

Minutes of the Game, Fish, and Parks Commission
Special Meeting
August 3, 2017

Chairman Peterson called the meeting to order at 8:31 a.m. CT via teleconference. Commissioners Mary Boyd, Barry Jensen, H. Paul Dennert, Gary Jensen, Russell Olson, W. Scott Phillips, and Doug Sharp were present when the roll was called. It was noted that a quorum was present. Secretary Kelly Hepler was present along with 9 staff in Pierre, 1 staff in Sioux Falls and 2 staff at the Rapid City location.

Petition for Rule Change – Boating Restriction

Tony Leif, wildlife division director, presented the petition received asking the Commission to modify the Clark County zoning of waterways particularly for Swan Lake to be similar to that of Reid Lake. He then explained the petition process noting the Commission would need to take action to as state law requires action be taken within 30 days of receiving a petition thus requiring the special meeting as one was not scheduled for August. Leif noted that if the Commission believes the petition has merit for a formal hearing he would recommend they turn the petition into a proposal and incorporate it into the rules packet from the July meeting and allow for public comment and formal action at the next Commission meeting. Another option would be to reject the petition then staff would assist in crafting a resolution to deny the petition.

Commissioner Peterson asked the petitioner to speak in regards to their petition.

John Wiles, attorney for M&E Land Company, said the petitioner Mike Myers is the president of M&E Land Company and would like to make Swan Lake a no boating lake during the low plains duck season like Reid Lake. Wiles noted the petition was filed for the eight reasons listed on the petition. He said M&E Land Company and the majority of the landowners are in support of the petition, but some do not want to get involved. They feel it minimally effects fishing and does not stop shore fishing, but gives status of roosting area for migrating waterfowl. He believes it will also eliminate problems when boaters have hunting violations like they have experienced in the past.

Commissioner B. Jensen asked which of the eight reasons is most significant.

Wiles said roosting area as we are moving ducks through in a hurry and the area is historically a waterfowl roosting area and the other lakes in the area are non-boating lakes. It would be in the best interest of the hunters and waterfowl to have Swan Lake be a non-boating lake. In the past this was a non-motorized boating lake, not sure when that changed.

Commissioner Sharp said this petition falls in line with what has been discussed at previous meeting and comments received from the public in the northeast. He said duck hunters say we need more roosting areas. These hunters feel this lake would be beneficial to roosting habitat and possibility do the same with other lakes.

Commissioner Dennert inquired if Swan Lake deep is enough to stay an open lake into the winter season.

Wiles responded with water depth in excess of 17 inches in some areas it does not freeze over early. He said approximately 800 acres of water is surrounded by 700 acres of public lands.

Leif stated Swan Lake is a nonmeandered lake. The lake basin is owned in fee title with the majority owned by GFP and portions are in private ownership.

Commissioner Peterson asked if the restriction would apply to all boats.

Wiles said it would apply to all boats.

Secretary Kelly Hepler said if the Commission thinks the petition needs further discussion he would encourage them to turn the petition into a proposal allowing for public comment and further discussion at the next meeting.

Commissioner Dennert noted the general public have the opportunity to provide input.

Commissioner B. Jensen said the Commission needs to get the input from the public and information from Game, Fish and Parks on the effects on the wildlife because that is the basis of the petition.

Motioned by Sharp, seconded by Boyd TO PROCEED WITH THE PETITION FOR RULE CHANGE ON BOATING RESTRICTION FOR ACTION AT THE SEPTEMBER COMMISSISON MEETING. Roll call vote: Boyd-yes; Dennert-yes; B. Jensen-yes; G. Jensen-yes; Olson – yes; Phillips-yes; Sharp – yes; Peterson-yes. Motion carried unanimously.

Wiles and Myers thanked the Commission for taking action and will appear at the September Commission meeting in Sioux Falls to take questions and promote the commission's ruling.

Gamefish Spearing between Oahe Dam and Highway 14

Leif presented the request from Steve Rounds, Oahe Marina and Resort, to open the boundaries between the Oahe Dam and Highway 14 for a spearfishing tournament. He explained that administrative rules allows the Commission to temporarily open areas. Leif said in past years the Commission has received a request to open certain areas below the Oahe Dam for a spearfishing tournament and to do so again for this request final action would need to be taken at this special meeting as the tournament is scheduled for August 19, 2017.

Mark Ohm, wildlife regional supervisor, reiterated this is a request that has been received in previous years and the Commission has approved it. Prior to last year there were no restriction and it cause overcrowding and navigation issues so last year staff worked with tournament organizers to have voluntary restrictions to not allow diving in specific areas specifically choke points on the river. Ohm noted the restrictions only apply to tournament fisherman as they are tournament rules and this would open the area to all fisherman not just tournament fisherman.

Josh Carr, district conservation officer supervisor, said last year and there were only 15-20 teams and most wanted to spear walleye so they went up to Lake Oahe and it was not an issue.

Commissioner Olson inquired how many total anglers were involved.

Ohm responded they expected 30 which consist of 15-20 boats with teams of two divers per boat.

Carr said the tournament took place a few years ago and the first year they had no restrictions with 50-60 teams and with other boat traffic there were serious safety concerns and had to issue a couple violations. The following year the request was denied then Rounds took over the tournament and added the restrictions, but did not advertise for the tournament so it was cancelled due to lake of applicants. The following year held tournament with restrictions which was last year.

Commissioner Peterson noted that Rounds previously said the tournament is a good opportunity for divers and business

Commissioner B. Jensen confirmed the request is only for 2 days.

Ohm said divers can currently spearfish in this area for carp just not game fish.

Commissioner Boyd stated if this provides good exposer and business for the area it would be good to support it.

Motioned by Dennert with second by Sharp TO GRANT THE REQUEST TO TEMPORARLY OPEN THE WATERS OF LAKE SHARPE TO SPEARFISHING WITH STIPULATIONS. Roll call vote: Boyd-yes; Dennert-yes; B. Jensen-yes; G. Jensen-yes; Olson – yes; Phillips-yes; Sharp – yes; Peterson-yes. Motion carried unanimously.

Secretary Hepler noted in closing that the Department will continue to provide information on nonmeandered waters and will provide an update at the September Commission meeting.

Motioned by B. Jensen with second by Sharp TO ADJOURN THE MEETING. Motion carried unanimously and the meeting adjourned at 10:15 a.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary