when justifying a water development project. A handout was distributed and discussed with the commission detailing a few of the water development projects that SDGFP has participated in.

License Sales Update

Tony Leif, wildlife division director presented the year to date license sales update.

SOLICITATION OF AGENDA ITEMS FROM COMMISSIONERS

Sharp requested information regarding waterfowl and Bies requested information on Commission meeting utilization of electronic devices and documents.

Adjourn

Motion by Olson, second by Phillips TO ADJOURN AT 11:30 A.M. Motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kelly R Hepler".

Kelly R. Hepler, Department Secretary

Appendix A
Resolution 19-21

Whereas, The Department of South Dakota Game, Fish & Parks (Department) relies on hunters to help fund the management and use of the State's natural resources and associated habitats.

Whereas, there has been a steady decline in hunting participation both at a national and state level.

Whereas, the resulting decline in participation has a direct negative impact on financial resources available to manage natural resources and associated habitats.

Whereas, the Commission and Department have recognized the necessity to implement new habitat funding mechanisms.

Whereas, the Commission and Department implemented the Hunt for Habitat raffle in 2019 as a new approach to generate additional financial resources to support habitat initiatives.

Now, Therefore, Be it Resolved, funds generated by the Hunt for Habitat raffle will be used to support habitat development and enhancements on public lands, in particular Game Production Areas and School and Public Lands.

Be it further resolved, the Commission and Department will utilize the Hunt for Habitat revenue to support the following identified needs and new habitat efforts.

- A. Improve and establish habitat on Game Production Areas across the state identified through a statewide assessment. Implementation of one-time identified projects will occur over the next 4-5 years.
 - a. Acquisition of necessary equipment such as planters, transportation, prescribed fire, and weed control implements.
 - b. Hire or contract to complete habitat management activities.
 - c. Establishment of new grassland plantings – 22,500 acres.
 - d. New perennial pollinator and food plots – 1,700 acres.
 - e. Enhancing existing grassland habitat – 40,000 acres.
 - f. New woody cover and tree plantings – 1,000 acres.
 - g. Grazing infrastructure – cross fencing and water sources.
- B. Improve and establish habitat on the 700,000+ acres of School and Public Lands across the state.
 - a. Riparian management
 - b. Grazing infrastructure – cross fencing and water sources.
 - c. Enhancing existing grassland habitat
 - d. New woody cover and tree plantings

Appendix B

Resolution 19-22

Whereas, The Department of South Dakota Game, Fish & Parks (Department) relies on a wide variety of outdoor enthusiasts and users to fund the management and use of outdoor recreational resources.

Whereas, nationally, there has been a steady decline in hunting, trapping and angling participation since the 1980's.

Whereas, the resulting decline in participation has a direct correlation to the sustainability of our strong outdoor heritage in South Dakota.

Whereas, the resulting decline in participation has a direct negative impact on financial resources available to manage outdoor recreational resources.

Whereas, the Commission understands and recognizes the necessity to recruit, retain and reactivate participants in hunting, angling, trapping and outdoor recreating.

Whereas, the Department shall continue to prioritize their focus on recruitment, retention, and reactivation of resource users and all outdoor enthusiasts.

Now, Therefore, Be it Resolved, prior to amendment or adoption of regulations, the Commission shall consider the impact the regulation would have on recruitment, retention and reactivation of hunting, angling, trapping and outdoor recreating participants.

Be it further resolved, the Commission shall consider, at a minimum, the following criteria when determining whether to adopt or amend a regulation:

- (1) whether the regulation/fee inhibits a user's ability to participate,
- (2) does the regulation increase the opportunity for new and existing users,
- (3) how does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists,
- (4) does the regulation enhance the quality of life for current and future generations by getting families outdoors.

Appendix C
RESOLUTION 19- 23

WHEREAS, South Dakota Parks and Wildlife Foundation owns real estate (Property) described as:

LOT 4 IN BOWAR'S FIRST ADDITION IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4) AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF.

WHEREAS, South Dakota Parks and Wildlife Foundation, Inc. desires to gift the Property to the South Dakota Department of Game, Fish and Parks (Department); and

WHEREAS, the Department has evaluated and determined that the Property would serve very well as an addition to Palisades State Park, offering wildlife habitat, preservation, and public recreational opportunities; and

WHEREAS, the Department is authorized to accept gifts of property for park and recreational purposes per SDCL §§ 41-2-19 and 41-2-24; and

WHEREAS, the South Dakota Game, Fish & Parks Commission desires to authorize the Department to accept this gift of property from the South Dakota Parks and Wildlife Foundation to be used as an addition to Palisades State Park, and further acknowledge the generosity and dedication of South Dakota Parks and Wildlife Foundation towards expansion of Palisades State Park.

NOW, THEREFORE, BE IT RESOLVED, that the South Dakota Game, Fish and Parks Commission does hereby authorize the Department to accept the gift of the Property from South Dakota Parks and Wildlife Foundation to be used as an addition to Palisades State Park.

BE IT FURTHER RESOLVED that the South Dakota Game, Fish & Parks Commission, on behalf of the citizens of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to South Dakota Parks and Wildlife Foundation for its generosity, and further acknowledge the outdoor recreational opportunities this gift will provide to South Dakotans for many years to come.

Appendix D
RESOLUTION 19-24

WHEREAS, Seth Vant Hof of Dell Rapids, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated August 14, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:23:01 (Antelope hunting season established -- Number and type of licenses) -- to add a specific muzzleloader antelope hunting season 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 adding a specific muzzleloader antelope hunting season; and

WHEREAS, a hunter can currently use a muzzleloader to hunt during the firearm antelope hunting season and with the advancement of muzzleloaders they are as effective as rifles in many ways; and

WHEREAS, because the archery antelope hunting season closes during the firearm seasons, adding an additional week for a muzzleloader season would take away opportunity to those archery hunting; and

WHEREAS, the Department will be considering an apprentice/youth antelope season and will likely discuss with the Commission in the future; and

WHEREAS, the Commission does not support nor believe the need exists to establish an antelope muzzleloader season.

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, Seth Vant Hof of Dell Rapids, South Dakota.

Appendix E
RESOLUTION 19-25

WHEREAS, Nancy Hilding of Black Hawk, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated August 30, 2018, requesting that the Game, Fish and Parks Commission amend ARSD § 41:08:02 (Trapping Prohibitions) – Create a trapping ID that will be placed on all set traps 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 requiring trapper identification to be placed on all traps; and

WHEREAS, there has been discussions by the Department around consistency of rules and the placement of private property on public lands (examples: tree stands, cameras) but have determined there are different circumstances for these regulations, in particular those revolving around illegal baiting and required time checks for trapping compared to other equipment placed on Game Production Areas; and

WHEREAS, the Commission formed a work group to study the trap tag requirement and brought forward a separate trap identification proposal that was not supported by the Commission; and

WHEREAS, the Department’s law enforcement officers have successfully enforced trapping rules and regulations without a trap identification requirement since trapping rules were implemented; and

WHEREAS, a trap identification requirement is an unnecessary regulatory burden placed on trappers and creates further complexity to existing trapping rules, which contradict the Department’s ongoing efforts to recruit, retain and reactivate people into the activity of trapping; and

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, Nancy Hilding of Black Hawk, South Dakota.


Public Hearing Minutes of the Game, Fish and Parks Commission
September 5, 2019

The Commission Vice chair Scott Phillips began the public hearing at 2:02 p.m. MT at Holiday Inn Convention Center, Spearfish, South Dakota. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Scott Phillips, Russell Olson, Douglas Sharp, Robert Whitmyre were present. Phillips indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Phillips then invited the public to come forward with oral testimony.

No verbal comments were received.

See attached written public comments submitted prior to the public hearing
The public Hearing concluded at 2:03 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kelly R Hepler". The signature is written in a cursive, flowing style.

Kelly R. Hepler, Department Secretary

Comes, Rachel

From: info@gfp.sd.us
Sent: Friday, September 13, 2019 4:21 PM
To: stnn1@pie.midco.net
Cc: Comes, Rachel
Subject: Petition for Rule Change Form

South Dakota - Game, Fish, and Parks

Petition for Rule Change

A new form was just submitted from the <http://gfp.sd.gov/> website with the following information:

ID: 78

Petitioner Name: Scott Johnson

Address: 205 Scotty Philip Ave
Fort Pierre , SD 57532

Email: stnn1@pie.midco.net

Phone: 605-222-1933

Rule Identification: Bonus point system

Describe Change: Change the current preference point system for ALL big game seasons to a true bonus point system.

Reason for Change: Our current preference point system is a complicated bonus point system and not a true preference point system with cubed points and multiple drawing sequences which benefit older residents with many bonus points. Unfortunately there is much more demand for certain wildlife species like elk that it may even take 20+ years to draw a preferred tag. For that reason many young hunters won't apply or have any real chances of drawing a tag for many years. In this day and age when hunter recruitment is very important to continue and maintain conservation of our states wildlife, we need to continue to find ways to draw more people to take up hunting. I'm getting older now with my best hunting days behind me now. This proposal isn't for selfish reasons to benefit myself since I'm sitting with many points (over 15 in a few) in many elk and deer seasons. By simplifying the draw into just one draw and you have extra chances for each years bonus points, it would get rid of the complicated draw system currently used and give new hunters a little more chance of drawing a special tag. This is a very small sacrifice for us older hunters to preserve our states fine hunting heritage.

GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

Possession, Processing and Transportation of Game; Taxidermists

Chapter 41:06:03; 41:09:11

Commission Meeting Dates:	Proposal	September 4-5, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Establish new rules related to the management of chronic wasting disease (CWD) and make effective July 1, 2020.

A cervid is defined as a mammal of the family Cervidae, which includes white-tailed deer, mule deer and elk.

New Administrative Rules

1. To define South Dakota's known CWD endemic areas (Figure 1) where transportation and disposal requirements would apply:
 - Deer Hunting Units: CUD-CU1, BHD-BH1, BHD-BD1, BHD-BD2, WRD-02A, WRD-21A, WRD-21B, WRD-27A, WRD-27B and WRD-27L.
 - Elk Hunting Units: CUE-CU1, CEE-CU1, BHE-H2, BHE-H3, BHE-H4, BHE-H5, BHE-H7, BHE-H9 and PRE-27A.
2. To establish carcass disposal requirements for hunters, taxidermists and game processors:
 - A. A hunter shall dispose of all remaining cervid carcass parts taken from another state, regardless of CWD status of the exporting state, or a known South Dakota CWD endemic area directly to or with a waste management provider that delivers to a permitted landfill (Figure 2) when non-commercial meat processing and non-commercial taxidermy has concluded.
 - i. Those cervid carcasses taken from a known South Dakota CWD endemic area that test negative for CWD from a verified test sponsored by the Department would be exempt from this disposal regulation.
 - ii. Any recipient of such gift of wildlife as described above shall follow this cervid carcass disposal requirement.
 - B. A wildlife processing facility as defined by 41:06:03:10 shall dispose of all remaining cervid carcass parts taken from another state, regardless of CWD status of the exporting state, or a known South Dakota CWD endemic area directly to or with a waste management provider that delivers to a permitted landfill (Figure 2).
 - i. Game processors licensed by U.S. Department of Agriculture or S.D. Animal Industry Board shall dispose of carcasses as required by the conditions associated with such license.
 - C. A taxidermist as defined by 41:09:11:02 shall dispose of all remaining cervid carcass parts taken from another state, regardless of CWD status of the exporting state, or a known South Dakota CWD endemic area directly to or with a waste management provider that delivers to a permitted landfill (Figure 2).
3. Intrastate Carcass Transportation (carcass movement within South Dakota)
 - A. Whole or partial cervid carcasses and head with antlers attached may be transported from a known South Dakota CWD endemic area only if delivered to a licensed taxidermist, commercial processor or to the hunters domicile and disposed of as describe above.
4. Interstate Carcass Transportation (carcass movement into South Dakota from another state)
 - A. Importation of whole or partial cervid carcasses and head with antlers attached into South Dakota is allowed from other states, regardless of CWD status of the exporting state, if delivered to a licensed taxidermist, game processor or to the hunters domicile and disposed of as described above.
 - B. Whole or partial cervid carcasses and head with antlers only traveling through South Dakota are exempt from this regulation.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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Department recommended changes to proposal:

