

Minutes of the Game, Fish, and Parks Commission
February 28 - March 1, 2019

Chairman Gary Jensen called the meeting to order at 1:00 p.m. CT at RedRossa Convention Center in Pierre, South Dakota. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Scott Phillips, Russell Olson (via conference call), Douglas Sharp, Robert Whitmyre and approximately 65 public, staff, and media were present.

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 January 10-11, 2019 minutes or a motion for approval.

Motion by Phillips with second by Boyd TO APPROVE THE MINUTES OF THE JANUARY 10-1, 2019 MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

No additional salary days were requested.

Bighorn Sheep Auction License

Motioned by Phillips, second by Sharp TO REMOVE FROM THIS ITEM FROM THE AGENDA. Motion carried unanimously.

Resident Nonresident Discussion

Tom Kirschenmann, wildlife deputy director, provided an update on the resident nonresident opportunity allocation stakeholder group that worked to develop suggestions on criteria for making fair, reasoned, and balanced decisions when the Commission allocates this opportunity. The Stakeholder Group identified 6 themes: 1.species abundance, 2. demand for licenses, 3.R3: recruitment, retention and reactivation, 4.demand for access, 5.social carry capacity of residents and nonresidents and 6.economics.

Legislative Update

Tony Leif, wildlife division director provided an update on the 2019 legislative session. He reviewed the bills that the Department was working on and how the legislative team found success in getting good bills passed and other bills defeated. He also discussed follow-up changes in administrative rules that are going to be necessary to align with the changes that the legislature made in state statutes. Two bills that are still awaiting legislative action are SB 176 and SB 178. These 2 bills would appropriate funding for habitat projects on private land and provide funding for expansion and improvements at Palisades. Katie Ceroll, parks and recreation division director, presented additional information on the appropriations bill for Palisades.

Locken asked for clarification on the bill regarding disabled veterans.

Leif explained it is a license exemption for individuals who participate in hunts.

Commission Rule Review

Kevin Robling, special projects coordinator, provided information on the need to complete this review per legislative request.

Jon Kotilnek, senior staff attorney, explained he will lead this effort of systematic review of all rules by chapter and subsections which will be brought before the Commission at each meeting.

Sharp asked what the genesis of was. Was there a particular rule that caused concern among legislators?

Robling responded not certain but likely due to the deer license allocation.

Kotilnek said the legislator who brought this forward noted we will be the first of many agencies he would like to see review rules.

Non-meandered Waters

Kevin Robling, special projects coordinator, provided an update on non-meandered waters stating 4,280 acres have been marked closed to public recreational use. This is less than 2 percent of the publicly-accessible nonmeandered water acres across the state and down from the peak of over 5,000 nonmeandered water acres closed in March 2018. The department's goal is to continue providing recreational opportunities for families and outdoor enthusiasts who enjoy South Dakota's great outdoor resources, while also addressing concerns of landowners who own the land under the water. The "Recreation and Respect" campaign and the "Adopt-a-Lake" program have been front and center. The department has been strongly encouraging recreational users to "leave no trace" and pick up all garbage. Conservation officers and other staff making contact with recreational users are handing out trash bags in an effort to keep trash off the ice.

Boyd asked if there are winter adopt a lake opportunities

Robling explained there are no scheduled events but staff did work with the Wildlife Federation to have trash bags printed and distributed to ice fisherman.

Conservation Summit

Robling presented an update on the conservation summit scheduled for March 28th. The Summit is the culmination of a series of forums the Department has hosted over the past year. Governor Noem is planning to attend the Summit and kickoff the day with her vision for the Second Century Initiatives. The Governor's kickoff will set the stage for the day, where we will be discussing wildlife habitat moving forward in South Dakota. Approximately 75 members of agricultural, conservation, sportsmen and shooting preserves, most who attended one of the previous forums, will be invited to the Summit.

There has been good discussion at each of the four previous forums:

1. Sportsmen/Sportswomen Forum - held in Oacoma in April, 2018
2. Shooting Preserve Operators Forum - held in Pierre in July, 2018
3. Wildlife and Nature Forum - held in Pierre in October, 2018
4. Agricultural Leaders Forum - held in Sioux Falls in December, 2018

Much of the discussion centered on creating and sustaining more quality habitat in SD. A common theme at the forums was the recognition that conservation groups, sportsmen and women, and agriculture must work together. They recognized that groups need to have open communication with one another to find ways, which make financial sense, to provide more quality habitat in the state.

The key is getting a diversity of organizations working together towards the common goal of providing more quality habitat for wildlife and making those habitat programs sustainable. We expect positive outcomes from the Conservation Summit that will make a difference for wildlife in South Dakota.

Habitat/Second Century Initiatives

Kirschenmann provided the Commission information on the Second Century Initiative which emphasizes the following: habitat programs to be implemented with both short and long-term approaches, Hunt for Habitat program (or raffle tag for big game species), nesting predator programs (includes the implementation of a bounty and live trap program targeted at nest predators), a specialty license plate with all proceeds going directly toward habitat management and the crowdsourcing of habitat solutions through habitat.sd.gov

PETITIONS

Leif provided information on the petition process and options available for commission action.

Restrict Rifles on Okobojo Creek

Henry Maddocks presented his petition to restrict the use of rifles hunting on GFP property along Okobojo Creek.

Jensen asked how long homes have been in this area and if there have been any issues.

Maddocks said most homes have been built in the last 20 years and no one has been shot, but they do see people hunting deer in the area.

Phillips said it looks like a lot of area they are requesting restriction on that is not near homes. And it was noted there are only approximately 30 homes.

G. Jensen said if we removed the water from this situation this would look like a lot of area in the state.

Leif explained there is one area approximate to the City of Polo that was designated as no hunting when as part of the property acquisition. There is also a thin strip of property near the road at Cottonwood Lake in Spink County.

Boyd said based on the amount of area this would close I cannot support this petition.

Motion by Boyd, second by Phillips TO DENY THE PETITION. Motion carried unanimously.

Motion by Phillips, second by Sharp TO ADOPT RESOLUTION 19-04 (APPENDIX B) DENYING THE PETITION. Motion passes unanimously.

Staff will work with the petitioner to further discuss boundaries.

Make Muzzleloader Deer Licenses Valid During Firearm Deer Seasons

Leif presented the petition submitted by Josh Hagemann requesting the muzzleloader licenses be valid within the same unit and same time period that firearm deer season is open. Leif noted muzzleloaders are already allowed to be used as a weapon of choice during a firearm season.

Phillips said we are told public lands are crowded already so I do not support this petition.

Motion by Phillips, second by Locken TO DENY THE PETITION. Motion carried unanimously.

Motion by Phillips, second by Sharp TO ADOPT RESOLUTION 19-05 (APPENDIX C) DENYING THE PETITION. Motion passes unanimously.

Archery Deer Hunting on Public Lands

Dana Rogers presented his petition to allow any resident or nonresident deer hunter possession an archery, muzzleloader, apprentice hunter, or mentor deer licenses to obtain and possess a free access permit to hunt in specific units. Rogers said the increase in nonresident hunters has caused significant pressure and overcrowding.

Jensen noted this conversation ties in with current discussions on resident and nonresident and it was recommended we discuss this once the criteria is reviewed. Staff will work with the petitioner and bring forward future recommendations.

Motion by Phillips, second by Sharp TO DENY THE PETITION. Motion carried unanimously.

Motion by Bies, second by Phillips TO ADOPT RESOLUTION 19-06 (APPENDIX D) DENYING THE PETITION. Motion passes unanimously.

Nonresident Archery Mule Deer Permits

Dana Rogers presented his petition to create a new rule for nonresident archery mule deer validation permit. He explained this new rule would allow for a maximum of 200 of these permit for nonresidents for draw at a cost of \$100. He said that no other state offers unlimited mule deer permits statewide and that all other states have some restrictions.

Jensen noted this conversation ties in with current discussions on resident and nonresident and it was recommended we discuss this once the criteria is reviewed.

Motion by Phillips, second by Sharp TO DENY THE PETITION. Motion carried unanimously.

Motion by Whitmyre, second by Phillips TO ADOPT RESOLUTION 19-07 (APPENDIX E) DENYING THE PETITION. Motion passes unanimously

Nonresident Whitetail Deer Permits

Dana Rogers presented his petition to provide unlimited resident any deer and antlerless deer licenses in specific units and allow nonresidents to apply for one any whitetail archery deer permits after first buying a nonresident small game licenses and applying for a specific unit. To hunt mule deer nonresidents would be required to draw an additional mule deer validation permit as noted in the previous petition.

Phillips said petitioners bring valid concerns, but we need to finish with the resident nonresident discussions. He requested the department review these petitions and move into archery concerns soon at the appropriate time.

Sharp said the petitions submitted by Rogers were well prepared and provided good information. He noted that it would be best to hold briefly and address all nonresident allocations together instead of just pieces of it now.

Hepler clarified there are many ideas submitted on what should be done in regards to nonresident changes and it would be better to put together all the ideas brought forward to the commission not just these three.

Motion by Phillips, second by Sharp TO DENY THE PETITION. Motion carried unanimously.

Motion by Boyd, second by Bies TO ADOPT RESOLUTION 19-08 (APPENDIX F) DENYING THE PETITION. Motion passes unanimously

Nonresident Big Game Fee Increases

Dana Rogers presented his petition to increase the rates for nonresident big game licenses to be comparable to other states. This would also require the purchase of small game hunting licenses prior to submission of a big game application. He again noted the pressure and overcrowding caused by nonresident hunters that result in a negative impact to the resident sportsmen as they compete for access.

Leif said there is a list of licenses in state statute where the commission has authority to issue and set fees and that license fee increases are reviewed and presented to the commission for action annually. The habitat stamp license would take legislative action as it is not on this list.

Bies said we should utilize the process that is already in place to address fee these concerns.

Boyd said she likes the idea of reviewing but now would not be the right time, but at the appropriate time before the next season.

Sharp noted it is realistic to have this completed before the fall hunting season.

Motion by Bies, second by Locken TO DENY THE PETITION. Motion carried unanimously.

Motion by Phillips, second by Sharp TO ADOPT RESOLUTION 19-09 (APPENDIX G) DENYING THE PETITION. Motion passes unanimously.

Nonresident Archery Antelope Permits

Dana Rogers presented his petition to change to an unlimited number of resident any antelope licenses by issued and allow nonresidents to apply for one archery permit after first buying a nonresident small game license. This petition would only allow for a maximum of 150 nonresident archery antelope permits.

Phillips noted prior archery discussions have focused on deer and asked when archery antelope is up for review.

Leif said the commission will be presented with the antelope management plan to the commission for review in 2019 and will include this issue.

Sharp again noted that a standard criteria needs to be established for resident nonresident before we take action.

Motion by Sharp, second by Whitmyre TO DENY THE PETITION. Motion carried unanimously.

Motion by Whitmyre, second by Phillips TO ADOPT RESOLUTION 19-10 (APPENDIX H) DENYING THE PETITION. Motion passes unanimously.

Use of Rifles for Spring Wild Turkey Hunting

Bruce Bauer presented his petition allowing the use of smaller caliber rifles to hunt turkey. He explained this would decrease the effective range of the rifle and offer more safety while allowing the longstanding tradition of hunting turkey with rifle.

Leif noted the Commission took previous action last year to ban rifles for turkey hunting. He said should the commission choose to accept this petition changes would not go into effect for this year as we are close to the season opening and the rules process timeline would not allow it.

Phillips said he has some interest in this issue in some areas, but because this petition violates rules cannot support. He asked staff to meet with the petitioner again and further discuss.

Motion by Phillips, second by Boyd TO DENY THE PETITION. Motion carried unanimously.

Motion by Sharp, second by Phillips TO ADOPT RESOLUTION 19-11 (APPENDIX I) DENYING THE PETITION. Motion passes unanimously.

PROPOSALS

Bighorn Sheep Hunting Season

Kirschenmann provided the recommended changes to the 2019 Bighorn Sheep Hunting Season to modify unit BH3 from “that portion of Pennington County east of the Cheyenne River and that portion of Jackson County north of the White River, excluding the Badlands National Park” to “that portion of Pennington County east of the Cheyenne River and north of Hwy 44 and that portion of Jackson County north of the White River, excluding the Badlands National Park”.

John Kanta, wildlife regional supervisor, explained the Department was approached by the Oglala Sioux Parks and Recreation Authority (OSPRA) requesting an adjustment to boundary of Unit BH3. The request was based on the fact that OSPRA manages a bighorn sheep population that typically occupies the south unit of Badlands National Park in Oglala Lakota County. This respective bighorn sheep population typically resides on tribal property, but at times can make forays onto other property including private, Forest Service National Grasslands and State lands. Individuals from this population also make forays into Pennington County where Unit BH3 is currently open. As a result, there is opportunity for a state-licensed hunter to harvest a bighorn sheep from the herd that OSPRA is managing. The Department agrees to accommodate this request and is recommending that the GFP Commission adjust the unit boundary for Unit BH3 to exclude a portion of lower Pennington County from the current unit boundary to reduce the chance for a state-licensed hunter to harvest a bighorn sheep from this population managed by OSPRA.

Motion by Sharp, second by Locken TO APPROVE THE RECOMMENDED CHANGES TO THE BIGHORN SHEEP HUNTING SEASON AS PRESENTED. Motion carried unanimously.

Mountain Goat Hunting Season

Kirschenmann presented the recommendation to allocate 2 any mountain goat licenses for the 2019-2020 hunting season.

Motion by Phillips, second by Whitmyre TO ALLOCATE 2 LICENSES FOR 2019-2020 HUNTING SEASON AS PROPOSED. Motion carried unanimously.

Custer State Park Antlerless Elk Hunting Season

Kirschenmann presented the recommended change to close the antlerless elk hunting season. He explained The CSP antlerless elk season was opened again in 2017 based on new information on chronic wasting disease (CWD) prevalence rates from both Custer State Park (CSP) and Wind Cave National Park (2016/2017 culling program). At this time, the season was justified to learn more about the CWD infection rate of CSP elk, begin managing at a lower population density in the identified area due

to concerns of over-utilization of forage, and to evaluate and respond accordingly for future management actions.

Through the development of the “draft” CWD action plan, the goal of surveillance strategies in South Dakota is to determine the likely spread of CWD to new units where the disease has not been detected in wild, free-ranging cervids. Without pre-determined research design and management objectives, prevalence rates will not be quantified. If research objectives require prevalence rates or a management strategy will be implemented based on prevalence rate thresholds (i.e., implement management strategy X if prevalence exceeds Y%), prevalence will be estimated by collecting a representative sample with desired levels of precision.

The current population objective for CSP is 800 wintering elk and will general range from 700-900 depending on habitat conditions; the current CSP elk population estimate is 552 (95% CI=483-620). With the current dispersal of elk from this antlerless unit and no identified management response actions if CWD prevalence reaches a certain threshold, there is no current need for this antlerless elk season. Mandatory submission of samples for CWD will still be required from all deer and elk hunters for any future management considerations.

Motion by Sharp, second by Boyd TO CLOSE THE CUSTER STATE PARK ANTLERLESS ELK HUNTING SEASON FOR 2019. Motion carried unanimously.

Authorization to Hunt or Access State Park and Recreation Areas

Tony Leif informed the Commission that Under Governor Noem’s Second Century Initiative, the Department is using crowdsourcing to solicit ideas to create more and better habitat. GFP is using Facebook as the platform to crowdsource habitat solutions and promote idea-driven dialogue for a period of 2-3 months. This platform is free and allows for a transparent submission process, where participants can engage and respond to proposed ideas. If constituents are not on Facebook, an email account, habitatpays@state.sd.us is being provided as a secondary option for idea submission. At the end of the effort, GFP staff and 2nd Century Habitat Foundation members will review all comments and ideas and provide their recommendation for final approval to Secretary Hepler and Commission Chairman Jensen. It is anticipated that there could be multiple “winners” of free hunting privileges or free access to state parks and recreation areas.

Motion by Phillips, second by Whitmyre TO AUTHORIZE A RESIDENT STATE PARK ACCESS OR SMALL GAME HUNTING PRIVILAGES WITHOUT FEE FOR ONE YEAR. Motion carried unanimously.

Special Buck Licenses

Robling presented the recommended changes to the west river special buck season. He explained Per discussions with representatives of the Landowner and Outfitter Alliance, it was requested the department bring forward a recommendation of providing additional hunting licenses under the special buck structure to assure there would be available licenses as experienced in previous years by nonresident hunters drawing leftover licenses. Under the changes to the deer drawing license structure, nonresidents will not be able to pick up licenses originally allocated to residents until

after the 4th draw. In the past those leftover license were available after the 2nd draw and in 2018, 187 “any whitetail” licenses went to nonresidents that were originally allocated to residents. The concern from the Landowner and Outfitter Alliance is that the reduction in nonresident license opportunity would reduce client participation. The proposal would allocate 500 nonresident “any whitetail” West River licenses and 500 resident “any whitetail” West River licenses. The biological impacts are negligible and the licenses are only valid on private land. The generated revenue from this increase in nonresident and resident opportunity would be used for Walk-in area public hunting incentive payments.

Recommended changes: Beginning with the 2020 West River Deer season

1. Establish Resident special Any Whitetail Deer license and fee of \$169.
2. Establish Nonresident special Any Whitetail Deer license and fee of \$554.
3. Special Any Whitetail Deer licenses to be allocated at the greater of 4% of the total resident West River deer licenses that include a “Any Whitetail Deer” tag from the previous year OR 500 for each for residents and nonresident hunters.
4. If a person successfully draws a special Any Whitetail Deer license the licensee will not be able to apply for a West River deer license in the initial and second drawings.
5. If a person successfully draws a West River deer license they may not apply for a leftover special Any Whitetail Deer license.
6. Applicant must have permission from an owner or lessee of private land before applying.
7. Applicant for special Any Whitetail Buck must also include the name and telephone number of the owner or lessee providing permission.

Phillips excused himself from the discussion for possible conflict of interest.

Locken said he receives many comments from people own a private ranch and they want to have family from out of state come back to hunt and wanted to know if this would be included in the nonresident allocation.

Robling responded this would be 8 percent above the nonresident allocation.

Sharp said he thinks the idea is work vetting.

Motion by Sharp, second by Bies TO APPROVE THE CHANGES TO THE 2020 WEST RIVER DEER SPECIAL BUCK SEASON AS PRESENTED. Motion carried unanimously.

Hunt for Habitat Licenses

Leif presented the recommended change to establish a hunt for habitat licenses that would allow residents and nonresidents the opportunity to purchase raffle chances though the state licensing system without restriction on the number that can be purchased with the revenue dedicated exclusively for habitat projects.

1. Create one Custer State Park any bison “Hunt for Habitat” license and 3 “Hunts for Habitat” super license packages. The 3 super licenses will each include a tag for one:
 - a. Any Elk,
 - b. Any Deer, and
 - c. Any Antelope.
2. These licenses would be valid at any time and place that a hunting season is open in South Dakota for the big game animal as long as the regulations for the open season are followed.
3. The recipient must be eligible to hold the licenses although any ineligibility due to a previous license draw would be exempt.

4. Recipients will be able to select either of the current or next year as when their tag(s) would be valid.
5. Both residents and nonresidents will be eligible to submit applications for the super tag licenses although no more than 1 of the 3 license packages could be issued to a nonresident.
6. Both residents and nonresidents will be eligible to submit applications for the "Hunt for Habitat" trophy bison license
7. Establish an application fee of \$10 for residents and \$20 for nonresidents.
8. A person may submit an unlimited number of applications.
9. Applications will be accepted on-line only.
10. No additional fee will be charged for licenses drawn.
11. No preference points may be earned or used in the "Hunts for Habitat" drawings.

Boyd asked when people would be able to submit applications.

Leif stated that if passed it would not be until July 1, 2019, but could be initiated sooner in 2020.

Sharp asked if the tag is transferable.

Leif responded state law prohibits the transfer of tags.

Motion by Locken, second by Sharp TO ESTABLISH HUNT FOR HABITAT LICENSES AS PRESENTED. Motion carried unanimously.

Trapping Prohibitions

Keith Fisk, wildlife damage program administrator, presented the recommended changes to the trapping regulations as follows.

Amend 41:08:02:13. Traps to be rendered inoperable – Removal of trapping devices.

1. Modify the existing rule to allow the use of traps, snares and associated equipment to be used on public lands and improved road rights-of-ways, through August 31. *(currently May 1)
2. Modify the existing rule so that traps, snares and associated equipment must be actively operated and checked in accordance to trap-check rules.

Fisk explained with the launch of Governor Noem's Second Century Initiatives, in particular the Live Trap Giveaway Program and the Nest Predator Bounty Program; this modification would allow trappers to use traps and snares (which are actively being used) on public lands and improved road rights-of-ways, through August 31. Public lands hold some of the best nesting habitat in the state and in order to remove nest predators during the nesting season, this modification would be needed.

Motion by Boyd, second by Sharp TO APPROVE THE RECOMMENDED CHANGES TO THE TRAPPING REGULATIONS. Motion carried unanimously.

Nest Predator Bounty Program

Fisk presented the recommended change to add a new administrative rule to the bounty chapter which outlines the provisions of the nest predator bounty program. These changes include the following:

1. Eligible species: raccoon, striped skunk, opossum, badger or red fox.
2. Only residents of South Dakota may participate.
3. Animals must be harvested in South Dakota by the resident participant.

4. If under the age of 18 years old, a parent/legal guardian must submit the electronic bounty form on behalf of the youth.
5. Information on the electronic bounty form must be true and accurate.

Boyd asked what happens if people bring in out of state animals

Fisk explained people are required to sign an affidavit confirming the animals were trapped in state.

Phillips asked what if we see skunks without tails

Fisk said staff would work with our conservation officers to follow up and provide a warning for the first offence.

Jensen asked if the department provide information on the effectiveness of bounties

Fisk responded it will be difficult to ascertain the impacts as there are multiple environmental factors each year, but we will know the harvest numbers. There is research on both sides of the bounty and some shows significant impact. We know if you can put enough pressure at a localized level it will boost nest success

Hepler referenced the trapping video with Governor and Lieutenant Governor that was shown at the meeting and noted the broader initiative to get people outdoors and engaged in the outdoor activities.

Motion by Boyd, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGE TO ALLOW LAW ENFORCEMENT OF THE BOUNTY PROGRAM. Motion carried unanimously.

Use of Parks and Public Lands

Bob Schneider, parks and recreation deputy director, presented 11 proposed rule changes to the Use of Parks & Public Lands Chapter. These are the general rules that guide activity on all GFP controlled lands but most of rules in the chapter apply to state park area lands.

