

## **Minutes of the Game, Fish, and Parks Commission November 5-6, 2020**

Chairman Gary Jensen called the meeting to order at 1:00 p.m. CT via conference call. Commissioners Gary Jensen, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, Robert Whitmyre. Public and staff were able to listen via SDPB livestream and participate via conference call with approximately 60 total participants via zoom.

### **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 September 2-3, 2020 regular meeting minutes or a motion for approval.

Motion by Olson with second by Whitmyre TO APPROVE THE MINUTES OF THE OCTOBER 1-2, 2020 MEETING. Roll Call vote: Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 6 yes and 0 no votes.

#### **Additional Commissioner Salary Days**

None were requested.

#### **Budget**

Chris Petersen, division director, presented information on the FY22 budget. He explained the budget structure for GFP is composed of 6 programs, 3 budgeted programs and 3 informational budgets. He provided the breakdown of personal services and operating expenses for each budget.

#### **Wildlife Damage Management Strategic Plan**

Kevin Robling provided a brief update on the status of the wildlife damage management strategic plan.

#### **Pheasant Hunting Marketing Update**

Emily Kiel and Taniya Bethke provided an update on pheasant hunting marketing.

#### **License Sales Update**

Heather Villa, wildlife administration chief, explained We have had a strong year of license sales and are still seeing a 7% increase of license sales over a three-year average. However, small game license sale specifically are trending lower than our three-year average when isolating and comparing the Friday before the pheasant hunting opener through the first two weeks of the season. We are hoping to continue to see positive trends throughout the year even though when comparing the first two weeks of pheasant season we are seeing downward trends.

#### **Centralized E-Commerce System and RFP**

Emily Kiel and Taniya Bethke provided an update on the centralized E-commerce system and status of the RFP.

### **Awards Acknowledgement**

Kelly Hepler & Tom Kirschenmann acknowledged Kyle Kaskie and Jake Davis for awards they recently received.

Kyle Kaskie was awarded the 2020 Midwest Association of Fish and Wildlife Agencies (MAFWA) Special Recognition Award and the 2020 Western Association of Fish and Wildlife Agencies (WAFWA) Outstanding Contributor of the Year Award.

Jake Davis was named Midwest Association of Fish and Wildlife Wildlife Agencies (MAFWA) Fisheries Biologist of the Year.

### **PETITIONS**

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

#### **Low Plains South Zone Duck Season**

Brad Cameron, petitioner, said he has several friends who come to hunt and end up purchasing Nebraska licenses instead.

Kirschenmann explained this topic came up few years back and has been discuss at length. The primary discussion point is dates and the weather is unpredictable so comes down to being a social issue. At this time the department recommends retaining the current structure as it was changed only a few years ago. This would allow additional info to be gathered regarding the season structure and avoid confusion due to it being changed recently.

Motioned by Olson, second by Locken TO DENY THE PETITION. Roll Call vote: Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 6 yes and 0 no votes.

Motion by Locken, second by Olson TO APPROVE RESOLUTION 20-23 (appendix A) Denying the petition. Roll Call vote: Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 6 yes and 0 no votes.

#### **Big Game Ammo Minimum Size and Type**

Jeremy Silko, petitioner, requested the commission consider a new bullet type that is on the market. There are two reasons for my requested change. (1) Technology has advanced enough to prove that monolithic copper when fluted and used as bullets can provide quick, ethical kills to animals with the same or better effectiveness of copper-jacketed, lead-based hollow points or soft points as currently allowed. The rounds are produced in South Dakota by Lehigh defense and loaded by at least two respected ammunition producers. One of those is Black Hills Ammo, also located in Rapid City, SD. The second is Underwood Ammo in Illinois. Ruger also produces a similar polymer/copper fluted design. I ask that the commission ask these producers for detailed analysis, and to consider these projectiles as options for hunters. The (2)

second reason for allowing these rounds would be to allow another option for non-toxic rounds. We should allow hunters every opportunity to preserve our great resources for the next generations, and many to come. The small steps today, just may add up to big steps tomorrow.

Justin Evans, Lehigh Defence engineer, explained that instead of mechanically deforming it is more efficient to create ethical kills.

Locken is there a requirement that bullets need to contain lead

Evans current verbiage says soft point or nonexpanding. These bullets are nonexpanding which causes less damage.

