



## **AGENDA**

### **Game, Fish and Parks Commission**

April 5-6, 2018

Game, Fish and Parks - Outdoor Campus West

4130 Adventure Trail, Rapid City, SD

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

**Contested Case Hearing April 6<sup>th</sup> 10:00 AM MT**

**Call to order 1:00 PM MT**

#### **Executive Session**

##### **Division of Administration**

###### Action Items:

1. Conflict of Interest Disclosure
2. Approve Minutes of the March 2018 Meeting <https://gfp.sd.gov/userdocs/meetings/mar2018minutes>
3. Additional Commissioner Salary Days
4. License List Request

###### Information Items:

5. Black Hills and Badlands Tourism Association
6. Non-meandered Waters
7. Fish and Wildlife Resources Summit

##### **Petition for Rule Change**

8. First Time Deer License

##### **Proposals**

9. Deer Hunting Season Dates
10. Archery Deer Hunting Season
11. Pheasant Hunting Seasons
12. Grouse, Partridge and Quail Hunting Seasons
13. Dove, Crane, Crow and Snipe Hunting Seasons
14. Squirrel and Rabbit Hunting Seasons
15. Depredation Hunts
16. Custer State Park Non-Trophy Bison Harvest
17. Custer State Park Trophy Bison Bull Harvest
18. Custer State Park Trophy and Non-Trophy Bison Harvest Fees

**Public Hearing 2:00 PM MT April 5<sup>th</sup> and 8:00 AM MT April 6<sup>th</sup>**

This agenda is subject to change without prior notice.

## **Finalizations**

19. Elk: Black Hills, Archery, Prairie & Custer State Park
20. Landowner Preference Eligibility Requirements

## **Open Forum**

### **Division of Parks and Recreation**

#### Action Items:

21. Custer Park Private Cabin Lease Transfer

#### Information Items:

22. Helmsley Charitable Trust Grant
23. BOR Future Resource Management Plans
24. Mickelson Connector Trail EIS Update
25. Parks Revenue Report

### **Division of Wildlife**

#### Action Items:

26. Threatened and Endangered Species Status Report

#### Information Items

27. Snaring on Game Production Areas
28. Land-locked Public Lands
29. Bighorn Sheep Workgroup
30. Outdoor Campus West Shooting Sports Facility Development
31. License Sales Update

## **Solicitation of Agenda Items from Commissioners**

## **Adjourn**

#### Next meeting information:

May 3-4, 2018

Custer State Park – Creekside Lodge

US HWY 16A, Custer, SD

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

Minutes of the Game, Fish, and Parks Commission  
March 1-2, 2018

Chairman Barry Jensen called the meeting to order at 1:00 p.m. CT at RedRossa Convention Center in Pierre, South Dakota. Commissioners Barry Jensen, Gary Jensen, Mary Anne Boyd, Scott Phillips and Douglas Sharp and approximately 60 public, staff, and media were present. Commissioner Russ Olson joined via phone.

**DIVISION OF ADMINISTRATION**

**Conflict of Interest Disclosure**

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

**Approval of Minutes**

Chairman B Jensen called for any additions or corrections to the January 11-12, 2018 minutes or a motion for approval.

Motion by Phillips with second by Sharp TO APPROVE THE MINUTES OF THE JANUARY11-12, 2018 MEETING. Motion carried unanimously.

**Additional Commissioner Salary Days**

Commissioner Phillips requested 2 additional salary days for participation in snare and deer meetings. Commissioner G. Jensen requested 1 additional salary day for participation in the snare and Custer State Park meetings.

Motioned by Boyd, second by Peterson TO APPROVE THE ADDITIONAL SALARY DAYS. Motion carried unanimously.

**License List Request**

Chris Petersen, administration division director, presented two license list requests to the Commission.

Glacial Lakes and Prairies Tourism Association of Watertown, SD submitted a full fee licenses list request for out of state fishing license holders from 2016 for one-time commercial use.

Matt Rippentrop of Hot Springs, SD submitted a full fee license list request for the 2016 and 2017 Black Hills and Prairie Elk Landowner Applicants for the firearm and archer elk seasons to be used for one-time use in research and contacting landowners.

Motioned by Sharp, second by Boyd TO APPROVE BOTH LICENSE LIST REQUESTS. Motion carried unanimously.

**South Dakota Missouri River Tourism**

Karen Kern, executive director, welcomed the Commission to Pierre and provided information on mission of SD Missouri River Tourism to promote and market the Missouri River from the throughout South Dakota. There were established 50 years ago to provide access to the river and began by promoting hunting and fishing which evolved into marketing small community businesses and events to both out of state and in state visitors. One of the main goals is to help small businesses find resources they need such as marketing. The organization is housed at the Oahe visitor's center in

partnership with the Oahe Dam and they receive over 10,000 visitors each year. Kern invites all to stop out and provided the Commissioners a copy of their guide book.