41:03:01.02 defines the time restrictions for use of state park system – simply speaking, this is the curfew. It allows people to be in parks late at night for camping, fishing, boating and other intended purposes but not for unauthorized reasons. Currently the curfew is 11 pm during the summer and 9 pm the rest of the year - October to April. The proposal changes it to 11 pm year round.

Commercial activity is allowed in parks through a permitting system. Activity might include a food vendor, a horseback or bicycle tour on one of our trails, a rock climbing school at CSP or Palisades, kayaking lessons at Lake Alvin or a film or photography company making a production in a park area (quite common at CSP). These are for profit activities. The proposed changes to rule 41:03:01:07 Commercial Use Prohibited would do three things. First, it eliminates Ag leases (cropping/haying/grazing) from the activities regulated. This activity is authorized by statute and the rule is redundant. Second, it limits the rule to the state park system – this is where these activities occur. Third, it establishes a pricing structure for the activities that are permitted. For activities other than commercial filming and photography, the fee is \$100 or 3% of gross receipts, whichever is greater. For film and photography, the fee is based on the size of the crew.

41:03:01:15 is the camping stay restriction rule. We limit the length of camping stay to two weeks so that all have an opportunity to camp and prevent undue strain on the resources. The Camping Rules chapter refers to a 14 night limitation and rule uses 15 day language. We would change this rule to use the 14 day night language for consistency.

41:03:01:15 is the rule that states that uncased .22 firearms are prohibited in parks. We would propose to repeal the 37 year old rule. Presumably the rule was put in place to deal with vandalism in parks. With staffing & law enforcement in place today, we don't see the problem and are better equipped to deal with it. Repealing this rule will allow use of 22s in parks for small game during designated seasons in accordance with the state park restrictions.

41:03:01:19 deals with tree stands and hunting blinds on department lands. The proposed change would move the date that tree stands and blinds can be set up from August 25 to August 1 to accommodate the recent change to September 1 of the archery season opening date. Also moves the date that stands must be taken down from Feb 15 to March 31. Oftentimes snow makes it impractical to take a tree stand down by February 15.

Motion by Sharp, second by Whitmyre TO APPROVE THE PROPOSED CHANGES TO USE OF PARKS AND PUBLIC LANDS. Motion carried unanimously.

Park License and Trail Use Passes

Katie Ceroll, parks and recreation division director, presented the proposed changes to rule 41:03:03:01 or the Park entrance license exemptions rule. We depend on user fees to support the day to day operation of the state park system – the most significant fees being a park entrance license and camping fees. The park entrance requirement is applied broadly but exemptions include non-profit youth groups, veterans group activities, 100% disabled veterans, park volunteers, open house & free fishing weekend in May, religious activities at Bear Butte and the day of the Buffalo Roundup at Custer State park. This proposal would exempt enrolled Crow Creek tribal members and members of their family from the entrance license requirement at West Bend Recreation Area on Lake Sharpe. West Bend has a large campground and is the most heavily used boat and fishing access site on Lake Sharpe. The park also has a popular swimming beach, picnic areas and playgrounds. It is also immediately adjacent to the Crow Creek Sioux Indian Reservation. Outdoor recreation offerings such as West Bend has are limited on the Crow Creek reservation. The greatest management challenge at West Bend recreation area is potable water. We hope to work with the Crow Creek Tribe to find solutions to the water challenge.

Rule 41:03:01:04 sets the time limits on daily park entrance license. The proposed change would make the daily PEL valid until 11pm year around – consistent with the park curfew change to 11pm year round that we discussed earlier.

Motion by Phillips, second by Sharp TO APPROVE THE PROPOSED CHANGES TO PARK ENTRANCE LICENSE EXEMPTION. Motion carried unanimously.

