

Minutes of the Game, Fish, and Parks Commission  
May 5-6, 2016

Chairman Petersen called the meeting to order at 1:00 p.m. MDT at the Creekside Lodge in Custer, South Dakota. Commissioners Cathy Peterson, Barry Jensen, John Cooper, H. Paul Dennert, Gary Jensen, Russell Olson, W. Scott Phillips, and Jim Spies were present. Secretary Kelly Hepler was present along with approximately 30 public, staff, and media.

**Executive Session – Discuss Pending Litigation**

Motioned by B. Jensen, seconded by G. Jensen to enter into executive session to discuss pending litigation. The Commission concluded executive session at 1:40 p.m. MDT

**DIVISION OF ADMINISTRATION**

**Approval of Minutes**

Chairperson Peterson called for any additions or corrections to the April 7-8, 2016, minutes or a motion for approval.

Motion by Cooper with second by Spies TO APPROVE THE MINUTES OF THE APRIL 7-8, 2016, MEETING. Motion carried unanimously.

**Additional Commissioner Salary Days**

Commissioner Phillips requested two additional salary days for his participation in the agency strategic planning workgroup.

Motion by Dennert with second by Spies TO APPROVE THE ADDITIONAL SALARY DAYS AS REQUESTED. Motion carried unanimously.

**License List Requests**

Chris Petersen, Administration Division Director presented a license list request for pheasant hunter by state from Dakota Prairie Lodge and Resort LLC of Kimball, SD to be used for direct marketing to hunters. This is a full fee request

Motion by B. Jensen with second by Phillips TO APPROVE THE LICENSE LIST REQUEST. Motion carried unanimously.

Petersen also provided a summary of the license lists requested processed under the new procedures. Those requests were as follows: National Wild Turkey Federation – licensed turkey hunters, Chuck Ross (pending) – small game preserve license holders, and Cabela's William-Neil and Associates (pending) – all 2015 resident and nonresident hunting licenses.

**Strategic Planning Update**

Secretary Hepler provided an update from the strategic planning workgroup meeting that was held in April. He indicated the 50 person group composed of staff from all positions across the state met to develop a department mission, vision and values as well as goals. Hepler further explained how the information from the staff focus groups held throughout the state will be added to these goals and that the plan will become a business plan for department. The next workgroup meeting will be held June 9<sup>th</sup> and 10<sup>th</sup>.

Commissioner Phillips reported the process was good and engaging. He noticed great staff representation from across the state and all participated well. His recommendation was to define the terms used to describe what staff do for better understanding by all.

Commissioner Peterson asked the Commissioners to let her know if they are available to attend future meetings.

## **PROPOSALS**

### **Black Hills Deer Hunting Season**

Program Administrator Chad Switzer presented recommended changes to the Black Hills Deer Hunting Season to offer 400 more resident antlerless whitetail licenses and 32 more nonresident antlerless whitetail licenses than in 2015. Other changes include modifying the Black Hills antlerless deer management units and removing language from administrative rule depicting the license type and number of license from each hunting unit.

Motioned by Spies with second by G. Jensen TO APPROVE THE PROPOSAL FOR BLACK HILLS DEER HUNTING SEASON AS PRESENTED. Motion carried unanimously.

### **East River Deer Hunting Season**

Switzer presented the recommended changes in the east river deer hunting season as specified below

1. Offer 4,220 less one-tag licenses, 5,075 more two-tag licenses (10,150 tags), and 1,400 more 3-tag licenses (4,200 tags) compared to 2015.
2. Establish Unit ERD-12B as an antlerless deer unit within Bon Homme County described as that portion of Bon Homme County south of SD Highway 50 and east of SD Highway 37 (see map).
3. Remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motioned by Cooper with second by Dennert TO APPROVE THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

### **West River Deer Hunting Season**

Switzer provided the recommend changes to west river deer hunting season as specified below

1. Adjust resident license numbers by decreasing one-tag licenses by 2,095 and increasing two-tag licenses by 3,800 compared to 2015.
2. Adjust nonresident license numbers by decreasing one-tag licenses by 168 and increasing two-tag licenses by 304 compared to 2015.
3. Remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motioned by G. Jensen with second by Phillips TO APPROVE THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

### **National Wildlife Refuge Deer Hunting Season**

Switzer presented the recommended changes to the national wildlife refuge deer hunting season to offer 10 less resident and 1 less nonresident any deer licenses for RFD-LC2 in Lacreek National Wildlife Refuge and remove the language in administrative rule that depicts the license type and number of licenses for each hunting unit.