Boyd thanked Kern for speaking to the group and expressed interest in continued efforts and advertising with their organization on aquatic invasive species.

### **Legislative Update**

Secretary Hepler provided an update on department sponsored legislation that passed and was recently signed by the Governor. This legislation included HB1046 to allow certain resident farmers or ranchers to receive a big game license during the Black Hills deer season and HB1047 to revise certain provisions defining fur-bearing animals. He also spoke to other legislation as it pertained to Game, Fish and Parks (GFP). HB1219 revise certain provisions regarding the use of night vision equipment in hunting, HB1106 to authorize hunting preference points to be granted to persons age ten years, HB1148 revise certain provisions regarding the eligibility to serve on the GFP Commission HB1295 revise certain provisions regarding the eligibility to serve on the GFP Commission and SB137 revise certain provisions regarding the minimum hunting age.

### **Nonmeandered Waters Update**

Kevin Robling, special projects coordinator, informed the Commission of the five pieces of legislation that were introduced pertaining to nonmeandered waters. At this time staff are watching two particular pieces of legislation which are HB 1081 repeal the sunset clause regarding the recreational use of nonmeandered water that has been amended to repeal the sunset clause and SB24 to extend the effective date of certain provisions regarding the recreational use of nonmeandered water which should be voted on soon on the house floor.

Robling indicate that to date 5,009 acres/2 percent of waters have been closed. Staff continue to build relationships to open closed waters. They have had numerous landowner meetings and more are schedule for the month of March. He noted waters are open unless closed and people can always ask landowners for permission. Robling said up to date information is always available on the GFP website and maps are available on the newly updated mobile app. Staff continue education and outreach effort as well as posting information on social media. They will also be working on transition of signs and marking requirements as ice thaws.

Robling noted that per the petitioners request the Goose Lake petition will be heard in conjunction with the April Commission meeting in Rapid City on Friday, April 6 at 10:00am, MT.

Hepler reminded the group how nonmeandered waters is a passionate topic. He thanked them for all their efforts and noted more work to come. He noted GFP has been working with landowners because of the belief in partnerships to open waters. He also stated a Fish and Wildlife Resources Summit has been scheduled for April 21 to fostering effective working relationships and discuss challenges and with key outdoor interest groups.

### **Website/Mobile App Progress**

Calley Worth, webmaster/social media, provided an update on the GFP website and mobile app explaining that they have been following the analytics to identify and

compare trends which show an average of 5,000 more page views each day from the previous year. They predict this will decrease as new sites see an influx of traffic and the new site has been designed with fewer click and pages to go through to obtain information viewers are searching. She noted 40 percent of users are entering our site from a mobile device. Worth said the top pages visited are consistent with pervious analytics.

The mobile app update launched February 15 including six new features including a customizable backpack feature where licenses, key dates are stored as well as downloadable handbooks and maps. Worth said promotional efforts continue for the website and app which will include education on social media.

## **PETITION FOR RULE CHANGE**

### **Missouri River Waterfowl Refuges**

Joel Bich, petitioner, presented his reasons for asking the commission to remove areas of the Missouri River that are on the Lower Brule Sioux Reservation from the DeGrey and Joe Creek State water-line Waterfowl Refuges. Bich further noted the significant changes in waterfowl fall migration patterns have affected the timing and quality of waterfowl hunting along the Missouri River reservoirs. Typically, ducks and geese are arriving later and later in the fall and moving through our area faster and less consistently which results in greatly diminished hunting opportunities. In the past few years, waterfowl staging numbers on the Lake Sharpe downstream from Pierre have gone from hundreds of thousands for several months to the tens of thousands for a few weeks or even days. It is no longer feasible for many goose hunting operations to function; the Lower Brule Sioux Tribe's Mni Sho Sho (Clark) goose camp (see map) has been closed since 2016 and converted to a walk-in hunting area. The DeGrey and Joe Creek State Waterfowl refuges are no longer holding large numbers of waterfowl for significant periods of time in the fall. Changes in refuges are necessary to increase hunting opportunity while maintaining refuges that are continuing to provide intended functions. The Lower Brule Sioux Tribe desires to improve waterfowl hunting opportunities for tribal members and non-members on the Reservation lands and waters with this proposal. The Lower Brule Sioux Tribe Department of Wildlife, Fish and Recreation and the South Dakota Department of Game, Fish and Parks have enjoyed a productive, cooperative working relationship for many years; this proposal is another step in the co-management of the natural resources that we share. This proposed change would provide some new hunting opportunities. Both Tribal Member and non-member hunters would be able to utilize this area for hunting; the Tribe has hunting/fishing jurisdiction for Tribal Members and land-based non-members while the State has jurisdiction for over-water hunting and fishing for non-members (the jurisdictional line is the water's edge).

Peterson requested clarification on the license requirements.

Bich responded the tribe has complete jurisdiction to have tribal licenses not state license. Therefor non tribal members would need a state license and tribal license.

Commissioner B. Jensen asked the public to provide their comments in regards to the petition.