1. Add BHE-H1 to the list of elk hunting units within the known CWD endemic area.

SUPPORTIVE INFORMATION

Chronic wasting disease (CWD) poses serious challenges to wildlife managers and the implications of long-term sustainability and management for free-ranging deer and elk could be significant. The known CWD endemic area is currently restricted to southwestern South Dakota and includes the counties of Custer, Fall River, Lawrence and Pennington counties. CWD has been confirmed in deer within the Black Hills (Firearm Units BD1 and BD2), Custer State Park and Prairie Units 02A, 21A, 21B, 27A, 27B and 27L. CWD has been confirmed in elk within the Black Hills (Firearm Units H2, H3, H4, H5, H7 and H9), Custer State Park and Prairie Unit 27A.

Chronic wasting disease can be spread among cervids by both direct contact between animals and exposure to environments contaminated with CWD prions, the abnormal protein that causes the disease. The unnatural dispersal of CWD-infected cervid carcasses from the location of harvest within a known CWD endemic area to places such as a hunter's home, taxidermist or game processor in a portion of the state not known to have CWD, is a significant concern. Since there is currently no known cure for CWD, proactive actions that include preventive measures to reduce the unnatural spread of CWD are a high priority.

The goal state of the South Dakota Chronic Wasting Disease Action Plan is to determine presence/absence of CWD, reduce the spread of CWD, and have an informed public that understand, support and participate with CWD management practices to ensure viable deer and elk populations for future generations. The above recommendations have been identified as new rules for consideration within the action plan to reduce the spread of CWD through the proper disposal of carcass remains.

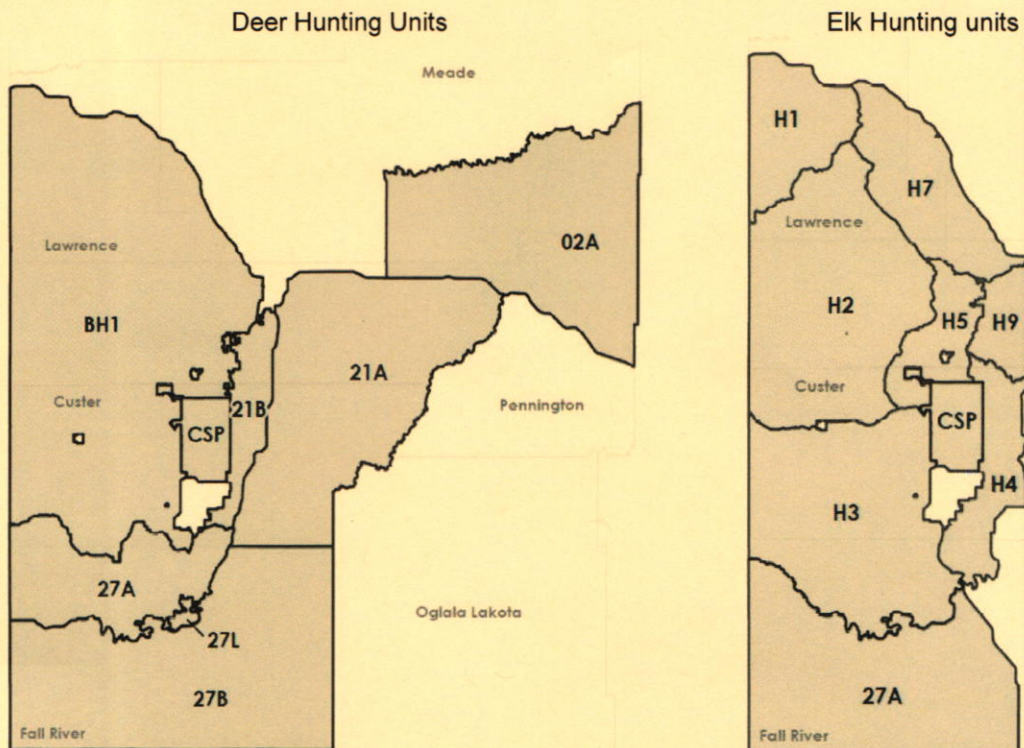


Figure 1. Deer and elk hunting units within known CWD endemic area.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

