



COMMISSION MINUTES

South Dakota Game, Fish and Parks Commission

January 12-13, 2023

Matthews Training Center | Pierre, SD

CALL MEETING TO ORDER AT 1:00 PM CST/12:00 PM

Vice chairman Whitmyre called the meeting to order at 1:00 pm CST at the Matthews Training Center in the Joe Foss Building located in Pierre, SD. Commissioners Julie Bartling, Jon Locken, Robert Whitmyre, Stephanie Rissler, and Charles Spring were present, with Travis Bies joining the meeting remotely. The public and staff could listen via SDPB Livestream, participate via video conference, or in person, with approximately 105 total participants via Zoom or in person.

DIVISION OF ADMINISTRATION

1. CONFLICT OF INTEREST DISCLOSURE

Vice chairman Whitmyre called for a conflict of interest to be disclosed. *None were present.*

2. APPROVE MINUTES OF THE PREVIOUS MEETING MINUTES

Vice chairman Whitmyre called for any additions or corrections to the regular minutes of December 2022 meeting. Minutes are available at <https://gfp.sd.gov/commission/archives/>. *Motion by Locken with a second by Rissler to APPROVE THE MINUTES OF THE DECEMBER 8-9, 2022, REGULAR MEETING MINUTES. The motion carried unanimously.*

3. ADDITIONAL COMMISSIONER SALARY DAYS

Vice chair Whitmyre called for any additional salary day from the commissioners. *No additional salary days were requested by the commissioners.*

4. ELECTION OF OFFICERS

Vice Chair Whitmyre opened the floor for officer elections.

Motion by Locken with a second by Bartling to elect Stephanie Rissler as Chair of the Commission. Motioned by Locken, seconded by Bartling to cease nominations. *Motion to CEASE NOMINATIONS carried unanimously. Motion to ELECT STEPHANIE RISSLER TO COMMISSION CHAIR carried unanimously.*

Motion by Whitmyre, seconded by Bartling to elect Travis Bies as Vice-Chair of the Commission. *Motion to ELECT TRAVIS BIES AS COMMISSION VICE-CHAIR carried unanimously.*

5. FY2024 BUDGET UPDATE

Chris Petersen, Director of Administration, presented the commission with the Fiscal Year 2024 budget.

6. LEGISLATIVE UPDATE

Jon Kotilnek, Senior Staff Attorney, gave a legislative update to the commission.

7. WESTERN SOUTH DAKOTA SHOOTING SPORTS COMPLEX

John Kanta, Terrestrial Section Chief, reported that the department has made excellent progress on the South Dakota Shooting Sports Complex. The environmental assessment has been completed with a finding of no significant impact by the U.S. Fish and Wildlife Service. The department has obtained all permits from the U.S. Army Corps of Engineers and has worked with the Meade County Commission to relocate a section line on the property, receiving a 5-0 vote and will continue to work with the Meade County Commission into the future. The department is finalizing design plans and will meet February 15 with the project building committee for final approval. The project will go out for bid on February 23, 2023, and construction will begin in May of 2023 with a projected completion date of October 2024. To date, the department has raised about \$2.8 million for the project. Supporters of the project includes non-government organizations such as Safari Club International,

Rocky Mountain Elk Foundation, Wild Sheep Foundation, Youth Hunting Adventures, local business owners such as Pizza Ranch and Kommando Store, and a number of individuals from across the state.

8. GO OUTDOORS SOUTH DAKOTA UPDATE

Scott Simpson, Deputy Secretary, updated the commission on the Go Outdoors South Dakota program.

9. NEW STAFF INTRODUCTIONS

Commissioners were introduced to new staff.

OPEN FORUM

Jon Kotilnek, senior staff attorney, opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda. The open forum started at 2:01 pm CST.

- Dana Rogers of Pierre, SD
- Justin Broughton of Sioux Falls, SD
- Ronald Kolbeck of Salem, SD
- Mitch Richter of Rapid City, SD
- Jake Leibke of Garden City, SD
- Jamie Al-Haj of Rapid City, SD
- Nancy Hilding of Black Hawk, SD
- Clint Hay of Brookings, SD
- Julie Anderson of Rapid City, SD

The open forum concluded at 2:34 pm CST.

