



# COMMISSION MINUTES

## South Dakota Game, Fish and Parks Commission

April 13-14, 2023

McCrary Garden | Brookings, SD

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

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Chair Rissler called the meeting to order at 1:00 pm CST at McCrorys Gardens located in Brookings, South Dakota on April 12, 2023. Commissioners Stephanie Rissler, Julie Bartling, Jim White, Robert Whitmyre, Travis Bies, Jon Locken, and Charles Spring were present. The public and staff can listen via SDPD Livestream, and participate via conference, or in person, with approximately 78 total participants attending via Zoom or in person.

### DIVISION OF ADMINISTRATION

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#### 1. CONFLICT OF INTEREST DISCLOSURE

Chair Rissler called for a conflict of interest to be disclosed. *None were present.*

#### 2. APPROVE MINUTES OF THE PREVIOUS MEETING MINUTES

Chair Rissler called for any additions or corrections to the regular minutes of March 2023 meeting. Minutes are available at <https://gfp.sd.gov/commission/archives/>.

*Motioned by Bies, seconded by Whitmyre to APPROVE THE MARCH 2023 REGULAR COMMISSION MEETING MINUTES. The motion carried unanimously.*

#### 3. ADDITIONAL COMMISSIONER SALARY DAYS

Chair Rissler called for any additional salary day from the commissioners.

*Rissler submitted six additional salary days. APPROVAL FOR RISSLER'S SIX ADDITIONAL SALARY DAYS. The motion carried unanimously.*

### OPEN FORUM

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Jon Kotilnek, Senior Attorney, opened the floor at 2:03 pm CST for discussion from those in attendance in matters of importance to them that may not be on the agenda.

1. Rich Widman of Brookings, SD testified in opposition to the waterfowl hunting seasons proposal.
2. Zachery Hunke of Watertown, SD representing the South Dakota Wildlife Federation testified in opposition to the waterfowl hunting seasons proposal.
3. Cody Warner or Webster, SD representing South Dakota Waterfowl Association testified in opposition to the waterfowl hunting seasons proposal.
4. Chuck Dieter of Brookings, SD testified in opposition to the waterfowl hunting seasons proposal.
5. Chuck Berry of Brookings, SD with the Lake Campbell Sportsmen Club thanked GFP for collaboration.
6. Ryan Roehr of Aberdeen, SD testified virtually in opposition to the waterfowl hunting seasons proposal.
7. Tim Gootormson testified about the Black Hills Elk Seasons.

Mr. Kotilnek closed the open forum at 2:31 pm CST.

Jake Hanson, representative for Pheasants Forever and Quail Forever, presented Director Tom Kirschenmann with the 2023 Conservation Award during the April 2023 Commission Meeting held in Brookings, SD. Mr. Hanson sited Director Kirschenmann's extensive outreach with South Dakota landowners to develop and expand habitat programs as the reason he was selected for this award.

## DIVISION OF ADMINISTRATION

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### 4. LICENSE HOLDER LIST REQUEST

Deputy Director Scott Simpson presented the Commission with a License Holder List Request from Leavitt Recreation and Hospitality Insurance of Sturgis, SD.

*Motioned by Locken, seconded by Bies to APPROVE THE LICENSE HOLDER LIST REQUEST. The motion carried unanimously.*

### 5. SOUTH DAKOTA GO OUTDOORS UPDATE

Keith Fisk, Licensing Program Administrator, gave a brief update on the fish/hunt side of GoOutdoors South Dakota system. He highlighted a few of the upcoming draws and application periods. Jodi Bechard, Parks Business Manager, reported that Go Outdoors South Dakota on the park side is going smoothly. She reported the 90-day window is now open through mid-July, three of the four holiday weekends are open, and most parks are full for reservations.

### 6. NEW STAFF INTRODUCTION

Jeff VanMeeteren, Parks & Recreation Director, and Tom Kirschenmann, Wildlife Director, introduced new staff to the Commissioners.

## PETITIONS

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### 7. ELK PREFERENCE POINTS

Bob Brandt of Rapid City, South Dakota, submitted Petition #187 requested a rule change to the elk preference point system.