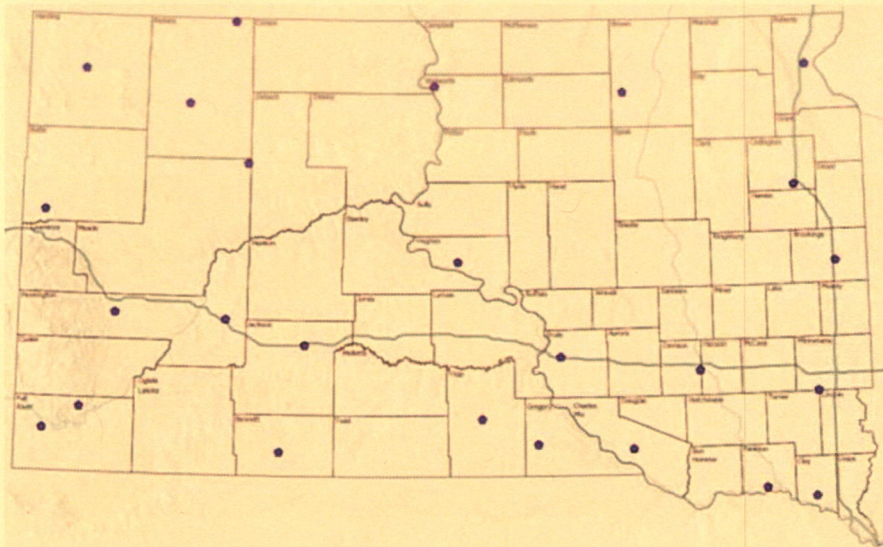


Figure 2. Permitted landfills that accept carcasses.

RESIDENT/NONRESIDENT CRITERIA

1. The Issue

- Why make the change, what are the change alternatives, how will public/stakeholder input be solicited, and how will the change be evaluated if implemented?
 - The Department is concerned about the long-term impacts of CWD on South Dakota's deer and elk populations.
 - New research findings in adjacent states and the suggested negative impact to deer and elk population growth rates
 - Updated and concerning prevalence rates from elk within Wind Cave National Park and Custer State Park
 - The need to ensure viable populations of deer and elk in the future; and the importance of deer and elk to hunters and their contributions to wildlife management.
 - As with any topic related to wildlife management, there will likely be support, opposition and no opinion on this proposal.
 - Public solicitation will involve the Commission process of developing a proposal and gathering public input during a 30 day comment period prior to taking final adoption at the October Commission meeting.
 - A CWD stakeholder group was comprised and provided input and suggestions on the topic.
 - Several open houses were conducted in 2019 across the state.
 - Direct emails have been sent to both resident and nonresident deer and elk applicants describing the proposal.
 - Letters and a copy of the proposal were directly mailed to all known taxidermists, game processors, permitted landfills, and waste management providers.
 - Long-term surveillance will be conducted to monitor the distribution of CWD and hunter compliance will transportation/disposal regulations and best management practices will help reduce the artificial spread of CWD.

2. Historical Considerations

- What are the current and projected trends in resident and nonresident license sales, documented and/or perceived hunter densities and the ramifications of these densities?
 - In South Dakota, CWD was discovered in seven captive elk facilities during the winter of 1997 and in another captive elk herd in 2002.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

- CWD was first discovered in the wild when a white-tailed deer in Fall River County tested positive during the 2001 deer hunting season. The first CWD infected free-ranging elk was found in WICA in 2002.
- From 2001-2019, CWD has been confirmed in 135 white-tailed deer, 89 mule deer, and 201 elk within the counties of Custer, Fall River, Lawrence and Pennington.
- It is not known if CWD is affecting population growth rates of deer and elk in South Dakota.
- If the prevalence rate of CWD reaches levels found in other portions of the country, it is unknown how hunters will respond with their interest in purchasing licenses and hunting in CWD endemic areas.
- How do neighboring states address the identified issue?
 - See table below for a summary of carcass transportation and disposal regulations.