PETITIONS

10. BUTTE COUNTY CANADA GOOSE SEASON EXTENSION

Ian Williams of Whitewood, SD filed petition #153 to the commission to consider a rule change to extend the Butte County Canada goose season.

Department Position: The department recommended denying the petition.

Motioned by Bartling, seconded by Whitmyre to DENY THE PETITION EXTEND THE BUTTE COUNTY CANADA GOOSE SEASON. The motion carried unanimously.

Motioned by Locken, seconded by Bartling to ADOPT RESOLUTION 23-02 TO DENY THE PETITION TO EXTEND THE BUTTE COUNTY CANADA GOOSE SEASON. The motion carried unanimously.

11. RETRIEVAL OF BIG GAME IN WALK-IN AREAS

Ian Williams of Whitewood, SD filed petition #154 to the commission to allow the retrieval of big game on walk-in areas.

Department Position: The department recommended denying the petition.

Motioned by Whitmyre, seconded by Bartling to DENY THE PETITION TO ALLOW THE RETRIEVAL OF BIG GAME ON WALK-IN AREAS. The motion carried unanimously.

Motioned by Whitmyre, seconded by Bartling to ADOPT RESOLUTION 23-03 TO DENY THE PETITION TO ALLOW THE RETRIEVAL OF BIG GAME ON WALK-IN AREAS. The motion carried unanimously.

12. CHANGE PERCH LIMIT TO TEN FISH PER DAY

Nick Mauris of Sioux Falls, SD filed petition #156 to the commission to consider limited the limit of perch to ten per day.

Jesse Christianson of Astoria, SD filed petition #157 to the commission to consider limited the limit of perch to ten per day.

Mike Collins of Brookings, SD filed petition #158 to the commission to consider limited the limit of perch to ten per day.

Caleb Cohrs of Aurora, SD filed petition #159 to the commission to consider limited the limit of perch to ten per day.

Sterling Gerhke of Castlewood, SD filed petition #160 to the commission to consider limited the limit of perch to ten per day.

Mike Dallagar of Webster, SD filed petition #161 to the commission to consider limited the limit of perch to ten per day.

Ryan Busche of Webster, SD filed petition #162 to the commission to consider limited the limit of perch to ten per day.

Mike Zell of Huron, SD filed petition #163 to the commission to consider limited the limit of perch to ten per day.

Marcus Quam of Webster, SD filed petition #164 to the commission to consider limited the limit of perch to ten per day.

Peter Rogers of White, SD filed petition #165 to the commission to consider limited the limit of perch to ten per day.

Eric Kracke of Hartford, SD filed petition #166 to the commission to consider limited the limit of perch to ten per day.

Brock Nothem of Arlington, SD filed petition #167 to the commission to consider limited the limit of perch to ten per day.

Chad Schoffelman of Sioux Falls, SD filed petition #168 to the commission to consider limited the limit of perch to ten per day.

Adam Porter of Brookings, SD filed petition #169 to the commission to consider limited the limit of perch to ten per day.

Josh Hansen of Arlington, SD filed petition #170 to the commission to consider limited the limit of perch to ten per day.

Jake Arlt of Brookings, SD filed petition #171 to the commission to consider limited the limit of perch to ten per day.

Jeff Trapp of Milbank, SD filed petition #172 to the commission to consider limited the limit of perch to ten per day.

Department Position: The department recommended denying petitions #156-172.

Motioned by Whitmyre, seconded by Bartling to DENY THE PETITIONS 156-172 DUE TO REDUNDANCY. The motion carried unanimously.

Motioned by Bartling, seconded by Spring to ADOPT RESOLUTION 23-04 TO DENY PETITIONS 156-172 DUE TO REDUNDANCY. The motion carried unanimously.

Clint Hay of Brookings, SD filed petition #155 to the commission to consider limiting the limit of perch to ten per day.

Department Position: The department recommended denying the petition.

Motioned by Locken, seconded by Bartling to DENY THE PETITION TO LIMIT YELLOW PERCH TO TEN PER DAY. The motion carried unanimously.

Motioned by Whitmyre, seconded by Bartling to ADOPT RESOLUTION 23-05 TO DENY THE PETITION TO LIMIT YELLOW PERCH TO TEN PER DAY. The motion carried unanimously.