Motioned by Spies with second by G. Jensen TO APPROVE THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

### **Archery Deer Hunting Season**

Switzer provided the recommend changes to archery deer hunting season as specified below

1. For Unit ARD-LM1, close units 39A and 45B and open units BD1, BD2, 01A, 06A, 07B, 12B, 27B, 35A, 35C, 43A, 44A (north of 273<sup>rd</sup> Street), 46A, 49A, 49B, 52A, and 53A.
2. Increase the number of "antlerless whitetail deer" archery access permits from 20 to 25 for the Adams Homestead and Nature Preserve.
3. Remove the language in administrative rule depicting the license type and number of licenses from each hunting unit and the number of access permits from each designated area.

Motioned by Cooper with second by Phillips TO APPROVE THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

### **General Muzzleloading Deer Hunting Season**

Switzer provided the recommend changes to archery deer hunting season as specified below

1. For Unit MZD-LM1, close units 39A and 45B and open units BD1, BD2, 01A, 06A, 07B, 12B, 27B, 35A, 35C, 43A, 46A, 49A, 49B, 52A, and 53A.
2. Remove language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motioned by G. Jensen with second by Phillips TO APPROVE THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

### **Youth Deer Hunting Season**

Switzer provided the recommendation to not make any changes to the youth deer hunting season from 2015.

Motioned by B. Jensen with second by G. Jensen TO KEEP THE CURRENT REQUIREMENTS AND RESTRICTIONS WITHOUT CHANGES FROM 2015 AS RECOMMENDED. Motion carried unanimously.

### **Custer State Park Deer Hunting Season**

Switzer provided the recommended changes to the Custer State Park deer hunting season to offer 10 more antlerless whitetail deer muzzleloader license, repeal unit CUD-ZZ1 and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motioned by Dennert with second by B. Jensen TO APPROVE THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

### **Deer Hunting Seasons – Hunting Unit License & Access Permit Allocations**

Deputy Director Tom Kirschenmann presented the number and type of hunting licenses in each unit for the Black Hills, East River, West River, Refuge, Muzzleloader, and Custer State Park Deer Hunting Seasons and allocations of Archery Deer Access Permits.

Motioned by Cooper with second by Dennert TO APPROVE THE PROPOSED LICENSE ALLOCATIONS AND ACCESS PERMITS AS RECOMMENDED. Motion carried unanimously.

### **Application for License**

Switzer presented a change to the application for license to allow the Department to make free antlerless deer license available to qualifying farmers and ranchers in designated area in accordance with current harvest management objectives.

1. Repeal language referencing licenses available after second lottery drawing from the previous year and to those counties where antlerless archery and muzzleloader licenses are restricted.
2. Make “antlerless whitetail deer” licenses available to those eligible applicants in hunting units which offer a deer license with multiple tags for antlerless deer (e.g. double or triple “any antlerless deer” or “antlerless whitetail deer” tags) in the lottery drawing for the East River and West River deer seasons (see attached map).

Motioned by Cooper with second by G. Jensen TO APPROVE THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

### **OPEN FORUM**

David Hanna and Jeff Olson of the Black Hills Fly Fisherman presented Game Fish and Parks with a check for \$50,000 to be used toward the Pactola Basin hydro project on. Their organization pledged another 70,000 for next year.

Frank English, Rapid City, SD shared with the Commission his idea to utilize vacant public land along the interstate to create shelterbelts for wildlife. His plan would

enlist the help of volunteers and jail trustees to plant saplings that can be purchased from the state for under a dollar a piece. He recommended each county be responsible for the projects along their interstate roadways.

Russ Roberts, St. Onge, SD requested a change to the third application for deer, antelope and turkey draws to only allow for two licenses instead of 5 to allow sportsman more opportunity.

Nancy Hilding, Prairie Hills Audubon Society, was present to invite the Commission and public to Endangered Species day. Hilding also stated she would like to see legislature change current state law in regards to killing of a state or federal listed endangered species making it a class 1 misdemeanor to be consistent with the illegal take of big game. Hilding also expressed her concern to increase state trap checking guidelines to have a 24 hour trap check time and have a trapper id requirement. Hilding also suggested South Dakota review their Cougar hunting laws similar to Wyoming to address concerns about management for sync.

Jeff Olson, Sportsman Against Hunger spoke to the group recognizing the success of due to their 10 year partnership with GFP and indicated 35,000 pounds was donated last year to provide meals for those in need.

Ben Wudtke, Black Hills Forest Resource Association spoke in regards to EAS issues in the Black Hills. Wudtke stated endangered species are important issues and requested his organization work with Commission & GFP in the future. He noted three species they are currently tracking the Northern Long-Eared Bat, Black Backed Woodpecker, and Wester Bumble Bee/Yellow-Banded Bumble Bee.