APPROVE	_____	MODIFY	_____	REJECT	_____	NO ACTION	_____
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State/Province	New Regulations in Development	Ban on Movement of Animal Parts?	CWD Found in Captive Cervids	CWD Found in Free-Ranging Cervids
Summary	Fifteen states and five of the Canadian provinces listed are currently in the process of developing new and/or additional CWD regulations. The CFIA is currently reviewing its national CWD disease control program, and updating the national standards for the voluntary herd certification program. The CFIA has updated its national CWD disease control program, and is updating the national standards for the voluntary herd certification program. CFIA's federal import requirements for live cervids from the USA were updated in October of 2017.	Sixteen states and five provinces ban the import of hunter-harvested cervid carcasses and certain parts from any state or province. Twenty-three states ban the import of cervid carcasses and certain parts only from states or provinces where CWD has been detected. Two states and one province have bans only from certain named areas. Nine states and seven provinces have no particular ban in place. See each state or province for specific rules.	CWD has been found in captive cervids in sixteen states and three Canadian provinces (CO, IA, KS, IL, MN, MO, MT, NE, NY, OH, OK, PA, SD, TX, UT, WI, Alberta, Quebec, and Saskatchewan).	CWD has been found in free-ranging cervids in twenty-three states and two Canadian provinces (AR, CO, IA, IL, KS, MD, MI, MN, MO, MT, ND, NE, NM, NY, PA, SD, TN, TX, UT, VA, WI, WV, WY, Alberta and Saskatchewan).
States				
Colorado*		In January 2008 the Wildlife Commission struck the regulation on transportation of carcasses and encouraged an educational effort focused on disposal of carcass trim.	Yes, in elk	Yes, in mule deer, white-tailed deer, elk, and moose.
Iowa	To meet the new Federal rules requirements, Iowa rules effective November 1, 2012, will require CWD testing of all Iowa captive CWD susceptible cervid mortalities or slaughtered animals that are 12 months of age and older in CWD Program enrolled herds.	Ban on the importation of a whole carcass from any cervid taken from a CWD endemic area within any state or province, may only transport boned-out meat, capes, and antlers attached to clean skull plates from which the brain tissue has been removed.	Yes - 314 captive deer and 2 elk from 5 Premises (2 hunting Preserves and 3 Farm Deer herds). All premises have been depopulated.	Yes - 46 free-ranging white-tailed deer in NE Iowa; 34 in Allamakee County, 6 in Clayton County, 1 in Dubuque County, 5 in Wayne.
Minnesota	An updated draft CWD management plan has been created to guide the response of CWD detections in wild cervids. The current CWD management area in the south east part of the state will expand due to increased prevalence and spread. A new detection in north central Minnesota will create a new CWD management zone. Feeding, use of attractants, and carcass movement restrictions will also be put into effect in the north central CWD zone. All deer harvested inside a CWD management area must be tested.	Importation of whole cervid carcasses into the state from anywhere outside of Minnesota's borders is banned. Only the following portions of hunter-harvested cervidae carcasses may be brought into the state: cut and wrapped meat; quarters or other portions of meat with no part of the spinal column or head attached; antlers, hides, or teeth; finished taxidermy mounts; and antlers attached to skull caps that are cleaned of all brain tissue. Within a CWD management zone, whole carcass can not leave the zone until a not detected test result is reported. Only the following items can leave the CWD management zone prior to a test result: cut and wrapped meat; quarters or other portions of meat with no part of the spinal column or head attached; antlers, hides, or teeth; finished taxidermy mounts; and antlers attached to skull caps that are cleaned of all brain tissue.	Yes	Yes
Montana*	The 2017 CWD Surveillance and Response Plan was approved and adopted by the Fish and Wildlife commission in April 2018. The plan is a three-part action-specific plan for CWD surveillance, a response upon detection of CWD, and a communication plan. Senate Bill 173 went into effect on January 1, 2018, prohibiting use of deer or elk urine to mask human odor if the urine originated in a state or province with documented occurrences of CWD.	In February of 2006, the Montana FWP Commission passed a prohibition on the importation of heads and spinal cords from deer, elk, and moose harvested in states or provinces that have experienced CWD in their wildlife populations or in captive cervid populations in those states or provinces. Transport of processed meat, deboned meat, quarters, hides, antlers and/or skull caps without any nervous tissue attached, finished taxidermy heads, and ivories are not affected by the prohibition. The 65th Legislature passed Senate Bill 187 in April of 2017 which took the language from the Commission Rule and codified it into state statute. The statute took effect January 1, 2018. Upon detection of CWD in Montana, an initial response area (RA) was designated around each detection. Special CWD hunts occurred within those RA. Transport restriction zones were also designated around each RA to prevent transportation of infectious materials to other parts of the state. Parts that are allowed out of the TRZ include: meat that is cut and wrapped or meat that has been separated from the bone, quarters or other portions of meat with no part of the spinal column or head attached; hides with no heads attached; skull plates or antlers with no meat or tissue attached; skulls that have been boiled and cleaned to remove flesh and tissue	Not currently. One captive elk herd was diagnosed as CWD positive in 1998. That herd of eighty-seven elk was depopulated with 9 animals diagnosed as CWD positive. A trace forward herd consisting of 29 elk was also depopulated with no CWD positive animals detected.	Yes. Through combined efforts of our first year of the new surveillance program and testing conducted during post-detection CWD special hunts, 10 positive deer were detected in South Central Montana during fall and winter 2017-18 (8 mule deer, 2 white-tailed deer). One positive mule deer was detected in North Central Montana.
Nebraska	NA	NA	Yes	Yes
North Dakota*		08/27/03: Ban on importation of whole carcasses and carcass parts of white-tailed deer, mule deer and elk from areas within states or provinces with documented occurrences of CWD in wild populations and private game farms. Hunters may import the following parts: meat that is cut and wrapped (commercially or privately), quarters or other portions of meat with no part of spinal column or head attached, boned out meat, hides without heads attached, clean (no meat or tissue attached) skull plates with antlers attached, antlers with no meat or tissue attached, upper canine teeth (buglers, whistles, or ivories), and finished taxidermy heads.	No	Yes
Wyoming	New CWD management plan adopted in April, 2016.	Importation into Wyoming of any deer, elk, or moose taken from any state, province, or country within areas designated as positive for CWD is restricted—such animal carcasses may only be transported into Wyoming to a private residence for processing, to a taxidermist, to a processor, or to a CWD sample collection site in Wyoming provided the head and all portions of the spinal column are disposed of in an approved landfill. Within Wyoming, transport of deer, elk, or moose taken or possessed from any hunt area in Wyoming to another hunt area within Wyoming or any other state, province or country is restricted—such animal carcasses may only be transported in Wyoming to a camp, a private residence for processing, to a taxidermist, to a processor, or to a CWD sample collection site in Wyoming provided the head and all portions of the spinal column remain at the site of the kill or are disposed of in any approved landfill in Wyoming.	No	Yes - white-tailed deer, mule deer, elk, and moose

Updated Spring 2019

*Information not recently updated.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

3. Biological Considerations

- What is the current and projected status of the population and habitat conditions for these populations?
 - It is not known if CWD is affecting population growth rates of deer and elk in South Dakota.
 - If the prevalence rate of CWD reaches levels found in other portions of the country, it is unknown how hunters will respond with their interest in purchasing licenses and hunting in CWD endemic areas.

4. Social Considerations

- How would the change affect resident and nonresident: current and future generations of families, opportunities to expand outdoor recreation participation and patterns of land ownership.
 - For those individuals who hunt and harvest a deer or elk and will be transporting and/or disposing of a carcass outside of the known CWD endemic area, this regulations will require some additional planning and effort to meet the regulations developed to reduce the spread of CWD.
 - There is a likelihood of nonresidents having connections to family, businesses and land ownership.

5. Financial considerations

- What are the financial implications of the change for current and future: revenue for GFP; the proportional contributions of revenue from residents and nonresidents to support species and habitat management programs, and the ability of GFP to support species and habitat management programs, program income for landowners to manage habitat, sales tax collections in SD, and personal income of business owners and their employees.
 - For most hunters affected by these regulations, there will likely be an additional cost for carcass disposal.
 - Could be additional expenditures for the Department in the future to ensure that disposal logistics and costs are minimized for hunters.