PROPOSALS

13. FIREARMS CHANGES TO STATE PARKS AND RECREATION AREAS – CHAPTERS 41:03:01:16, 41:06:40:05, AND 41:06:20:02

Al Nedved, Deputy Director of the Parks and Recreation Division informed the commission of the proposed firearms changes to the state parks and recreation areas. (1) These changes would provide the Department the option to open up portions of state parks and recreation areas to hunting during the months of September and May by means of posting, signage and other designations. (2) Current administrative rule does not allow for hunting in any form on Oahe Downstream recreation area park lands west of SD Hwy 1806 and north of Fort Pierre. (3) The proposed rule change would allow for hunters to legally hunt park lands west of SD Hwy 1806. This would clear up the rule to coincide with what is currently enforced. Park lands include: OHV and land outside the fenced shooting complex perimeter. (4) This proposal would restrict or clarify Revheim Bay Recreation Area as archery only. (5) This proposal would clarify Newtown Hills State Park, Rocky Point Recreation Area, Lake Poinsett Recreation Area and North Point Recreation Area to archery hunting and shotgun only, but with options to post certain areas for open hunting.

The following are proposed draft changes that are intended to incorporate the recommended changes adopted by the Commission.

41:03:01:16. Restrictions on use of firearms, air guns, crossbows, and bows in the state park system -- Exceptions. Uncased firearms, air guns, crossbows, and bows are prohibited in the state park system with the following exceptions:

1. Uncased firearms, air guns, crossbows, and bows are permitted on designated rifle and archery ranges year-round and may be transported or carried uncased to and from ranges and boat ramps from designated parking areas;
2. A firearm, air gun, crossbow, or bow legally transported in a motor vehicle, trailer camper, or boat, pursuant to state law, is considered cased for purposes of this section;
3. Hunters licensed for the special Custer State Park hunting seasons may have uncased firearms, crossbows, and bows in Custer State Park during the season for which they are licensed;
4. From September 1 through May 31, uncased firearms, air guns, crossbows and bows are authorized for licensed hunters in all lakeside use areas, and Shadehill Recreation Area, and Oahe Downstream Recreation Area west of highway 1806, or any portion of a state park or recreation area that is designated open to hunting.
5. From October 1 through April 30, uncased firearms, air guns, crossbows, and bows are authorized for licensed hunters in the state park system during established hunting seasons with the following restrictions:
 - a. Uncased firearms, air guns, crossbows, and bows are prohibited year-round in all established campgrounds, designated day-use areas, and at Beaver Creek Nature Area, Lake Herman State Park, Spring Creek Recreation Area, Spirit Mound Historic Prairie, Bear Butte State Park east of State Highway 79, Oahe Downstream Recreation Area east of SD Highway 1806 except for a hunter who possesses a valid deer license for Unit WRD-58D, as described in chapter 41:06:20, or a valid turkey license for Unit PST-58B, as described in chapter 41:06:13, and Adams Homestead and Nature

Preserve and Good Earth State Park, except for a resident hunter who possesses a valid archery deer license and an access permit, as described in chapter 41:06:22, or except for a resident hunter or a mentored hunter who possesses a valid archery spring turkey license and an access permit, as described in chapter 41:06:13;

- b. Only bows and crossbows are permitted in Big Sioux Recreation Area, the Forest Drive Unit of Richmond Lake Recreation Area, Palisades State Park, LaFramboise Island Nature Area, Chief White Crane Recreation Area, Clay County Recreation Area, Revheim Bay Recreation Area, and the mouth of Spearfish Canyon;
 - c. Only shotguns using shot shells, crossbows, and bows are permitted in West Whitlock Recreation Area, West Pickerel Recreation Area, Mina Recreation Area, Okobojo Recreation Area, Farm Island Recreation Area, Angostura Recreation Area, Cow Creek State Recreation Area, Oakwood Lakes State Park, Newton Hills State Park, Rocky Point Recreation Area, Lake Poinsett Recreation Area, and the portions of North Point State Recreation Area that are situated to the west of 381st Street and north of 297th Avenue, west of 382nd Avenue and north of 297th Street, and south of 297th Street, and west of Prairie Dog Bay; and
 - d. A person who possesses a valid turkey license for Unit PST-48A, as described in chapter 41:06:13, is permitted to have an uncased shotgun using shotshells, a crossbow, a bow, or a muzzleloading shotgun within the boundary of Sica Hollow State Park from the first Saturday of April through May 31; and
6. A person who is allowed to legally carry a concealed pistol pursuant to state law may carry a concealed pistol at any time.