Motioned by Olson, second by Locken TO APPROVE THE PETITION. Roll Call vote: Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 6 yes and 0 no votes.

### **PSP Bird Release Requirements**

Josh Lieberman submitted a petition to abolish the provision on any minimum release and keep provisions that refer to releasing birds prior to killing. His reason for the change is that placing monetary prerequisites on small business that is unnecessary speculation is unnecessary and limits small business entering the market.

Motioned by Sharp, second by Olson TO DENY THE PETITION. Roll Call vote: Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 6 yes and 0 no votes.

Motion by Whitmyre, second by Sharp TO APPROVE RESOLUTION 20-23 (appendix B) Denying the petition. Roll Call vote: Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 6 yes and 0 no votes.

### **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. No presenters came forward.

### **PROPOSALS**

#### **Nonmeandered Waters Navigation Lane Process**

Robling presented the proposal to create a new rule to establish procedure for the public to request a navigation lane through a closed nonmeandered body of water when no other alternative legal access is available. He explained that during a special legislative session in 2017, the Legislature passed the nonmeandered waters compromise. As part of the legislation, the Commission is obligated to promulgate rules to establish a process whereby a person may petition the commission to open a portion of waters or ice of a closed nonmeandered lake for the limited purposes of transportation to a portion of a nonmeandered lake that is open for recreational use.

Motioned by Sharp, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGES TO ESTABLISH A PROCEDURE FOR NAVIGATIONS LANES ON

NONMEANDERED WATERS. Roll Call vote: Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 6 yes and 0 no votes.

## **DIVISION OF PARKS AND RECREATION**

### **Palisades Update**

Luke Dreckman, District Park Supervisor, presented on the Palisades Expansion. This year began year 1 of a 5-year phased development plan. Nearly 50 acres of habitat was planted in May 2020, including shelterbelts. The campground and road system will soon have a contract in place and planned for a 2021 working year. GFP anticipates opening the new campground in 2023. Habitat work will continue to be developed as the phases progress.

### **Adams Visitor Center Plan**

Jody Moats provided the Commission a presentation on the plan for the Adams visitors center.

### **Sheps Canyon Road Update**

Due to time this item will be presented at the December meeting.

### **Revenue, Camping and Visitation Report**

Al Nedved, Deputy Director provided an update on revenue, camping and visitation stats. He also provided information on visitor origin based on park entrance license sales and camping reservations.

## **DIVISION OF WILDLIFE**

### **HuntSAFE Update**

Pat Klotzbach, HuntSAFE Coordinator, Beginning in March, HuntSAFE had to make changes. We removed the field day requirement and moved the classes online. The class is still free, and traditional classes are still an option. HuntSAFE in the schools also had to make changes. We had 50 teachers registered to attend a Hunt SAFE in the Schools certification training before covid19. We had to make changes to that training and only 12 teachers were able to attend, 7 of those schools have taught a HuntSAFE class in their classroom this school year. HuntSAFE will reevaluate in early 2021 and hopefully return the courses and trainings back to normal.

### **Fish SD Update**

Maggie Lindsey provided an update on the Fish SD program.

### **Wild Turkey Plan**

Chad Lehman, Senior Wildlife Biologist, provided an update on the South Dakota Wild Turkey Management Plan, 2021-2030. This management plan has been revised and provides important historical background and relevant biological information for the sustainable management of wild turkeys. Current wild turkey survey methodology and relevant biological literature are presented, along with a thorough discussion of objectives and strategies to guide management of this important resource into the future. After collaboration with the Management Team and Wild Turkey Stakeholder Group, important changes occurred in the plan revision and the largest change pertains

to prairie harvest strategies. The primary harvest strategy will now use the 95% Upper Confidence Interval (UCI) for spring harvest success as a threshold for management pertaining to fall seasons. If the UCI is below 40% for 2 consecutive years, it is a trigger for closing the fall season. Previously, if the 95% Lower Confidence Interval was touching or below the 40% threshold for 2 consecutive years it would close the fall season. This change allows greater flexibility for managers to have a fall season if desired. Further, the Black Hills harvest strategy lowered fall license allocations across the board and does not allow for 2 resident licenses when in low abundance and in the "A" harvest strategy category.