Director Kirschenmann presented the petition to the commission, explained the complexity of the current drawing structure and use of preference points, and how the petitioners recommended changes would make the system even more complex.

Department Position: The department recommended denying the petition, due to the complexity and a structure that is currently working.

*Motioned by Spring, seconded by White to DENY THE PETITION TO CHANGE THE ELK PERFORMANCE POINTS SYSTEM. The motion carried unanimously.*

*Motioned by Whitmyre, seconded by Spring to ADOPT RESOLUTION 23-13 TO DENY THE PETITION TO CHANGE THE ELK PERFORMANCE POINTS SYSTEM. The motion carried unanimously.*

## PROPOSALS

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### 8. WATERFOWL HUNTING SEASON

#### WATERFOWL HUNTING SEASONS – CHAPTER 41:06:16

Director Kirschenmann provided background on the nonresident waterfowl recommendation to increase licenses by a total of 300. Kirschenmann discussed the emphasis on access for all hunters, new access areas on GPAs, and the effort to recruit more waterfowl hunters with the 2-tier system and youth waterfowl hunts. Multiple aspects of the proposed increase of 300 licenses were discussed.

#### Department Recommendations:

1. Increase the 2,000 3-day temporary nonresident licenses to 2,100.
2. Increase the 3,750 two 5-day nonresident licenses to 3,950.

Draft Administrative Rule Changes:

41:06:16:11. Maximum number of nonresident waterfowl licenses -- Open units -- Dates -- License restrictions. The maximum number of nonresident waterfowl licenses to be issued by lottery is ~~4,000~~ 4,200 special nonresident waterfowl licenses, 2,000 early fall Canada goose temporary nonresident licenses, ~~2,000~~ 2,100 fall three-day temporary nonresident waterfowl licenses, 100 nonresident youth waterfowl licenses, and 10,000 spring snow goose temporary nonresident licenses divided for administrative purposes as follows:

- (1) Unit NRW-00A: the counties of Union, Clay, Yankton, Bon Homme, and Charles Mix. No more than 250 special nonresident waterfowl licenses may be issued;
- (2) Unit NRW-00B: all open counties not in Units NRW-00A or NRW-11A. No more than ~~3,725~~ 3,925 special nonresident waterfowl licenses may be issued;
- (3) Unit NRW-00C: those counties as described in § 41:06:50:02. No more than 2,000 early fall Canada goose temporary nonresident waterfowl licenses may be issued;
- (4) Unit NRW-11A: Bennett County. No more than 25 special nonresident waterfowl licenses may be issued. The season in this unit is open for 65 consecutive days beginning on the third Saturday of October and during any period that Bennett County is open in January as described in subdivision 41:06:16:07(3);
- (5) Unit NRW-00X: the counties of Potter, Stanley, Sully, Hughes, and Lyman. No more than 750 fall three-day temporary nonresident waterfowl licenses may be issued. The licenses issued pursuant to this subdivision are valid only on private property;
- (6) Unit NRW-OOV: the counties of Brown, Campbell, Edmunds, Faulk, McPherson, and Walworth. No more than ~~500~~ 550 fall three-day temporary nonresident waterfowl licenses may be issued. The licenses issued pursuant to this subdivision are valid only on private property;
- (7) Unit NRW-00Y: the counties of Spink, Marshall, Roberts, Day, Grant, Clark, Codington, Deuel, and Hamlin. No more than 500 three-day temporary nonresident waterfowl licenses may be issued;
- (8) Unit NRW-OOZ: statewide except the counties in Units NRW-OOA, NRW-11A, NRW-OOV, NRWOOX and NRW-OOY. No more than ~~250~~ 300 fall three-day temporary nonresident waterfowl licenses may be issued. The licenses issued pursuant to this subdivision are valid only on private property;
- (9) Unit NRW-ST1: statewide. No more than 10,000 spring snow goose temporary nonresident licenses may be issued. The licenses issued pursuant to this subdivision are valid only during a Conservation Order;
- (10) Unit NYW-YW1: statewide. No more than 100 nonresident youth waterfowl licenses may be issued for the youth waterfowl season established in Chapter 41:06:49. A nonresident youth may also hunt during the youth waterfowl season with a valid waterfowl hunting license as provided for in this section.