Steve Nelson, SD Migratory Bird Association member, spoke in opposition of the petition. He has hunted the area for number of years noting it is good hunting because it is a refuge. The tribe's petition is well intended but not a good idea. Once you bother geese on water they will move and then it will no longer be go for hunting. Nelson indicated the number of geese in the DeGrey area has decreased and if you allow this petition you will take away hunter opportunity for thousands. He said there is a need more refuges not less.

Terry Etkorn, DeGrey, SD, spoke in opposition of the petition. He has lived in area entire life and is asking the Commission to reject the petition as refuges provide a safe haven.

Larry Steffen, SD Migratory Bird Association President, Pierre, SD, spoke in opposition of the petition. He said the reason to scatter refuges is to allow more people opportunity in a bigger area. We need to protect not open refuges. Pressure on refuges is terrible on goose season.

Nick Faulk, Degray, SD, spoke in opposition of the petition. He thinks it will do the exact opposite of what its intended to do. He compared opening the refuge to a pheasant honey hole and how going through it will drive out the species.

Dale Bisson, Ft. Pierre, SD, spoke in opposition of the petition. He has farmed the area in the past when a proposal was brought forward saying it would increase opportunity because one mile of the refuge was open. Because they do not stay in the area where they are harvested this petition would cause them to leave. Every time you mess with a refuge you reduce hunting opportunity for all. Most of the geese from his farm area near the refuge are now in Pierre. If there is not a safe place for waterfowl you with not have waterfowl. It only takes one person in a boat on the water shooting to ruin it for everybody.

George Vandell, Waterfowl Association President, Pierre, SD, does not have a formal positon at this time. He stated Missouri River refuges are a highly controversial issue. Decisions should always benefit the public and not private landowner as they are on public water. He recommends the department review all Missouri River refuges and he volunteer to be involved. His concern is with allowing tribal members opportunity to hunt and not others.

Tony Leif, wildlife division director, provided alternatives/options for the commission. He explained that if they accept the petition as presented it would initiate the rule making process or they can reject the petition via adoption of resolution which states reasons for the denial. He reminded them this is a take it or leave it option only per statute. If they want to propose changes they would need to deny the petition and propose a rule change which would allow for a public comment period and finalization and upcoming meeting.

Hepler noted the Commission has already requested staff to review refuges therefor he recommend voting down the petition at this time and including it in broader discussion in June. He noted good working relationship with Lower Brule Sioux Tribe and stated he doesn't think this will reduce hunting for tribal members.

Leif said staff are currently working on criteria to evaluate all current and future refuges and would do similar analysis of the Missouri River refuges.

B. Jensen stated it makes a lot of sense to look at all of them at the same time. If the decision is contrary to what the tribes feels should be done then they could petition once we do our evaluation.

G. Jensen asked when an evaluation of the Missouri River could be done as the refuges in northeastern South Dakota will be done in June. This would provide the tribe a timeline.

Leif said he would expect it to take a month or two after the northeastern evaluation. So no changes would be made for this season due to rules process....

G. Jensen recommended doing the Missouri River refuge meetings in Pierre sometime in December or January.

Robling said staff are planning to bring package of northeastern lakes in June. Once presented it will need a 30-60 day comment period for finalization in July or September. He would expect Missouri River refuges to be a 3-4 month process and criteria may change. He hopes to have a package at the November or December meeting with waterfowl seasons set for 2019.

B. Jensen asked how many refuges would be included.

Robling responded approximately 15.

Motion by G. Jensen second by Phillips TO ADOPT RESOLUTION 18-2 (Appendix A) DENYING THE PETITION. Motion carried unanimously.

Sharp stated he is a strong proponent to not have boats on water during roosting or nesting seasons and said this will not prevent their area from being part of the study. He anticipates seeing the refuge studies.

### **Landowner Preference**

Scott Phillips, petitioner, and Jeff Collins, both of Hot Springs, SD presented their petition to change the elk landowner preference requirements. Collins explained they are seeking to further define and restrict the qualifications for obtaining Landowner Preference for the purposes of hunting elk. They feel the original intent behind the development of Landowner Preference for elk, has been 'forgotten' and an increasing number of individuals are receiving these licenses thus taking them away from those whom were truly intended to receive them. They feel the original intent of landowner preference regulations were to identify individuals who were truly making their living off the land through agricultural practices and were experiencing negative impacts from wildlife. Through giving some preference for obtaining licenses to these 'qualifying' landowners, GFP receives a higher tolerance from the landowners for higher numbers of elk. This equates into more elk licenses for sportsmen too. They are seeing more and more applicants approved under the current regulations and are concerned that many do not make their living from the land, do not experience the economic hardships and are quite simply finding loopholes to obtain these licenses. True agricultural landowners are now frequently unable to draw a license.

Commissioner Phillips inquired how many people this change would affect.