### **EHD Update**

Chad Switzer, wildlife program administrator, provided a final update on the outbreak of epizootic hemorrhagic disease (EHD) documented this fall in South Dakota. As of October 29, 2020, 260 reports from the public included 633 dead deer from 35 counties. Through samples submitted to the SDSU lab, 26 samples tested positive for EHD in 15 counties. In addition to the removal of unsold antlerless whitetail deer licenses in Faulk (n=74), Hand (n=58), Hyde (n=91) and Potter (n=123) counties, the Department will be offering hunters in Aurora, Faulk, Hand, Hughes, Hyde, Jerauld, Potter and Sully counties the opportunity to voluntarily return their East River deer licenses. Any hunter voluntarily returning their license will receive a full refund and retain their preference point for any licenses returned. Licenses returned to GFP will not be reallocated.

### **Elk Management and Depredation Update**

John Kanta & Trenton Haffley provided an update after the meetings with landowners in the Black Hills and Bennett County areas, the Department has developed several items to further assist landowners with damage caused by elk to their private property. Examples would be an increase to antlerless elk licenses, increases to limits on elk depredation program assistance and depredation pool hunts.

### **AIS inspection in MN**

Adam Doll, the Watercraft Inspection Coordinator with the Minnesota Department of Natural Resources (MNDNR), presented information on the history, operation, and challenges of Minnesota's watercraft inspection program. The total annual budget for the program is approximately \$10 million, comprised of state general funds, surcharges on boat registrations and nonresident fishing licenses, and federal funds. Approximately 800 inspectors employed by the MNDNR, local governmental units, and tribes conducted 600,000 inspections. Challenges for Minnesota's Watercraft Inspection Program include annual staffing and training challenges, ensuring statutory language is clear and enforceable, and that there are multiple pathways by which AIS can spread throughout Minnesota.

### **Adjourn**

Meeting adjourned at 5:00 p.m.

Respectfully Submitted,

Kelly R Hepler

Kelly R. Hepler, Department Secretary

**Appendix A**  
RESOLUTION 20-23

WHEREAS, Brad Cameron of Avon, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated October 21, 2020, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:16:02.01 (Low Plains duck hunting season established) – to modify the start date of the low plains south zone duck 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 modifying the start date of the low plains south zone duck season; and

WHEREAS, the petition is a balance between early season opportunity and late season interests; and

WHEREAS, the current structure was changed two years ago and the relative newness of the change would need to be further evaluated before changing again; and

WHEREAS, hunters in the low plains south unit have waterfowl opportunities in the low plains middle zone for ducks in the majority of the counties in this area.

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, Brad Cameron of Avon, South Dakota.

**Appendix B**  
RESOLUTION 20-24

WHEREAS, Joshua Lieberman of Pierre, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) October 29, 2020, requesting that the Game, Fish and Parks Commission amend ARSD § 41:09:01:02 (Release of male birds required – Harvest limited.) – to remove the minimum number of birds to be released on a private shooting preserve 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 removing the minimum number of birds to be released on a private shooting preserve; and

WHEREAS, the first minimum release for private shooting preserves was established in the mid 1960’s; and

WHEREAS, private shooting preserves start earlier than the general hunting season, have larger bag limits that allow for the harvest of wild birds, and longer hunting hours; and

WHEREAS, the minimum release helps to ensure that wild bird populations are not disproportionately taken at private shooting preserves compared to those taken by the general public; and

WHEREAS, while the proportion of wild birds taken from private shooting preserve is much smaller now than 10 years ago, the public perception of over harvest of wild birds is minimized with the minimum release requirement; and

WHEREAS, a minimum release requirement deters individuals from starting a private shooting preserves to simply have a longer hunting 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, Joshua Lieberman of Pierre, South Dakota.

# Public Comments

## Other

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**Nancy Hilding**

**Black Hawk SD**

**Position:** oppose

**Comment:**

Nancy Hilding  
6300 West Elm  
Black Hawk, SD  
Sept 27th, 2020

To the Game, Fish and Parks Commission.

I oppose the public petition to get a variance on submission of the bobcat carcasses to SDGFP staff for inspection and tags within 5 days of kill. At the July Commission meeting we were shown charts indicating that SDGFP does population abundance estimates for bobcats, but there was no discussion of the data used to create those abundance estimates. Perhaps some of the data comes from the carcasses? Please provide discussion of the data used to create bobcat population abundance estimates at the October meeting . This is the year you have expanded the hunt to much more of east river, so you probably don't have as much data on the condition of bobcat's and the population east river as you do west river. I suspect those east river carcasses will provide you with useful information about east river bobcats, that you have not yet collected.