Licenses issued under this section are valid only in the unit for which they are issued. Licenses for Unit NRW-11A include two tags for Canada geese. Each tag is valid for taking one Canada goose consistent with the provisions of § 41:06:16:09. Each goose shall be tagged immediately upon retrieval.

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

**9. DEER HUNTING SEASONS****Apprentice Hunter Deer Seasons – Chapter 41:06:44**Department Recommendations:

Remove closed area specifications to Fort Meade Bureau of Land Management property.

Draft Administrative Rule Changes

41:06:44:04.01. Closed areas. The youth deer season is closed, and licenses are not valid in the following areas:

- (1) Sand Lake National Wildlife Refuge in Brown County, unless otherwise allowed by the refuge;
- (2) Lacreek National Wildlife Refuge in Bennett County, unless otherwise allowed by the refuge;
- (3) Lake Andes National Wildlife Refuge in Charles Mix County, unless otherwise allowed by the refuge;
- (4) Waubay National Wildlife Refuge and Waubay State Game Bird Refuge in Day County, unless otherwise allowed by the refuge; and
- ~~(5) Fort Mead Bureau of Land Management south unit and the signed portion of the north unit in Meade County.~~

*NO ACTION WAS TAKEN.*

**Youth Deer Hunting Season – Chapter 41:06:63**Department Recommendations:

Remove closed area specifications to Fort Meade Bureau of Land Management property.

Draft Administrative Rule Changes

41:06:63:04. Closed areas. The youth deer season is closed, and licenses are not valid in the

Following areas:

- (1) Sand Lake National Wildlife Refuge in Brown County, unless otherwise allowed by the refuge;
- (2) Lacreek National Wildlife Refuge in Bennett County, unless otherwise allowed by the refuge;
- (3) Lake Andes National Wildlife Refuge in Charles Mix County, unless otherwise allowed by the refuge;
- (4) Waubay National Wildlife Refuge and Waubay State Game Bird Refuge in Day County, unless otherwise allowed by the refuge; and
- ~~(5) Fort Mead Bureau of Land Management south unit and the signed portion of the north unit in Meade County.~~

*NO ACTION WAS TAKEN.*

**Custer State Park Deer Hunting Season – Chapter 41:06:41**Department Recommendations:

Remove the archery only equipment restrictions from November 1-November 15.

Draft Administrative Rule Changes

41:06:41:01. Custer State Park deer hunting season established -- Number and type of licenses. The Custer State Park deer hunting season is open from November 1 through December 15. No more than 100 one-tag deer licenses may be issued for the Custer State Park deer hunting season. ~~Hunting is limited to archery equipment from November 1 through November 15.~~

*NO ACTION WAS TAKEN.*

**National Wildlife Refuge Deer Hunting Season – Chapter 41:06:36**

Department Recommendations

1. Restrict RFD-SL4 to muzzleloading rifles without telescopic sights with the intention of switching antlerless licenses to any deer licenses for this season.
2. Edit the open unit description of Lacreek Refuge to specify the refuge unit area is specified by the refuge.

Draft Administrative Rule Changes

1. 41:06:36:02. Sand Lake open units. The following is a description of the units open to deer hunting on the Sand Lake National Wildlife Refuge:
  - (1) Unit RFD-SL1 is open for five consecutive days beginning on the second Saturday of November. The licenses are restricted to muzzleloading rifles without telescopic sights as provided in § 41:06:04:14;
  - (2) Unit RFD-SL2 is open for five consecutive days beginning on the day following the end of the Unit RFD-SL1 season;
  - (3) Unit RFD-SL3 is open for six consecutive days beginning on the day following the end of the Unit RFD-SL2 season;
  - (4) Unit RFD-SL4 is open for seven consecutive days beginning on the day following the end of the Unit RFD-SL3 season. The licenses are restricted to muzzleloading rifles without telescopic sights as provided in § 41:06:04:14; and
  - (5) Unit RFD-SL5 is open for seven consecutive days beginning on the day following the end of the Unit RFD-SL4 season.
  - (6) A hunter possessing an unfilled "antlerless deer" license for any Sand Lake deer hunting unit may hunt the refuge for nine consecutive days beginning on the day following the end of Unit RFD-SL5 season.
2. 41:06:36:02.01. Lacreek open units. The following is a description of the units open to deer hunting on the Lacreek National Wildlife Refuge:
  - (1) Unit RFD-LC1 is open for seven consecutive days beginning on the third Wednesday of October; and

- (2) Unit RFD-LC2 is open for seven consecutive days beginning on the fourth Wednesday of November.
- (3) The deer hunting units within the refuge are set by Lacreek Refuge. Information is available at Lacreek Refuge headquarters and will be mailed to successful applicants.
- (4) All Lacreek open units are restricted to muzzleloading rifles without scopes.

*NO ACTION WAS TAKEN.*

### **West River Prairie Deer Hunting Season – Chapter 41:06:20**

#### Department Recommendations

1. Edit “Custer County Road 319” error to “Custer County Road 317” in Unit WRD-27A description.
2. Remove Fort Meade exception in Unit WRD-49A description.

#### Draft Administrative Rule Changes

1. 41:06:20:

(12) Unit WRD-27A: those portions of Custer and Fall River Counties within a line beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 18, then easterly along U.S. Highway 18 to its junction with the Cheyenne River, then easterly along the Cheyenne River to its junction with U.S. Highway 18 and 385, then northerly along U.S. Highway 18 and 385 to its junction with State Highway 79 and continuing along State Highway 79 to its junction with the section line between section 19 and section 18, township 6 south, range 7 east, then westerly along this section line to its junction with section 13 and section 24, township 6 south, range 7 east, then southerly along the section line between section 19 and section 24, township 6 south, range 7 east to its junction with Custer County Road 101, then westerly along Custer County Road 101 to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with Fall River County Road 18 (Argyle Road), then northwesterly along Fall River County Road 18 and Custer County Road 333 to its junction with State Highway 89, then southerly along State Highway 89 to its junction with Fall River County Road 12, then westerly along Fall River County Road 12 to its junction with Custer County Road 319, then westerly along Custer County Road ~~319~~ 317 to its junction with Custer County Road 715, then westerly along Custer County Road 715 to its junction with Custer County Road 769, then westerly along Custer County Road 769 through Dewey to its junction with the South Dakota-Wyoming border, then southerly along the South Dakota-Wyoming border to its junction with U.S. Highway 18, the point of beginning, except the portion included in WRD-27L;

2. 41:06:20:

(28) Unit WRD-49A: the portion of Meade County east of Interstate 90, ~~except the Fort Meade Bureau of Land Management South Unit and the signed portion of the North Unit~~, south of U.S. Highway 212, and west of a line beginning at the junction of U.S. Highway 212 and Meade County Road 23, then southerly along Meade County Road 23 to its junction with Meade County Road 28, then easterly along Meade County Roads 23-28, then southerly along Meade County Road 23 to its junction with State Highway 34, then southerly along Meade

County Road 21 (New Underwood Road) to its junction with the Pennington County line and that portion of Pennington County west of Pennington County 160th Avenue (New Underwood Road) and north of Interstate 90;

*NO ACTION WAS TAKEN.*

## **10. DEER HUNTING SEASONS LICENSE ALLOCATIONS**

Andrew Norton, Wildlife Program Administrator, presented the Commission with the proposed Deer Hunting Season License Allocations.

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

## **DIVISION OF PARKS & RECREATION**

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### **11. LEWIS AND CLARK MARINA FEE PROPOSAL**

Sean Blanchette, Environmental and Cultural Resource Specialist, provided a brief background on the Concession Agreement and past commission approval on a project to replace the marina docks at the concessionaire's expense in exchange for a twenty-year extension of the lease term, which includes a requirement starting in 2023 for all marina slip fee increases in excess of 3% to be approved by the Commission. Blanchette and Concessionaire Donlin discussed causes of project delays and the impacts they had to the costs of the project. Donlin stated that the project costs are significantly higher than the original estimates, which is a reason that increases to slip fees are now higher than originally anticipated. Blanchette stated that all increases approved this year will establish a new baseline price for those particular slips with no foreseeable increases, but that he does anticipate that the Marina will request increases next year on the remaining docks to be replaced.