Jim Glines provided maps to indicating the limited mountain lion hunting area due to Forest Service road closures not allowing access to a large portion of the hunting area. Doesn't want to see the hunting reduced because the quota is not being met as this is an important factor.

## **PETITIONS FOR RULE CHANGE**

Glenn Spitzer, Aberdeen, SD submitted a petition to authorize issuing a limited number of youth "any deer" licenses for the youth deer season which are valid only on private lands to draw more youth hunters to the sport and give landowners with depredation problems another option.

Leif explained the Commissions options to accept the petition as proposed and amend the administrative rule or take action to reject the petition by a resolution stating the reasons why.

Per the request of the Commission, Leif presented a resolution outlining reasons for denial of the petition for the Commissions consideration.

Commissioner Phillips and Leif noted the Department is in the process of crafting a statewide deer management plan with the assistance of public input via a deer

stakeholder group to be utilized in recommendations of management through license allocations. With this in mind, in lieu of initiating rule-making proceedings at this time the appropriate approach would be to discuss the possibility of allowing additional youth licenses on private property with the deer stakeholder group through this planning process prior to making a recommendation.

Motion by Phillips with second by Spies TO ADOPT RESOLUTION 16-05 (Appendix A) DENYING THE PETITION WITH THE CAVEAT FOR DISCUSSION OF IN THE DEER MANAGEMENT PLAN WORKGROUP MEETINGS. Motion carried unanimously.

## **DIVISION OF PARKS AND RECREATION**

### **Parks and Wildlife Foundation Land Donation**

Katie Ceroll, Parks and Recreation Division Director described the 6 acre tract of land in Lincoln County to be gifted to the Department from the South Dakota Parks and Wildlife Foundation. Ceroll explained the land will be an addition to Good Earth State Park and will be utilized to provide park and public recreational opportunities.

Motion by B. Jensen with second by Spies TO ACCEPT THE GIFTED PROPERTY FROM THE SOUTH DAKOTA PARKS AND WILDLIFE FOUNDATION LOCATED IN LINCOLN COUNTY TO BE USED FOR PARKS AND RECREATION USE. (Appendix B). Motion carried unanimously.

### **Roy Lake Resort Concession**

Sean Blanchette, Concessions Manager provided an update on the prospectus for sale of the resort at Roy Lake noting no proposals have been received and an extension has not been requested. Resort owner Jan Pitzl will continue to operate as obligated under the current lease.

Blanchette also briefed the Commission on the status of the comprehensive review of the 6 concession operations that is currently being conducted with CHM Government Services to determine overall viability. He indicated the contract was amended to include Bridge City Marian in Mobridge and Cedar Shore Resort in Oacoma in the study. This will extend the the length of the study and move the project completion deadline from early June to July.

### **Park Revenue and Camping Reservation Report**

Bob Schneider, Assistant Director provided the parks revenue and camping reservation report. The report includes a year to date comparison the of state park system revenue, camping and visitation. Schneider reported it has been another good month with overall revenue up 8 percent. He also noted the parks Open House Weekend which coincides with the free fishing weekend will happen May 20<sup>th</sup> – 22<sup>nd</sup>.

## **DIVISION OF WILDLIFE**

### **Wetlands America Trust Addition to Swan Lake GPA – Clark County**

Kirschenmann provided a map of the Wetlands America Trust Addition to Swan Lake GPA located five miles northeast of Bradley in Clark County. Kirschenmann

stated the public notice for the 240 acre piece of land has been published. The appraised value is \$511,000.00. This purchase will be brought to the Commission for final action at the June meeting and if approved, the expected closing date would be in July 2016.

### **Wetlands America Trust Addition to Odessa #1 GPA – McPherson County**

Kirschenmann provided a map of the Wetlands America Trust Addition to Odessa #1 GPA located nine miles southwest of Long Lake in McPherson County. Kirschenmann stated the public notice for this 80 acre piece of land has been published. The appraised value is \$84,000.00. This purchase will be brought to the Commission for final action at the June meeting and if approved, the expected closing date would be in July 2016.

### **Deer Management Plan Progress Report**

Kirschenmann informed the Commission that a detailed progress report will be provided to the Commission later this fall. He indicated the first stakeholder meeting held in February identified issues to be addressed and the next meeting to be held in June will address license allocations. Kirschenmann also noted they are compiling the results from the public opinion survey to be provided to the Commission at the June meeting.

### **Deer Population Report**

Andy Lindbloom, Senior Wildlife Biologist provide the Commission a deer management update with detailed information on herd composition and reproduction surveys as well as harvest data by type and location. Lindbloom also provided survival monitoring specifics, management objectives, and 2016 season recommendations.