I also want you to collect information on whether the bobcat was killed by trapping, boot hunt or hound hunt, which you might be able to guess at via carcass. It is also illegal to kill animals except with bullet or arrows..that is in state law. So you need to inspect carcasses for the bullet and/or arrow mark to see if the kill was legal, especially when people used traps or hunt with dogs in areas of SD without trees for the bobcats to climb up to avoid the dogs.

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**Julie Anderson**

**Rapid City SD**

**Position:** oppose

**Comment:**

Finalization of not bringing in a bobcat carcass within 5 days.

This is especially troubling as 1 person wants a rule change because it is "hard for him to bring in a carcass within a 5 day period". The bobcat hunting season has been expanded also due to one person who wants to trap more bobcats. However, at the last GF&P meeting, the majority of comments expanding the bobcat season were against it. Yet these rules and regulations continue to get approval with only 1 person's action to petition. Chipping away at hunting and trapping regulations is now the norm, and is the result of certain board member's and the current state administration's agenda to promote to trapping. It is a conflict of interest and no one on this board should have carte blanche to ignore science and majority opinion in order to advance their own pet project. Trapping is extremely cruel, yet this board won't even require a 24 hour trap check, identification of traps, and now is considering lifting a requirement of a 5 day carcass inspection. There is only one way to look at this latest amendment and it is abuse of power. Deny this petition.

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**Nancy Hilding**

**Black Hawk, SD**

**Position:** other

**Comment:**

Nancy Hilding  
President  
Prairie Hills Audubon Society  
P.O Box 788  
Black Hawk, SD 57718  
Sept 27th, 2020

Dear SD Game, Fish and Parks Commission,

I write to ask you when the document called alternately - the "Biennial Commission Review of SD Threatened and Endangered Species List" and the "State Threatened and Endangered Species Status Review" - will be released for public comment.

It was listed on the agenda of the July and September Commission meeting as the "State Threatened & Endangered Species Status Review" (It was not listed as the Biennial Review) and it was listed in the information section, not the action section.

The Commission in September listened to staff presentation, but made no action to approve the document and made no action to set up a public comment period.

Folks can only find it, by downloading the respective July and September Commission Books. I have never been able to find the 2020 Review draft on-line, except in the Commission book and I think the 2018 Review version has been removed from it's former on-line spot, as I can no longer find it (except in old Commission books).

I attach an e-mail from Jon Kotilnek, sent to me before the September meeting in response to our e-mail (that we sent on August 19th), saying he thought there would be a comment period on the T & E Status Review. We did not comment on this T & E Status Review prior to and at the September Commission meeting, nor advise our members to do so, as we expected a future comment period to be established.

When the Commission took no action on the Status/Biennial Review at the Sept meeting on Sept 10th we sent an e-mail seeking clarification. I did not get a reply to my September 10th, 2020 e-mail request for clarification on a comment period, till I called Jon Kotilnek up on Friday 25th of September. He seems to think now that there will be no comment period on the Status/Biennial Review and GFP is working on some document/policy about how to handle public endangered and threatened species petitions (if I understood the conversation correctly).

We believe that not having a comment period is inappropriate. Hopefully you remember the controversy over the otter de-listing. The public who cares about T & E species has - we hope all have learned - that we have to read and comment on the T & E Status Review de-listing criteria for species we care about. We suspect that the interior least tern may be de-listed or down-listed by the USFWS in 2020 or 2021, which may put it in the SD T&E spotlight next year.

We are also concerned, as we believe you did not do biennial reviews of threatened and endangered species for a long time. We suggest you ask your staff for a timeline of when the staff submitted to you, de-listing, down-listing, up-listing and listing proposals. Were all the T & E species added to the list long ago?

You started up with "biennial reviews", with the release of a draft T & B E Status Review in fall of 2017, which the Commission adopted in spring of 2018. As far as we know the last time your staff submitted a listing proposal was for the Dakota skipper, which proposal the SDGFP Commission denied a long time ago - but the USFWS approved listing it federally, for the entire nation, so it got better protection.

We think you need to examine why your staff is not submitting listing proposals, just de-listing, down-listing or up-listing proposals .