Petitioner Phillips said three that he is aware from his area. He said people are buying or leasing just enough land to get an elk tag. This takes licenses away from the true intent of where they are supposed to go.

Peterson asked if going from 250 acres to 1000 acres how many landowners would be eliminated.

Petitioner Phillips responded probably about 10 in his area and only 1 of them is a true landowner. He noted Collins' son didn't get a tag this year due to the current loopholes.

Collins said this system was started to offset the elk breaking fences and eating hay and grass because these elk directly affect their livelihood. He welcomes anyone to say how you could make a living off just 1,000 acres.

Petitioner Phillips said the license does effect checkbooks but this is a tool utilized to offset having elk on property if they have depredation.

Commissioner Phillips stated with deer if you do not get a landowner preference tag you can get a landowner owned land tag. Have you thought of this as an alternative for elk?

Collins said different landowners have land in different locations so they suffer depredation in their own place and now its hunting season and the elk have moved on. The goal is to bring these loopholes to light without coming up with a whole new plan.

G. Jensen stated that people with 240 acres sometime have elk on their property.

Collins responded they can have elk on their land, but with 240 acres you are no longer considered a big operator as it now takes thousands of acres to make a living because the soil and moisture is different. People are buying just the minimum number of land required to meet the current requirements to receive a tag. He just wants it to get back to the original intent to offer tags to those who have their livelihood and suffer financial loss by the elk.

G. Jensen asked so why 1,000 acres as you indicated it take much more to make a living?

Petitioner Phillips explained they just wanted to increase it to where it would be an amount where people wouldn't just go out and buy the minimum of only 240 acres to obtain a tag. Thought petition would be rejected at 2,000 acres figuring the Commission would think it was too high.

Sharp asked the last time this rule was changed.

Leif responded approximately 10 years ago.

Matt Rippentrop, Hot Springs, SD, said he is neighbors with guys who just spoke. He does not make a living on land and currently owns 326 acres and qualifies him for a tag. He noted that most of the people they are referring to are leasing the ground back to local guys. He said it is difficult to find people to meet requirements. Currently there are 600 tags with 300 going to landowners and 100 currently going out the other 200 are drawn by the public who are not landowners. The 100 landowners those not making a living are still providing a place for elk to go and alleviating some depredation for the landowners. A lot of people with the smaller number of acres are having these elk on their land. He said at this time hunters are 90 percent successful. He agrees that landowners should have a tag every year. At the end of the stakeholder meeting it was agreed no change. No one see this conservation easement coming. Not all current landowners take easement payments as they fell it should go to those who make a living off the land. Last year he didn't apply for a tag because he was going out of state and didn't want to diminish opportunity for others. He asked how can we help these people and make a different without accessing the programs available.

Leif provided statute that authorizes the licenses stating the petition as written conflicts with current state statute. He also noted the stakeholder group recommended providing alternatives.

Per recommendation by the Commission Petitioner Phillips amended his petition to include the underlined portions below.

A landowner or tenant, but not both, may claim landowner preference for the ~~same~~ qualifying property.

A ranch unit is described as all private property owned and leased for agricultural purposes ~~by written agreement~~ by an individual qualifying landowner in the state.

Motioned by Sharp, second by Commissioner Phillips TO ADOPT THE PETITION AS AMENDED. Roll call vote: Boyd-no; G. Jensen-yes; Peterson-yes; Phillips – yes Sharp- yes; B. Jensen-yes. Motion passes with 5 yes votes and 1 no vote.

## **PROPOSALS**

### **Elk: Black Hills, Archery, Prairie and Custer State Park**

Chad Switzer, wildlife program administrator, presented the recommended change for the 2018-2019 Black Hills elk hunting seasons to maintain the population.

1. Adjust the total number of available licenses to 425 "any elk" and 700 "antlerless elk" licenses (total of 1,125 licenses).
2. Adjust dates for units H1B, H7B, and H9B which are currently open from the Monday closest to October 15 to October 31, inclusive and from December 1 to the Friday closest to December 15 to October 15-31 and December 1-16.
3. Adjust dates for units H2B, H2E, H2H, H3B, and H3E which are currently open from the Monday closest to October 15 to October 31 to October 15-31.
4. Adjust dates for units H2C, H2F, H2I, H3C, and H3F which are currently open from December 1 to the Friday closest to December 15 to December 1-16.
5. Adjust dates for units H2D, H2G, H2J, H3D, and H3G which are currently open from the Saturday closest to December 15 to December 31 to December 17-31.

Switzer presented the recommended changes for the 2018-2019 archery elk hunting seasons noting the hunter success rates for the last 5 years.

1. Adjust the number of licenses available from 147 "any elk" and 130 "antlerless elk" licenses (total of 277 licenses) to 142 "any elk" and 80 "antlerless elk" licenses (total of 222 licenses).

Switzer presented the recommended changes for the 2018-2019 prairie elk hunting seasons noting the highest prairie harvest in modern history.

1. Adjust the number of licenses available from 59 "any elk" and 90 "antlerless elk" licenses (total of 149 licenses) to 68 "any elk" and 73 "antlerless elk" licenses (total of 141 licenses).
2. Establish a new unit comprised of Harding County (Unit 35A) with season dates of September 15 to October 31 and from December 1-31.

Switzer presented the recommended changes for the 2018-2019 Custer State Park any elk hunting seasons noting the changes to mirror bull hunters during rut season.

1. Adjust the season dates from 16 consecutive days beginning on the third Saturday of September to October 1-31.

Switzer presented no recommended changes for the 2018-2019 Custer State Park early archery elk hunting seasons.

Switzer presented the recommended changes for the 2018-2019 Custer State Park antlerless elk hunting seasons.

1. Modify the unit boundary of CAE-CU1 and CAE-CU2 from all of Custer State Park south and west of line beginning at the CSP west boundary and Lower French Creek Road southeast to Highway 87, north to Wildlife Loop Road (WL), southeast along WL to Oak Draw Road, east on Oak Draw Road to WL, south on WL to Lame Johnny Road, southeast on Lame Johnny Road to CSP east boundary fence, south then west then north along the CSP boundary fence to point of beginning to that portion of Custer State Park south of the R & D Pasture fence line

Phillips asked if staff anticipate the elk to move back that left during fire.

Switzer responded most are still within the vicinity of the portion of the park that did not burn and it is anticipated they move back home. Staff will continue to monitor and if that does not occur staff would discuss and bring forward recommended changes.

Motion by Phillips, second by G. Jensen TO APPROVE THE RECOMMENDED CHANGES TO THE 2018-2019 ELK HUNTING SEASONS FOR BLACK HILLS, ARCHERY, PRAIRIE AND CUSTER STATE PARK AS RECOMMENDED INCLUDING THE ADMINISTRATIVE ACTION TO ALLOCATE LICENSES (Appendix B). Motion carried.

### **Deer Hunting Season Dates**

Tom Kirschenmann, wildlife deputy director, presented the proposed changes to the deer hunting seasons per the workgroups recommendations noting these recommendations do not include depredation seasons that have a separate process and criteria. He also noted the 60 day comment period to allow for input in regards to deer social considerations to be obtained through the focus groups.

1. Change end dates for all deer hunting seasons that currently go past January 1 to end no later than January 1 for east and west river
2. Eliminate administrative rule language which specifies that only antlerless licenses are valid from January 1-15 in the archery and muzzleloader deer seasons.

Motioned by G. Jensen, second by Olson TO APPROVE THE RECOMMENDED CHANGES TO THE DEER HUNTING SEASONS. Motion carried.

Kirschenmann also presented proposed changes as two options to the antlerless deer seasons per the workgroups recommendations.

1. Add the extra days of antlerless only tags back into the West River deer season.
2. Two options to consider for the structure of the antlerless only tags:

Option 1: December 26-January 1; available for both West and East River deer seasons.

OR

Option 2: Begin the Saturday after the conclusion of the East River deer season and run for 9 consecutive days; available for both West and East River deer seasons.

3. Unfilled antlerless tags would be valid for deer hunting Sand Lake National Wildlife Refuge following proposed option listed above (currently available for 9 consecutive days beginning on the Saturday following Christmas).

Motioned by Phillips, second by Sharp TO APPROVE THE RECOMMENDED CHANGES TO THE ANTLERLESS DEER HUNTING SEASONS WITH BOTH OPTIONS ALLOWING FOR PUBLIC FEEDBACK. Motion carried.

Phillips thanked staff for their hard work and noted the inclusion of commissioners Phillips and Olson in all of the workgroup meetings. He also stated he is looking forward to the public comments on the rule changes.

## **PUBLIC HEARING**

The Public Hearing began at 2:02 p.m. and concluded at 2:15 p.m. and the minutes follow these Commission meeting minutes.

## **FINALIZATIONS**

### **Public Water Safety Zoning**

Bob Schneider, parks and recreation assistant director, presented the finalization to modify the no wake zone at West Bend Recreation Area to include the waterfront beginning on the south east corner of the boat ramp parking lot running approximately 400 yards in a south easterly direction upstream to camping cabins. The second change in water safety zoning pertains to the west boat ramp at Shadehill Reservoir. The recommendation proposes the waters beginning approximately 600 feet east of the west boat ramp and extending from the north shoreline to the south shoreline encompassing the bay where the west boat ramp is located to be a no wake zone.

He explained how this stretch of shallow waterfront is not only popular to swimmers and campers, but its shoreline is susceptible to wake generated erosion. The proposed no wake one would increase safety for beach users and protect the shoreline from erosion damage.

Schneider also explained how the recent addition of a privately owned cabin lots adjacent to the Shadehill Reservoir has made the west boat ramp more popular. The higher volume of use has led to a budgeted project to expand the boat ramp parking lot. As this encourages additional use a no wake zone surrounding the boat ramp is recommended to protect boaters and boats during launching and loading.

Motioned by G. Jensen, second by Sharp TO FINALIZE THE CHANGES TO PUBLIC WATER ZONING AT WEST BEND RECREATION AREA AND SHADEHILL RESERVOIR 41:04:02. Motion carried.

### **Public Land Safety Zoning**

Schneider presented the finalization to the restrictions on use of firearms to include Oakwood Lakes State Park. He explained how the park with irregularly shaped boundaries has an extensive established campground and designated day use area where hunting is prohibited per administrative rule. Over the past decade modifications to the park have changes visitor use patterns and decreased the area where rifle hunting is safe therefore recommending the change to allow hunting in the park be limited to shotguns, bows and crossbows. He noted there are still over 1,500 acres of GPA surrounding the park that provide rifle hunting.

Motioned by Phillips, second by Peterson TO FINALIZE CHANGES TO PUBLIC LAND SAFETY ZONING AT OAKWOOD LAKES STATE PARK 41:03:01. Motion carried.

### **Bighorn Sheep Hunting Season**

Switzer presented the recommended change the administrative rules chapter from Black Hills Bighorn Sheep Hunting Season to be Bighorn Sheep Hunting Season and establish unit 3 as described as that portion of Pennington County east of the Cheyenne River and that portion of Jackson County north of the White River, excluding the Badlands National Park.

Switzer explained how staff have been working with the Badland National Park to establish a herd. He said the park currently has a research project with radio marked sheep and said some of these sheep outside the park are available for hunting. The partnership is with park, tribes, and some landowners. He noted the irregular boundary is due to concerns of potential contact with domestic sheep. This would allowing hunters to harvest opposed to department needing to euthanize.

Switzer also presented the administrative action to allocate 1 bighorn sheep license in unit BHS-BH3 for the 2018-2019 hunting season.

Motioned by Sharp, second by Phillips TO FINALIZE THE CHANGES TO THE BIGHORN SHEEP HUNTING SEASON 41:06:56 AND APPROVE THE ADMINISTRATIVE ACTION TO ALLOCATE 1 BIGHORN SHEEP LICENSES FOR THE 2018 - 2019 HUNTING SEASON IN THE BHS-BH3 UNIT. Motion carried.

### **Muskellunge Harvest Restriction**

John Lott, fisheries chief, presented the finalization to the fish limits rules to remove minimum length limits and restrict all waters statewide to catch and release only for muskellunge and northern-muskellunge (tiger) cross. He also noted the

departments recommended changes from proposal to increase the minimum length for muskellunge and northern-muskellunge (tiger) cross from 40 inches to 48 inches to provide additional protection of larger muskellunge and northern-muskellunge (tiger) cross while being consistent with many of the minimum size restrictions utilized in other states.

G. Jensen asked if people would come to South Dakota to fish musky.

Adams responded probably, but it would not be like a Minnesota or other states that have large numbers of waters with musky fisheries. He explained there are so few fish over 50 inches in length and there will continue to be a low abundance due to forage and shallow nature of our waters.

G. Jensen stated he prefers catch and release as it provides opportunity for multiple people to catch the same fish.

Geno Adams, fisheries program administrator, stated that with each species catch and release a large number of them do not get caught again. He explained how fisheries do not manage for individual fish but for the population so the chance of someone catching a trophy fish is going to have very little impact if kept instead of released.

G. Jensen said he asked around and people do not seem to be eating these large fish.

Phillips said this would not have impact on other species

Adams agreed stating fish are eating the same things and with musky in such a low density they do not impact the other fish populations

B. Jensen noted the overwhelming response in favor of catch and release with the exception of two commenters in opposition as they had concerns it would affect other fish populations.

Peterson asked if this was monitored could changes be made in the future.

Adams said it is difficult to change regulations as we move forward due to public support.

B. Jensen inquired how long would it take for the fish to die out?

Adams responded based on what Minnesota statistics show that over 12-15 years you will see declines in populations if you do not continue to stock. He said you are going to see some of this anyway as you have older fish dying out.

Motioned by G. Jensen, seconded by Boyd TO FINALIZE THE CHANGES TO THE FISH LIMITS 41:07:03 TO RESTRICT ALL WATERS STATE WIDE TO CATCH AND RELEASE ONLY FOR MUSKELLUNGE AND NORTHERN-MUSKULLUNGE (TIGER) CROSS. Motion carried.

## **OPEN FORUM**

Chairman B. Jensen opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda. All open forum comments were in reference to the petitions and taken at that time they were presented to the Commission.