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate?
 - Not directly, but would require some additional planning and effort to meet the regulations developed to reduce the spread of CWD. Some hunters may choose not to hunt in CWD endemic areas any longer due to the new transportation and disposal regulations.
2. Does the regulation increase the opportunity for new and existing users?
 - No.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists?
 - While the new regulations might seem like a burden to some, the regulations are being proposed to ensure viable deer and elk populations into the future.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors?
 - Not applicable.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

Trapping Prohibitions

Chapters 41:08:02

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	September 5, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Current Rule:

41:08:02:03. Trap checking required. A trapper shall check all traps and snares in the field belonging to the trapper and remove any caught animal prior to 12 o'clock midnight of the second full calendar day east of the Missouri River, and prior to 12 o'clock midnight of the third full calendar day west of the Missouri River, following a previous check or when the trap was initially set. However, any trap or snare entirely submerged in water that remains set beneath the ice shall be checked and any caught animal removed prior to 12 o'clock midnight of the fifth full calendar day statewide, following a previous check or when the trap was initially set.

Proposed changes:

1. Modify existing administrative rule to require that all traps and snares in South Dakota be checked within 24-hours from the time the trap or snare was set.
2. Create a new administrative rule that would allow Game, Fish and Parks personnel to grant extensions to the 24-hour check time due to unanticipated complications or emergencies.
3. Create a new administrative rule that before setting traps and snares, it shall be the duty of the person setting a trap or snare to study the weather reports for the next 48-hours and make a record of that data. It is expected that such person will not set traps and snares when a reasonable person would conclude that the weather-related complications would likely preclude checking traps and snares within 24-hours.
4. Create a new administrative rule which would allow Game, Fish and Parks personnel to release or euthanize an animal held in a trap or snare longer than 24-hours.
5. Create a new administrative rule which would allow any person, after receiving permission from a Game, Fish and Parks personnel, to release or euthanize an animal in a trap or snare longer than 24-hours.
6. Create a new administrative rule that requires any animals euthanized by an authorized person of Game, Fish and Parks, which a profit is generated, to be reverted back to Game, Fish and Parks.
7. Create a new administrative rule in which Game, Fish and Parks shall keep records on trap check time extensions and shall give an annual summary report to the Game, Fish and Parks Commission.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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Department recommended changes to proposal:

1. Reject all proposed changes.

SUPPORTIVE INFORMATION

This proposal was a result of a petition that was submitted and the Game, Fish and Parks (GFP) Commission accepted at the July 8-9, 2019, GFP Commission meeting.

RESIDENT/NONRESIDENT CRITERIA

Not Applicable

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate? *Yes. The proposed changes reduce opportunity and creates unnecessary and complex rules.*
2. Does the regulation increase the opportunity for new and existing users? *No.*
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? *The proposed rule would create further complexity to existing administrative rules, which has been shown to decrease participation in hunting and trapping activities. The proposed rule would also decrease trapping success because of the increased levels of human disturbance.*
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? *N/A*

APPROVE	_____	MODIFY	_____	REJECT	_____	NO ACTION	_____
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GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

Trapping Prohibitions

Chapters 41:08:02

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	September 5, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Current Rule:

41:08:02:03. Trap checking required. A trapper shall check all traps and snares in the field belonging to the trapper and remove any caught animal prior to 12 o'clock midnight of the second full calendar day east of the Missouri River, and prior to 12 o'clock midnight of the third full calendar day west of the Missouri River, following a previous check or when the trap was initially set. However, any trap or snare entirely submerged in water that remains set beneath the ice shall be checked and any caught animal removed prior to 12 o'clock midnight of the fifth full calendar day statewide, following a previous check or when the trap was initially set.

Proposed changes:

1. Modify existing administrative rule to require all traps and snares in South Dakota be checked prior to 12 o'clock midnight of the third full calendar day following a previous check or when the trap was initially set, and for any trap or snare entirely submerged in water that remains set beneath the ice to be checked prior to 12 o'clock midnight of the fifth full calendar day statewide, following a previous check or when the trap was initially set.

Department recommended changes to proposal:

1. Accept the proposed changes above.

SUPPORTIVE INFORMATION

This proposal is a result of a petition that was submitted and the Game, Fish and Parks (GFP) Commission accepted at the July 8-9, 2019, Commission meeting and provides the Commission with an alternative to the petition. This proposal provides greater flexibility and opportunity for trappers in South Dakota and provides a consistent approach regarding trap check regulations.

RESIDENT/NONRESIDENT CRITERIA

Not Applicable

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate? *No*
2. Does the regulation increase the opportunity for new and existing users? *Yes, the proposed change would allow enhanced levels of flexibility and opportunity for people in eastern South Dakota.*
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? *The proposed change would create a consistent regulation across the state and simplify regulations.*
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? *N/A*

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

Hunting Requirements and Prohibited Methods

Chapters 41:06:04

Commission Meeting Dates:	Proposal	September 5-6	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Current Administrative Rule

Muzzleloading restrictions. In seasons restricted to muzzleloading firearms, no telescopic sights may be used. Telescopic sights are those sights that utilize magnification.

Proposed changes:

1. Allow the use of scopes with magnification of 1-4x or 1-6x for seasons restricted to muzzleloading firearms.

Department recommended changes to proposal:

1. Repeal the administrative rule which limits telescopic scopes and allow the hunter to determine whether to use telescopic sights or not.

SUPPORTIVE INFORMATION

The current commission proposal is a result of a petition brought forward by an individual sharing concern over the ability to purchase a scope with no magnification. The request was to change to scopes of 1-4x or 1-6x power which are more available.

RESIDENT/NONRESIDENT CRITERIA

Not Applicable

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate?
It has been shared by some individuals that their ability to participate is limited or eliminated without the use of a scope due to vision limitations.
2. Does the regulation increase the opportunity for new and existing users?
Expanding the use of scopes of any magnification may increase both current and new users to the muzzleloading season.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists?
Changing the rule would allow additional equipment options to be used by some hunters. Repealing the rule altogether would provide the greatest latitude for hunters making equipment decisions. Hunters that currently use muzzleloaders with scopes during East River and West River deer seasons would not be required to remove or change out scopes.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors?
Removing the restrictions and allowing more individuals to participate or use the equipment of their choice would be one level of enhancing the quality of life.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

Dog Training Chapters 41:09:13

Commission Meeting Dates:	Petition Public Hearing Finalization	September 5-6 October 3 October 3-4	Spearfish Chamberlain Chamberlain
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COMMISSION PROPOSAL

Current dog training regulations

1. No dog training can occur on publicly owned land or any public road right-of-way from August 1 to the Friday preceding the third Saturday of September.
2. Dog trainer can use public lands from the first Friday of August to the first Sunday of September with horse with the authorization of the government agency that manages the public land.
3. Limited to Fridays, Saturdays, and Sundays to train dogs with horse.
4. Training must be concluded by noon on those Fridays, Saturdays, and Sundays.

Proposed changes:

1. Adjust the days in which dogs can be trained using horse from Fridays, Saturdays, and Sundays to Mondays, Wednesdays, and Fridays.

Department recommended changes to proposal:

1. Recommend retaining the current regulations of training on Fridays, Saturdays, and Sundays.

SUPPORTIVE INFORMATION

An individual from the public who participates in the activity of training dogs with horse brought forward a petition to the commission requesting the change. It was the trainer's belief that by adjusting training days on public lands to Mondays, Wednesdays, and Fridays would help prevent busting up broods and making them more susceptible to predators. The trainer suggests this approach would provide more relief for the birds. The Commission adopted the petition to obtain additional public input on the topic.

Knowing this change would have a direct impact on other dog trainers, GFP sent a letter to dog trainers who have obtained authorization to train on US Forest Service National Grasslands in SD to make them aware of the proposed change.

RESIDENT/NONRESIDENT CRITERIA

Not Applicable

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate?

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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Adjusting the days when dog trainers can utilize public lands from Fridays, Saturdays, and Sundays to Mondays, Wednesdays, and Fridays will limit some of the existing trainers to continue training due to not having extended weekends to participate.

2. Does the regulation increase the opportunity for new and existing users?

It is anticipated that the regulation change would likely decrease this opportunity for existing dog trainers due to complicating travel logistics.

3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists?

Difficult to determine impact on the next generation of users, but would likely further limit the number of individuals participating in this activity.

4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors?

Not Applicable

APPROVE	_____	MODIFY	_____	REJECT	_____	NO ACTION	_____
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GAME, FISH, AND PARKS COMMISSION ACTION FINALIZATION

Custer State Park Coyote Hunting Season Chapter 41:06:37

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Season Dates: December 26 – April 30

Open Area: Fenced area of Custer State Park

Licenses: Any resident predator/varmint license, resident furbearer license, or any resident hunting license.

Requirements and Restrictions:

1. Shooting hours are ½ hour before sunrise to ½ hour after sunset.
2. No hunting within 200 yards of any public access road or building.

Proposed changes from last year:

1. Change the season dates from December 26 – March 31 to December 26 – April 30.
2. Remove the requirement of a free access permit.

Department recommended changes to proposal: None.

SUPPORTIVE INFORMATION

The proposed change to the season dates would allow additional coyote hunting opportunity and for the coyote and mountain lion seasons to run concurrent.

The proposed change to remove the requirement of a free access permit to hunt coyotes in Custer State Park is based on the average of 360 access permits issued from 2018-2019.

RESIDENT/NONRESIDENT CRITERIA

1. The Issue
 - Why make the change, what are the change alternatives, how will public/stakeholder input be solicited, and how will the change be evaluated if implemented?
 - The proposed change to the season dates would allow additional coyote hunting opportunity and for the coyote and mountain lion seasons to run concurrent.
 - As with any social topic related to wildlife management, there will likely be support, opposition and no opinion on this concept.
 - Public solicitation will involve the Commission process of developing a proposal and gathering public input during a 30 day comment period prior to taking final adoption at the October Commission meeting.
 - There are no identified management objectives for coyotes in Custer State Park. If implemented, the comments provided by mountain lion hunters will be evaluated to determine if there are any issues with the coyote and mountain lion seasons running concurrently.
2. Historical Considerations

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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- What are the current and projected trends in resident and nonresident license sales, documented and/or perceived hunter densities and the ramifications of these densities?
 - Coyote hunting in Custer State Park was recently re-opened in 2018. Based on the issuance of free access permits to hunt coyotes in Custer State Park over the past two years, an average of 360 access permits were issued annually from 2018-2019.
- How do neighboring states address the identified issue?
 - It is unknown how neighboring states address coyote hunting in their state park system.

3. Biological Considerations

- What is the current and projected status of the population and habitat conditions for these populations?
 - There are currently no coyote population estimates in Custer State Park or other portions of South Dakota. The allowance of additional coyote hunting opportunities in Custer State Park is expected to have no biological impact on the coyote population.
 - Coyote hunters are expected to have no direct impact to coyote habitat during hunting activities.

4. Social Considerations

- How would the change affect resident and nonresident: current and future generations of families, opportunities to expand outdoor recreation participation and patterns of land ownership.
 - Coyote hunting opportunities within Custer State Park would be enhanced to provide additional opportunity.