*Motioned by Bies, seconded by Whitmyre to APPROVE THE PROPOSED LEWIS & CLARK MARINA FEES. The motion carried unanimously.*

### **12. ADVANCED TECHNICAL TRAINING AT SPRING CREEK**

Pat Buscher, Northcentral Regional Park Supervisor, discussed the Advanced Technical Training held at Spring Creek on March 6-9, 2023. This training was established to develop a skilled technical workforce that allows GFP to keep costs low and provide better customer service; developing a greater skillset for all park locations and encourage creativity and broad information sharing through cross-District relationships; and create in-house opportunities to keep capital development projects moving forward and attainable.

### **13. 2022-23 SNOWMOBILE SEASON RECAP**

Ryan Raynor, District Park Supervisor, reported that 2022-2023 was a great year for snowmobilers across the state. Deep snow conditions provided many challenges for groomers in eastern SD which saw a record number of grooming rotations performed by local snowmobile clubs. The Black Hills program saw great snow conditions from the beginning to the end of the snowmobile season with a trailside business setting a record for the number of snowmobile rentals.

### **14. HIGHWAY 44 PLATTE-WINNER BRIDGE UPDATE**

Adam Kulesa, Planning and Development Administrator provided a brief presentation was provided outlining where the department is at with coordination with SDDOT.

### **15. NEWEL AND ALVIN DAM REPAIR UPDATES**

Adam Kulesa, Planning and Development Administrator provided a brief presentation was provided updating both spillway replacement projects. Newell is expected to be completed in June, and the department is working with FEMA for final approvals to move forward with bid letting the Lake Alvin project this summer.

**16. CAMPING, VISITATION AND REVENUE REPORT**

Al Nedved, Deputy Director of Parks & Recreation, provided a report on the year-to-date camping, visitation and revenue totals for Parks and Recreation.

**DIVISION OF WILDLIFE**

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**17. R3 ANGLING SURVEY RESULTS**

Bob Holsman of DJ Case provided a presentation to the Commission on the recent R3 Angling Survey results.

**18. AIS: INVASIVE CARP AND ZEBRA MUSSEL UPDATE**

Benjamin Schall, Fisheries Biologist, discussed that South Dakota Department of Game, Fish and Parks has been receiving federal grant funding since 2020 to conduct invasive carp (Silver, Bighead, Grass, and Black carp) research and management in South Dakota and throughout the Missouri River basin. Working with thirteen partner agencies, universities, and laboratories, research conducted by SDGFP staff and graduate students, a post-doctorate researcher, and faculty at USD and SDSU is currently evaluating invasive carp movements, distribution, natal origins, and risk associated with the live bait trade, movements across watershed boundaries, and habitat suitability in uninvaded areas.

**19. NEST PREDATOR BOUNTY PROGRAM UPDATE**

Jacque Ermer, Regional Wildlife Supervisor in the Northeast, provided an update on the 2023 Nest Predator Bounty Program and shared the webpage for the Live Tail Tracker (<https://gfp.sd.gov/bounty-program/>). The program began for youth only during the month of March and then opened for all age groups starting April 1. As of April 13, 207 youth submitted 1,905 eligible tails. Overall, there have been 290 total participants submitting 3,830 tails with majority of those from raccoons. Four participating youth have been randomly drawn so far to receive the Benton Howe weekly youth trap giveaway package. One free live trap has also been given to each participating youth.

**20. LAW ENFORCEMENT UPDATE**

Law Enforcement Section Chief, Sam Schelhaas gave a brief presentation highlighting the work that Conservation Officers do. Schelhaas also gave a status update on the current vacancies in South Dakota.

**21. LICENSE SALES UPDATE**

Wildlife Director Tom Kirschenmann presented the latest license sales update. He informed the commission that license sales have not change much since the March update. In general, license sales are a little behind last year and looking forward to better weather to hopefully get more people out fishing and hunting. The commission had several questions pertaining to the mountain lion season and impact to big game numbers.

**ADJOURN**

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*Motioned by Bies, seconded by Bartling to ADJOURN THE MEETING. The motion carried unanimously.*

Meeting ADJOURNED ON APRIL 14, 2023, AT 10:45 AM CST.

Respectfully submitted,



Kevin Robling, Department Secretary