41:06:20:02. Open units -- Exceptions. The following is a description of the open units:

(34) Unit WRD-58D: Stanley County, except the portions included in Units WRD-45C and WRD-45D, but including the portions of department campground Oahe Downstream RA below Oahe Dam east of Highway 1806. Licenses are only available to persons who use a wheelchair. Additional licenses may be issued to nonresident hunters who use a wheelchair;

41:06:40:05. Restrictions. Mourning dove hunting restrictions are as follows:

1. Doves may be shot only in flight; and
2. All state parks and state recreation areas are closed to dove hunting except Angostura State Recreation Area excluding that portion of the area lying east of the dam, and Shadehill State Recreation Area, the portions of Oahe Downstream Recreation Area located west of SD Highway 1806 or any portion of a state park or recreation area posted as open as described in chapter 41:03:01.

Motioned by Locken, seconded by Whitmyre to REMOVE SECTION NOTH POINT RECREATION AREA FROM THE PROPOSAL. The motion carried unanimously.

Motioned by Bartling, seconded by Whitmyre to APPROVE THE PROPOSAL AS AMENDED. The motion carried unanimously.

14. PUBLIC LANDS AND WATERS – CHAPTER 41:04:02:23

Law Enforcement Chief, Sam Schelhaas, brought forth a proposal to amend 41:04:02:23 which would extend the no boating zone from 100 feet to 300 feet to better align the rule with existing buoy placement. This amendment would continue to provide for adequate use of the lake while protecting boaters.

Motioned by Whitmyre, seconded by Locken to APPROVE THE PROPOSAL. The motion carried unanimously.

15. MOUNTAIN GOAT SEASON – CHAPTER 41:06:29

Andrew Norton, Wildlife Program Administrator, presented the commission with the Mountain Goat Hunting Season proposal. This proposal would close the mountain goat hunting season and discontinue the sale of preference points.

Motioned by Bartling, seconded by Whitmyre to APPROVE THE PROPOSAL. The motion carried unanimously.

16. ARCHERY ANTELOPE HUNTING SEASON – CHAPTER 41:06:24

Department proposed changes:

1. Modify ARSD 41:06:24:01 (Archery antelope hunting season established -- Open area -- Number and type of licenses available) as follows:

- a. The archery antelope hunting season is open in those areas of the state with a firearm antelope season and in the portions of Custer and Pennington Counties within the Black Hills Fire Protection District, except Custer State Park, with access permits from one-half hour before sunrise to one-half hour after sunset each day beginning on the third Saturday of August through October 31, except during the firearm antelope season.

~~An unlimited number of resident one-tag antelope licenses for this season valid on public and private land may be issued.~~

Unlimited number of nonresident one-tag archery antelope licenses valid on private land not leased by the Department of Game, Fish and Parks for public hunting may be issued.

No more than four hundred and fifty nonresident one-tag archery antelope licenses valid on public and private land may be issued by lottery drawing.

~~The Access permits may be issued by lottery drawing.~~

No action was taken.

17. ARCHERY DEER HUNTING SEASON – CHAPTERS 41:06:22 AND 41:06:01:17

Department proposed changes:

1. Modify ARSD 41:06:22:01 (Archery deer hunting season established -- Number and type of licenses -- Access permits) as follows:

1. a. The archery deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset each day beginning September 1 through January 1, except as otherwise provided in § 41:06:22:02.
2. Unlimited resident "any deer" licenses may be issued for units ARD-ST1, ARD-ER1, and ARD-WR1, and unlimited resident and nonresident antlerless whitetail deer licenses may be issued for unit ARD-LM1.
3. Unlimited nonresident "any deer" licenses valid on private land not leased by the Department of Game, Fish and Parks for public hunting may be issued for unit ARD-ST1.
4. Two thousand and two hundred nonresident "any deer" licenses may be issued valid for unit ARD-ST1 on public and private lands.
5. One thousand single-tag "any antlerless deer" licenses may be issued for use in ARD-MP1, ARD-MP2, and ARD-MP3.
6. No more than ten "any deer" and 50 antlerless whitetail deer access permits may be issued to residents for Adams Homestead and Nature Preserve.
7. No more than ten "any deer" and 25 "antlerless whitetail deer" access permits may be issued to residents for Good Earth State Park.