We think you should examine the criteria they use for rare species - such as the frigid amber snail which is G1 and S1. - why is staff not proposing that species for listing? Why is what staff proposing to you is just shifting species about on the list or de-listing them and not proposing to add them.

We are very concerned about the delay in listing the lake chub. Why did it take a public petition to list to get the

staff to study it, when it disappeared from Deerfield Lake in 2007, after 6 years of declining sample numbers of fish - with samples for 6 years all below 10 fish sampled (we included that chart showing declining samples in our powerpoint & petition to list). Why did GFP staff not start looking for lake chub in the Black Hills 20 years ago and either find it in enough streams or recommend it for listing -- years ago? Does SD GFP not care about native fish that are too small to fish for? We think preventing species from being extirpated from SD is one of your most sacred duties.

Before reintroducing species to the Black Hills, species that have been isolated , in the Black Hills for a long time, we hope you will do DNA testing on the species, to make sure they have not developed into a subspecies, or are working towards becoming a sub-species. This genetic isolation has been part of the justification for 4 federal listing petitions submitted to the USFWS for isolated Black Hills Species (all petitions denied, with the USFWS wanting more genetic/taxonomy information). If unique genetics exists in the Black Hills due to isolation, GFP should fund more genetic/taxonomy study and think twice before reintroducing from outside sources for rare isolated species.

Thanks,

Nancy Hilding

1 attachment

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**Tim Gunsell**

**Godley TX**

**Position:** oppose

**Comment:**

I am an out of stater and oppose the hunting season extension and bag limit increase. I have been coming there one to two times a year for the last ten years and love it. I from Kansas and they have ruined the hunting in that state.

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**Cody Warren**

**Rapid City SD**

**Position:** oppose

**Comment:**

i know I'm late to the game here , but to increase the camping cabins by 90% in 2 years is ridiculous. I was paying \$45 a night in 2019, \$55 a night in 2020 and now to increase to \$85 a night in 2021. This will not attract people to stay for a longer camping season as you are hoping. I for one wont be using them anymore at that price. Im glad that motels are close to where I like to camp as they are the same price or now CHEAPER than staying in a cabin without a bathroom, water or comfortable bed. I'm sure someone will rent them. I hope you get what you're looking for out of this price increase. You have lost one family from renting in your parks.

**From:** Kotilnek, Jon Jon.Kotilnek@state.sd.us   
**Subject:** FW: What is protocol for commenting on the T&E Status (or Biennial) Review?  
**Date:** August 20, 2020 at 11:56 AM  
**To:** Nancy Hilding nhilshat@rapidnet.com  
**Cc:** Dowd Stukel, Eileen Eileen.DowdStukel@state.sd.us, Comes, Rachel Rachel.Comes@state.sd.us

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Nancy,

I will address your questions in order.

1. What is protocol for commenting on the T&E Status Review (or T & E Biennial Review)?
  - a. The process for comment submission will be addressed at the September meeting. There will likely be a specific email as in the past to submit comments and suggestions.
2. Will the Commission adopt it by resolution and if so when....on Sept 2nd/3rd or in October?
  - a. The T&E Status Review will be discussed at the Commission at the September 2-3 meeting. The Commission will likely be briefed again at the November meeting with regard to comments submitted by the public.
3. How do average people find and download a copy of it, so they can comment on it?
  - a. The T&E Status Review Document will be available at <https://gfp.sd.gov/commission/information/>
4. Is there a notice or press release some place explaining how to comment on it?
  - a. See answer to question 1 above.
5. Or do we send comments to Eileen or to Rachel?
  - a. See answer to question 1 above.
6. Have you send notice to the papers on comment opportunity or creation of the Status Review (Biennial Review)?
  - a. There is no requirement to submit a "public notice" to the newspapers. Our Communication team will be responsible for news stories and media blasts.
7. Is there an e-mail to send comments to?
  - a. See answer to question 1 above.
8. if it is at a Commission meeting in September as an information, if so when is to be adopted by resolution and then people can testify on it during the "open forum".
  - a. The open forum is reserved for anyone to discuss an issue that is not related to Commission finalization. The public can testify at the open forum regarding the T&E Status Review.
9. So can a "biennial review" be just a review of a report?
  - a. That's going to be addressed at Commission – see answer to question 1 above.

Thank you for your interest and concern in the process.