## **DIVISION OF PARKS AND RECREATION**

### **Roy Lake Resort Prospectus**

Sean Blanchette, concessions manager, provided the Commission information on the settlement agreement with Roy Lake Resort LLC, Concessionaire at Roy Lake Resort. The operation consists of 8 rental cabins, a 4-plex lodging unit, main lodge with 2 lodging units, C-store, dining room and on-the-water gas sales. The current concession lease includes a franchise fee of 4 percent on revenues up to \$200,000 and 5 percent for revenues in excess of \$200,000 and expires on December 31, 2018. The property has been appraised and the department developed a prospectus to advertise for the resort sale and concession lease opportunity. The required purchase price has been established by the appraisal at \$975,000.00 which includes structures and personal property. Recommendations for a new lease were 10 year term with Franchise Fees, required services and operating season all remaining the same as in the current lease. The new lease would also include a 2 percent repair and maintenance reserve. Settlement agreement sets up terms and conditions of closing. The Commission approved the settlement agreement and granted the department authorization to advertise concessions prospectus with terms as discussed back in November 2017. Per request by Roy Lake Resort LLC Blanchette is again requesting authorization to advertise a prospectus for sale of the concession lease.

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

### **Parks Revenue and Camping Reservation Report**

Katie Ceroll, parks and recreation division director, provided the year to date revenue report by item as well as the breakout of district revenue indicating an increase of 8 percent. She noted there is now only one unattended vehicle daily pass. Ceroll stated this report shows the increase of fees, includes reservations paid to date and is trending as expected. Future reports will further determine the impact of fee increases.

Al Nedved, parks and recreation assistant director, provided an overview of the Land and Water Conservation Fund (LWCF) Program. The federal assistance program comes from the National Park Service and is administered in South Dakota by GFP. The program provides up to 50 percent reimbursement for outdoor recreation projects.

Randy Kittle, grant and loan specialist, provided information on the apportionment of funds to South Dakota over the last 52 years. He explained the open project selection process and use of SCORP to identify the priorities. He noted it is a competitive program and out of the 38 applications received this year 10 were awarded. Since 1965 LWCF have funded 1,509 projects in South Dakota.

Hepler noted it is competitive to get federal funds and encouraged Commissioner engagement.

B. Jensen agreed.

## **DIVISION OF WILDLIFE**

### **Pheasant Management Update**

Kirschenmann provided the Commission an update on pheasant management beginning with the first season in 1919. He talked about how the seasons have changed over the years and explained how the pheasant population revolves around habitat. He detailed planning efforts with focus on habitat development and management. He noted 15 pheasant management plan strategies reference or utilizes conservation provisions of the Farm Bill and 5 department strategic plan strategies are tied to the Farm Bill. He further explained partnerships, programs and initiatives being used to promote habitat which is most important and critical for survival and production of pheasants.

Phillips said the focus on habitat has been there since days of the soil bank. Is there something else we can look at or is it solely habitat? What is number two thing we can do? What about the woody habitat and is there a certain type?

Kirschenmann said we can talk extensively about different habitat components and focus on specific pieces of property, but the key objective is thermal habitat. Some landowner's primary focus is for deer, but we can also add shrubs and bushes that would be good for small game. There are also brood plots with flowering species throughout the growing season providing high level of insects/food source for pheasants. This would be in addition to typical corn food plots. We can also work on other management activities which are usually predator control and release of pheasants. If we are doing the job right to develop habitat it will help negate the predator's and provide for wild pheasants to produce.

Sharp said it was a great report. He asked if there are opportunities to work with counties and townships to manage areas. He inquired about the right of way where people are farming to the road? And asked if there is a requirement to keep signing people up for programs on a yearly basis to help landowners continued development of good habitat.

Kirschenmann recommended discussions at the state level beginning with roadside mowing then conservation at the county and township levels. He noted some use as forage for their livestock. In regards to properties on landowner owned lands these are typically annual but sometimes multiyear agreements. We have cost shares for planting and it is their responsibility for care and maintenance. Walk in areas are usually year by year some are multiyear for access to property.

### **Elk Population and Management Plan Update**

Andy Lindbloom, senior wildlife biologist, presented a powerpoint on the objectives they are currently working on which include: managing for biologically and socially acceptable elk populations in each elk management unit; managing elk populations in the Black Hills and CSP for quantity and quality recreational hunting opportunities with an emphasis in CSP on view ability for visitors to the park; cooperatively work with private landowners to resolve elk depredation to growing crops, stored-feed supplies, and private property; and monitor and evaluate risk and impact of disease in wild elk herds in South Dakota. Lindbloom also provided detailed information

on elk surveys and research updates as well as harvest data and season recommendations.

### **Deer Hunting Season Alternatives**

Robling and Kirschenmann provided detailed information on potential alternatives to the current deer license allocation process that would potentially increase the number of hunters who draw their preferred deer license. They explained how during the development of the statewide deer management plan several social management considerations were identified through stakeholder group meetings and public comments to the deer plan. One area which received considerable attention from the public was deer license allocation. The Commission has asked the Department to identify alternatives which would increase the number of hunters who draw their preferred deer license. To date, Department staff have developed alternatives to the current license allocation process, and the process of gathering public feedback began with discussion of alternatives with the deer management stakeholder group. Additional feedback will be collected using focus groups made up of deer applicants. These focus groups will be held starting in March and conclude in early May. An email has been sent to resident deer applicants who provided an email address (18 and older) asking for focus group participants. There will be nine focus groups in total and each group will be capped at 30 participants. Applicants were asked to select the locations where they are interested in participating and a random draw will be used to select participants for each location. Participants may only participate in one focus group. The draws to select participants will be done in order of meeting date: Pierre, Philip, Yankton, Sioux Falls, Watertown, Aberdeen, Belle Fourche, Rapid City, and Mitchell. The main objective of these focus groups will be to 1) discuss the potential alternatives; 2) receive feedback on level of support or opposition for the alternatives; and 3) determine how participants would apply for deer licenses under each alternative.

### **Concerns with Wildlife Feeding**

Due to lack of time this item will be presented at a future meeting

### **Land-locked Public Lands**

Due to lack of time this item will be presented at a future meeting

### **Snaring on Public Lands**

Fisk, wildlife program administrator, provided information in regards to snaring on public lands per Commissioner request on concerns brought forward by individual. He noted a meeting was held to discuss these concerns. Fisk said many people not aware that trapping and snaring is allowed on public land. Staff plan to note this in the hunting handbook and on social media to inform the public and will also work to create a video on how devices work so individual can free their dog from a trap. He explained that there is no real consensus to submit a change in rule to prohibit snaring on public lands at this time. He will begin with additional education and outreach in hopes to reduce issues.

G. Jensen asked how big of an issue snaring on public lands is. He also asked Fisk to define dispatch snares and wondered if they do not need to be on public lands during overlapping seasons.

Fisk responded dispatch or kill spring snares typically have a spring on the cable that applies constant pressure on the animal so it doesn't release. Depending on the location of the device it will either keep the animal alive or euthanize it.

G. Jensen feels there was a consensus that these types of snares do not need to be used on public land.

B. Jensen asked if it is possible to release a dog from this type of snare.

Fisk responded with use of a cable cutter, as with any snare, if you pinch the cables off you can release the dog.

Hepler said policy positions begin with education then further discussion among staff and then presentation of a prepared plan for the Commission.

G. Jensen asked how we currently identifying whose snares are on public land.

Fisk said there are not requirements to mark traps or locations of snares. He said there are conflicting opinions as to the justification for the requirements and he is not aware of any state that requires GPS location of snares.

B. Jensen inquired if it is feasible to restrict snaring during certain seasons.

Fisk said the Commission has the authority to make those changes.

### **Revised Big Horn Sheep Management Plan**

Switzer and John Kanta, regional wildlife terrestrial's supervisor, provided an update on the bighorn sheep management plan. They detailed the public involvement process beginning with the internal planning team. Switzer said the final draft along with a list of notable edits from the draft will be sent to the Commission by March 14<sup>th</sup> for review and adoption at the April Commission meeting.

### **Muskellunge Management**

Brian Blackwell, fisheries biologist, presented information on the South Dakota musky program beginning in 1975 with Amsden Dam which has low population numbers since initial stocking. He said 14 waters were stocked between 1975-1999 with Amsden Dam being the only one to develop into a fishery. Currently there are 6 waters on the eastern side of the state being stocked. Blackwell stated the goals of the musky programs are to maintain low density populations provide quality fish and diversity to the angling public and provide anglers with a unique opportunity to catch a trophy fish. He also noted a research project will begin this summer to estimate post-stocking survival, dispersal and movement rates and describe habitat use and selection of age-0 musky

Adams provided information on muskellunge management from other states. He said Minnesota has an extensive public input process with concerns specifically on the impact to walleye and bass. Because we have so few musky there would be minimal impact. Adams noted size limits from surrounding states noting they are going away from hybrids and some have multiple limits on different lakes while some have no minimum size limits. In summary while many different length limits exist 1 over 40

inches and 1 over 48 inches is still common. Most have low density; low harvest and length restrictions don't have a biological impact.

### **Missouri River Accomplishments**

Mike Smith, senior fisheries biologist, provided a review of the Missouri River and its fisheries, current management, goals, objectives and strategies as well as review of work done to date and upcoming work. He noted the 7 issues that have been identified and plan objectives noting accomplishments, work from 2014 to present and completed and in progress tasks from all four reservoirs.

### **Year-end 2017 License Sales**

Scott Simpson, wildlife administration chief, provided the license sales report as of February 22, 2018 for all resident and nonresidents for all license types for the past 5 years. The report indicates resident combination licenses consistent with last year and annual resident fishing licenses are up as there was a good ice fishing season. Nonresident annual fishing licenses are down 4 percent, but hoping to see an increase in the open waters season.

### **SOLICITATION OF AGENDA ITEMS FROM COMMISSIONERS**

No new agenda items were requested at this time.

### **Adjourn**

Motioned by Phillips, second by Jensen TO ADJOURN THE MEETING. Motion carried unanimously and the meeting adjourned at 12:10 p.m.