5. Financial considerations

- What are the financial implications of the change for current and future: revenue for GFP; the proportional contributions of revenue from residents and nonresidents to support species and habitat management programs, and the ability of GFP to support species and habitat management programs, program income for landowners to manage habitat, sales tax collections in SD, and personal income of business owners and their employees.
 - Minimal financial implications are expected with this proposal.

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate?
 - No, it actually enhances a user's opportunity to participate.
2. Does the regulation increase the opportunity for new and existing users?
 - Yes.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists?
 - Provides additional opportunity within the hunting season structure.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors?
 - Yes.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

GAME, FISH, AND PARKS COMMISSION ACTION FINALIZATION

Mountain Lion Hunting Season

Chapter 41:06:61; 41:06:02

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Duration of Proposal: 2019/2020 and 2020/2021 seasons

Open Area: Statewide

Season Dates: Black Hills: December 26, 2019 – April 30, 2020
December 26, 2020 – April 30, 2021

Prairie: Year-round

Licenses: Residents: Unlimited licenses
Nonresidents: 250 lottery licenses

Harvest Limit: Black Hills Fire Protection District: 60 mountain lions or 40 female mountain lions (includes Custer State Park)

Requirements and Restrictions:

1. May harvest no more than one (1) mountain lion in a season.
2. No person may hunt mountain lions with the aid of traps or bait. The use of dogs is allowed in Custer State Park during specified hunting intervals.
3. Shooting hours are ½ hour before sunrise to ½ hour after sunset.
4. No mountain lion with a spotted coat (kitten) and no mountain lion accompanying another mountain lion may be harvested.
5. A person may use an electronic call to hunt mountain lions.
6. All firearms, muzzleloaders, and archery equipment must meet the same minimum requirements as established in rules for deer hunting.
7. The Game, Fish, and Parks Commission, by resolution, may authorize the mountain lion season to extend beyond April 30.
8. The use of dogs to hunt mountain lions is only allowed during those specified hunting intervals in Custer State Park that allow for the use of dogs and outside of the Black Hills Fire Protection District on private land with permission of the landowner or lessee. However, a pursuit of a mountain lion by dogs that originates on private land may cross over or culminate on any public lands where unleashed dogs are permitted.
9. In Custer State Park, a person using dogs shall attempt to harvest the first legal mountain lion they have a reasonable opportunity to harvest, except under the condition where the lion pursued shows obvious signs of lactation.
10. Licensed hunters must accompany the dog handler when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.
11. Custer State Park is closed to mountain lion hunting except for 57 mountain lion licensees who possess a valid mountain lion license and a temporary access permit structured to include:

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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- (a) Three hunting intervals each having 15 access permits in which hunting with dogs is not allowed; and
 - (b) Four hunting intervals each having three access permits in which hunting with dogs is allowed.
 - (c) Hunting in Custer State Park shall begin with an interval that allows the use of dogs and rotate every 14 days with an interval that does not allow the use of dogs until the lion season closes in the Black Hills Fire Protection District. The temporary access permits are issued free-of-cost and may be issued by a random drawing.
12. All mountain lions harvested within the Black Hills must be presented to a department representative at the Rapid City Regional Office or Custer State Park Headquarters within 24 hours of harvest for inspection and pelt tagging. Any person who harvests a mountain lion outside of the Black Hills region must present the mountain lion to a department representative within 24 hours of harvest.

Proposed changes from last year:

1. Change the season dates from December 26 – March 31 to December 26 – April 30.
2. Increase the number of access permits in Custer State Park from 57 to 65.
3. Allow nonresident hunting opportunity and provide 250 nonresident lottery licenses.
4. Establish a nonresident license fee of \$280.
5. Outside the Black Hills Fire Protection District, expand the allowance for the use of dogs that originates on private land to cross over or culminate on any public lands where unleashed dogs are permitted. The current restriction for the Fort Meade Recreation Area would remain.
6. Authorize the Commission to extend the hunting season beyond April 30.

Department recommended changes to proposal:

1. Increase the number of access permits in Custer State Park from 57 to 75.

SUPPORTIVE INFORMATION

Year	License s Sold *	BLACK HILLS HARVEST			PRAIRIE HARVEST		
		Males	Females	Total	Males	Females	Total
2005/06	2,588	6	7	13	0	1	1
2006/07	3,295	7	8	15	1	0	1
2007/08	4,070	2	15	17	1	1	2
2008/09	2,335	11	15	26	2	0	2
2009/10	2,274	16	24	40	1	2	3
2010/11	2,591	21	28	49	3	0	3
2011/12	3,720	27	46	73	1	1	2
2012/13	4,637	26	35	61	5	1	6
2013/14	3,856	22	31	53	4	0	4
2014/15	3,767	21	22	43	4	1	5
2015/16	3,681	16	25	41	5	3	8
2016/17	3,067	14	16	30	5	0	5
2017/18	3,384	12	19	31	9	2	11
2018/19	3,373	13	8	21	8	2	10

* Licenses sold from April 1 to March 31 - Adjusted year

2019-20 Custer State Park Mountain Lion Hunting Season Interval Schedule

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

DECEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				26	27	28
29	30	31				

JANUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 14 Days 2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29 14 Days 30	31		

FEBRUARY

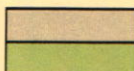
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12 14 Days 13	14	15	
16	17	18	19	20	21	22
23	24	25	26 14 Days 27	28	29	

MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 14 Days 12	13	14	
15	16	17	18	19	20	21
22	23	24	25 14 Days 26	27	28	
29	30	31				

APRIL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8 14 Days 9	10	11	
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29 15 Days	30		



Five (5) hunting intervals with 3 access permits (dog hunting allowed).

Four (4) hunting intervals with 15 access permits (no dog hunting allowed).

2020-21 Custer State Park Mountain Lion Hunting Season Interval Schedule

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____