Very Respectfully,

**Jon Kotilnek**

**Jon Kotilnek** | *Senior Staff Attorney*  
South Dakota Game, Fish and Parks  
523 East Capitol Avenue | Pierre, SD 57501  
605 773 2750 | [Jon.Kotilnek@state.sd.us](mailto:Jon.Kotilnek@state.sd.us)



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**From:** Nancy Hilding <[nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)>  
**Sent:** Wednesday, August 19, 2020 3:32 PM  
**To:** Dowd Stukel, Eileen <[Eileen.DowdStukel@state.sd.us](mailto:Eileen.DowdStukel@state.sd.us)>; Comes, Rachel <[Rachel.Comes@state.sd.us](mailto:Rachel.Comes@state.sd.us)>; Kotilnek, Jon <[Jon.Kotilnek@state.sd.us](mailto:Jon.Kotilnek@state.sd.us)>; Kirschenmann, Tom <[Tom.Kirschenmann@state.sd.us](mailto:Tom.Kirschenmann@state.sd.us)>  
**Cc:** jim petersen <[nfearndesire@gmail.com](mailto:nfearndesire@gmail.com)>; Erik Molvar <[emolvar@westernwatersheds.org](mailto:emolvar@westernwatersheds.org)>; Nancy Hilding <[nhilding@rapidnet.com](mailto:nhilding@rapidnet.com)>  
**Subject:** [EXT] What is protocol for commenting on the T&E Status (or Biennial) Review?

Nancy Hilding  
President  
Prairie Hills Audubon Society (PHAS)  
6300 West Elm  
Black Hawk, SD 57718

SD Game, Fish and Parks  
Pierre, SD 57501

To Various SDGFP Staff

What is protocol for commenting on the T&E Status Review (or T & E Biennial Review)? It was on the agenda in July as an information item, not an action item. Will the Commission adopt it by resolution and if so when....on Sept 2nd/3rd or in October?

I have a copy and I think I separated it out of the July Commission Book using Adobe Professional software. How do average people find and download a copy of it, so they can comment on it? I can't find a message about it on the GFP Threatened and Endangered Species web page or the Management Plan web page. Is there a notice or press release some place explaining how to comment on it? Or do we send comments to Eileen or to Rachel? Have you send notice to the papers on comment opportunity or creation of the Status Review (Biennial Review)?

Is there an e-mail to send comments to? In late fall 2017, the e-mail was [StatusReviews@state.sd.us](mailto:StatusReviews@state.sd.us).

I mean to send out an "enviro events" type of warning about this document and I need the protocol for how to comment, instructions on how to download it and when the action will take place (i.e. deadlines). if it is at a Commission meeting in September as an information, if so when is to be adopted by resolution and then people can testify on it during the "open forum".

It makes a significant difference if it is a biennial review or a "status review" as comments on a biennial review could include requests on species that need to be added, as well as what to do about the currently listed species - so can a "biennial review" be just a review of a report?

cc Jim Petersen, PHAS vice president, Erik Molvar, Western Watersheds Project..

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Nancy Hilding  
6300 West Elm, Black Hawk, SD 57718  
or  
Prairie Hills Audubon Society  
P.O. Box 788, Black Hawk, SD 57718  
[nhilshat@rapidnet.com](mailto:nhilshat@rapidnet.com)  
605-787-6779, does not have voice mail  
605-787-6466, has voice mail  
605-787-2806, cell (new #)  
<http://www.phas-wsd.org>  
<https://www.facebook.com/phas.wsd/>  
Skype phone -605-787-1248, nancy.hilding

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# Public Comments

## Other

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**Mark Soukup**

**Wagner SD**

**Position:** oppose

**Comment:**

I THINK IT IS A BIG MISTAKE TO GIVE THE SO CALLED YST MEMBERS FREE AXCESS TO THE STATE PARKS CHARLES MIX COUNTY.

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**Richard Walker**

**Sandy UT**

**Position:** other

**Comment:**

This may not be the right format for this meeting but as an avid out-of-state upland hunter it is critical that the State of South Dakota rethink the pre-season brood count of pheasants. This is very important information for out-of-state hunters deciding where to hunt each year. I emphasize that the count even in down years does not influence our decision to come to South Dakota. We have been coming each year for 21 years. We will come regardless of the pheasant outlook but we will refine where we hunt based on the information. Our hunt revolves around Sept. 1 of each year when we can read how the pheasants did over the year and their nesting success. Please reinstate the annual brood count program!!!