8. No more than 500 "any deer" access permits may be issued to residents, and no more than 125 "any deer" access permits may be issued to nonresidents for unit WRD-35L described in § 41:06:20:02.
9. No more than 20 "any deer" access permits may be issued to residents, and no more than five "any deer" access permits may be issued to nonresidents for Unit WRD-274L, described in § 41:06:20:02.
2. Modify ARSD 41:06:22:01.02 (Nonresident archery deer hunting season restrictions) as follows:
 1. A nonresident may not hunt deer on private lands leased for public access by the department or public lands prior to October 1. ~~A license obtained by a nonresident on or after the first day of April is valid only on private lands not leased for public access by the department.~~
3. Modify ARSD 41:06:22:03.01 (License purchase restrictions) as follows:
 - a. ~~A person resident~~ may purchase one statewide "any deer" license valid on public and private land. In lieu of a statewide "any deer" license, a resident person may purchase one East River "any deer" license and one West River "any deer" license valid on public and private land. A nonresident may purchase one statewide "any deer" license valid on private land only or apply for one "any deer" license valid statewide on public and private land made available through a lottery draw. A nonresident may not purchase more than one archery any deer license. No person may purchase more than one "antlerless whitetail deer" archery license.
4. Modify ARSD 41:06:01:17 (Access permits required for specific deer hunting units and public lands) as follows:
 - a. Any resident or nonresident deer hunter possessing an archery deer license valid for public land shall obtain and possess a free limited access permit to hunt hunting units or public lands described in § 41:06:22:01.

No action was taken.

DIVISION OF PARKS & RECREATION

18. FIRST-DAY HIKES

April Larson, Marketing Coordinator, gave a report to the commissioners on the first-day hikes that happened on January 1, 2023, across the state.

19. 2022 VOLUNTEER SEASON SUMMARY

Rachel Comes, Volunteer Coordinator, provided the commission information on the state park volunteer program. In 2022, volunteers working in the state park system provided over 95,500 hours of service, contributed by 336 individual volunteers. This equates to 45.95 FTE and an estimated fiscal impact of \$1,242,000. Typical-park volunteers include campground hosts and maintenance volunteers, who stay at the park during their service. These on-site volunteers are provided a full hook-up (electricity, water, and sewer) campsite during their service in exchange for 24 hours of service per person per week. There are also commuter and group volunteers, who volunteer at their local park for a one-day improvement project or special event.

20. CHECKOUT SOUTH DAKOTA PARKS PROGRAM

Rachel Comes, Volunteer Coordinator, informed the Commission on a new statewide partner program with the South Dakota State Library. Through this service, library patrons will be able to check out a 3-day state park vehicle pass, free of charge to enjoy our state parks. There are currently 200 passes distributed among 76 participating public libraries. This program is made possible with Library Services and Technology Act (LSTA) American Rescue Plan (ARP) funding available to the State Library through the Institute of Museum and Library Services (IMLS).

21. CUSTER COUNTY STATE PARK RESORT OPERATION AND MAINTENANCE RESERVE UPDATE

Josh Schmaltz, CSP Resort Company and Matt Snyder West Regional Supervisor, shared with the commission the proposed repair and maintenance projects planned for calendar year 2023. They also recapped the completed projects for calendar year 2022. The Repair and Maintenance Fund consist of 3% of Resort Companies gross annual revenue to be used solely for the repair and maintenance of the state-owned buildings managed by the concessionaire.

DIVISION OF WILDLIFE

22. NEST PREDATOR BOUNTY PROGRAM

Tom Kirschenmann, Wildlife Director and Emmett Keyser, Region 3 Supervisor, reported on the Nest Predator Bounty Program.