### **Upland Game Hunting Season and Population Estimates**

Travis Runia, Senior Upland Game Biologist, presented the 2015 upland game summary noting the number of hunters and their success rates for residents and nonresidents by license type. Runia further explained that hot and dry weather during most of the season was likely a part of the reason why harvest per hunter didn't improve.

### **Turkey Management Plan Revision**

Chad Lehman, Senior Wildlife Biologist and Travis Runia presented the turkey management plan for 2016-2020. Lehman and Runia explained how they utilize biological data and hunter survey data to set population objectives and harvest strategies. Lehman noted they use an abundance estimate in the Black Hills based upon success rates. Lehman provided an update on the radio tracking study. Runia explained tools used to identify and manage areas with depredation.

### **Joint Monitoring of Forage on Forest Service Properties with USFS**

Mike Kintigh, Wildlife Regional Supervisor and Justin Mcconkey, US Forest Service provided a powerpoint presentation to explain the work they have done to develop cooperative strategies to monitor forest and range conditions and best manage wildlife.

## **Black Hills Fisheries Management Plan Implementation Update**

Greg Simpson, Fisheries Biologist utilized a power point presentation to inform the Commission on the Black Hills Fisheries management plan. Simpson updated the Commission on the native species, reservoirs managed and fish stocked. He also noted 16 of the 17 objectives in the plan have been accomplished and they have already begun work on many of the objective for 2016. Objectives include a number of habitat projects, fish research, and working with the public.

## **2015 Angler Survey Results**

Geno Adams, Wildlife Program Administrator explained the survey developed by SDSU and staff to identify what anglers want. Themes identified are access, cost of licenses, and difference in opinion in regards to resident vs. nonresidents particularly in specific bodies of water. The completed survey results will be available within the next month.

## **Spring Spawning Operation Report**

John Lott, Wildlife Aquatics Chief provided a handout summarizing 2016 spring spawning. Lott indicated that 134 million walleye eggs were taken to meet fry and fingerling quotas for stocking. He also noted they collected perch eggs this year for a small research project. The walleye stocking schedule by lake indicating priority was provided to the Commission.

Lott also provided an update on aquatic invasive species by providing copies of the plan summary noting current objectives and major areas of emphasis.

## **2016 License Sales Update**

Scott Simpson, Wildlife Administration Chief provided the licensed sales report as of May 2, 2016 for all licenses type for residents and nonresidents. Simpsons stated the majority of sales have been fishing license and that 50 percent of the licenses have been sold for the season. He also noted sales are slightly behind on annual resident fishing sales and combination licenses are consistent with last year's sales.

Per Commissioner Dennert request Simson provide nonresident fishing license sales stats for 1989 – 2015. Nonresident annual license and nonresident family license sales have increased in the last four years by approximately 13,000.

## **Adjourn**

Motioned by Phillips with second by B. Jensen TO ADJOURN THE MEETING. Motion carried unanimously and the meeting adjourned at 9:30 a.m.



## Appendix A

### RESOLUTION 16 - 05

WHEREAS, Glenn Spitzer of Aberdeen, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated April 15, 2016, requesting that the Game, Fish and Parks Commission amend ARSD 41:06:44 (Youth Deer Season) to authorize issuing a limited number of youth “any deer” licenses for the youth deer season which are valid only on private land 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 his request to authorize issuing a limited number of youth “any deer” licenses for the youth deer season which are valid only on private land; and

WHEREAS, the youth deer season was established to provide introductory and recruitment opportunities for young outdoor enthusiasts to hunt deer consistent with statewide deer management and equitable allocation of deer hunting opportunities; and

WHEREAS, the Department is currently in the process of developing a statewide deer management plan with the assistance of public input via a deer stakeholder group, which will cover an array of management components including elements such as seasons, licenses and tag allocations; and

WHEREAS, at this time the appropriate approach would be to discuss the request of an allocation of any deer licenses for the youth deer hunting season with the deer stakeholder group through this planning process prior to making a recommendation on the allowance for any deer licenses for the youth deer 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, Glenn Spitzer of Aberdeen, South Dakota.

## Appendix B

### RESOLUTION 16 - 06

WHEREAS, South Dakota Parks and Wildlife Foundation owns real estate described as follows:

Tract 1A of Good Earth Park Entrance Addition in the Northwest Quarter (NW¼) of Section 14, Township 100 North, Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, according to the recorded plat thereof (hereinafter “the Property”); **and**

WHEREAS, South Dakota Parks and Wildlife Foundation, Inc. desires to gift the Property to the South Dakota Department of Game, Fish and Parks (Department) as an addition to Good Earth State Park in Lincoln County, South Dakota; and

WHEREAS, the Department has evaluated and determined that the Property would serve very well as an addition to Good Earth State Park, providing park and public recreational opportunities; and

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

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

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

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