Motioned by Whitmyre, seconded by Spring to ADOPT RESOLUTION 23-01 TO CONDUCT THE NEST PREDATOR BOUNTY PROGRAM FROM 2023 THROUGH 2026. The motion carried unanimously.

Motioned by Bartling, seconded by Whitmyre to RENAME THE YOUTH TRAP GIVEAWAY TO THE BENTON HOWE YOUTH TRAP GIVEAWAY. The motion carried unanimously.

23. AQUATIC INVASIVE SPECIES MANAGEMENT PLAN ADOPTION

Jake Davis, Fisheries Program Manager, and John Lott, Fisheries Section Chief reported on the Aquatic Invasive Species Management Plan.

Motioned by Bartlings, Seconded by Whitmyre to ADOPT THE AQUATIC INVASIVE SPECIES MANAGEMENT PLAN. The motion carried unanimously.

24. BIGHORN SHEEP AUCTION LICENSE

John Kanta, Terrestrial Section Chief, presented the action item to approve the areas valid for the Bighorn Sheep Auction License. For the 2023 bighorn sheep hunting season, include Units 2, 4, and Custer State Park to the area valid to hunt with the bighorn sheep auction license.

Motioned by Locken, seconded by Spring to APPROVE THE UNITS 2, 4, AND CUSTER STATE PARK TO THE AREA VALID TO HUNT WITH THE BIGHORN SHEEP AUCTION LICENSE. The motion carried unanimously.

Motioned by Bartling, seconded by Whitmyre to APPROVE THE WILD SHEEP FOUNDATION – MIDWEST CHAPTERS APPLICATION TO AUCTION A BIGHORN SHEEP TAG. The motion carried unanimously.

25. TURKEY HUNTING RECRUITMENT LICENSES

John Kanta, Terrestrial Section Chief, presented three separate applications for the Turkey Hunting Recruitment Licenses: (1) Delta Waterfowl Foundation of Aberdeen, SD; (2) Wild Sheep Foundation – Midwest Chapter of Northfield, MN; and (3) South Dakota Freedom Hunts, Inc of Flandreau, SD.

Motioned by Whitmyre, seconded by Bartling to APPROVE ALL APPLICANTS OF THE TURKEY HUNTING RECRUITMENT LICENSES. The motion carried unanimously.

26. OAHE FISHERY UPDATE

Mark Fincel, Fisheries Supervisor, provided an update on the Lake Oahe Walleye fishery. He discussed the past walleye and prey fish stockings, stocking plans going forward, and the path to present this information to anglers through various public meetings and videos.

27. HABITAT STAMP THREE-YEAR PLAN

Ryan Wendinger, Habitat Program Administrator, and Jake Davis, Fisheries Program Manager, presented the 3-year habitat stamp plan that was recently developed as an information item to the commission. This document

outlines the plan for the next three years as to how we will be spending habitat stamp dollars collected under SB 75. This includes what types of projects will be funded, how GFP will report out to the public and GOAC on accomplishments, and a projected financial plan for the next three years.

28. RIVER OTTER SEASON SUMMARY

Alex Solem, Senior Upland Game Biologist, informed the commission that the 2022 river otter hunting/trapping season began November 1 with a harvest limit of 20 river otters. This harvest limit was reached on November 13 and the season officially closed November 14 with a total of 21 river otters harvested. River otters were harvested in Brookings (2), Deuel (4), Moody (4), Roberts (5), Hamlin (2), Lake (1), Union (1), and Codington counties (2) within the designated open season boundary. Harvest trends and population demographics are continually being collected for population monitoring efforts.

29. LICENSE SALES UPDATE

Director Kirschenmann, Wildlife Director, provided a summary of license sales and described that license sales remain good and a little ahead of last year. Resident small game license sales have gone up from last year, and the department is conducting a survey to better understand why fishing license sales have dropped. Nonresident license sales are comparable to last year. Kirschenmann also provided a brief field report on how small game, waterfowl, and big games seasons have gone.

ADJOURN

Motioned by Bartling, seconded by Whitmyre to adjourn the meeting. The motion carried unanimously.

Meeting ADJOURNED ON JANUARY 13, 2023 AT 10:54 AM CT.

Respectfully submitted,



Kevin Robling, Department Secretary