George S. Mickelson Trail User Service Fees

Ceroll presented the proposed changes to 41:03:05:02 would exempt SD military veterans groups and SD veteran's hospital patients from the GSM trail pass requirement when participating in a group event that has been permitted by the park manager at least 5 days prior to the event. This exemption would mirror a veteran's

group exemption to the park entrance license that the Commission approved three years ago. 41:03:05:03 requires that Mickelson Trail users 12 years of age and older, are required to have a trail pass (annual or daily) in their possession when using the trail and be able to display it to a department representative. This rule also establishes the trail fees, one of which is a \$15 "late fee". If a trail user cannot produce a pass, they must pay a \$15 fee and in return they are given a \$15 annual trail pass. The proposed change would create \$4 late fee option and allow a trail user unable to produce a pass, the option of purchasing either a \$4 daily or a \$15 annual trail pass. This would lessen the penalty and hopefully encourage trail use. Finally, 41:03:05:06 is the rule that defines how the display of the trail use pass. The proposed change to this rule would put into effect the \$4 late fee option.

Motion Boyd, second by Bies TO APPROVE THE PROPOSED CHANGES TO MICKELSON TRAIL FEES. Motion carried unanimously.

PUBLIC HEARING

The Public Hearing began at 2:00 p.m. and concluded at 2:07 p.m. The minutes follow these Commission meeting minutes.

FINALIZATIONS

Spring Turkey Archery Hunting

Kirschenmann presented the recommended changes to the spring wild turkey hunting season to close archery turkey hunting in Lake County south of State Highway 34. He explained that in cooperation with the National Wild Turkey Federation and private landowners, GFP is conducting turkey transplants in southern Lake County with the goal to establish a sustainable wild turkey population. Current efforts have resulted in only a few male turkeys transplanted, with additional trap and transfer efforts planned for 2019. Until the population reaches a sufficient size and gender composition, it is believed necessary to close this area to archery hunting. SDGFP will continue to work with partners to trap and transfer appropriate birds to the area and monitor this turkey population.

Motion by Phillips, second by Sharp TO APPROVE THE FINALIZATION 41:06:13 FOR CLOSURE OF ARCHERY TURKEY HUNTING IN LAKE COUNTY SOUTH OF HIGHWAY 34. Motion carried unanimously.

Turkey Transportation Requirements

Andy Alban, wildlife law enforcement administrator, explained that over the last year, Department officials have been contacted by licensed hunters regarding turkey transportation requirements. Many of these individuals desire the ability to remove the edible portions from the turkey and transport the cleaned turkey in a cooler similar to how some other big game animals are cared for in the field. However, current regulation stipulates that the beard, leg and foot remain naturally attached to the rest of the carcass. The proposed changes to 41:06:03:02

1. Eliminating the requirement that the beard, leg and foot bearing the tag remain naturally attached to the rest of the turkey when transported from the place where taken until the bird has arrived at the domicile of the possessor.
2. Establishing an alternative requirement that the beard, leg and foot bearing the tag simply accompany the rest of the turkey when transported from the place where taken until the bird has arrived at the domicile of the possessor.

3. Eliminating the aforementioned requirement to transport the beard if a person is licensed to take "any turkey".

This would make the transportation process easier and align with other big game transportation requirements found in 41:06:03:06. The turkey transportation requirements would remain waived for birds processed at a wildlife processing facility and accompanied by the receipt or those birds processed at the domicile of the possessor.

Motion by Phillips, second by Locken TO APPROVE THE FINALIZATION OF 41:06:03 ON REQUIREMENTS FOR TRANSPORTATION OF WILDLIFE TURKEY AS PRESENTED. Motion carried unanimously.

Big Game Tagging Requirements

Alban presented the requested change to amend big game tagging requirements in 41:06:03:01 by allowing big game, other than elk, to be tagged on the hock tendon and leg bone OR around the base of the antler/horn. He explained the Department received a petition for this rule change in December of 2018. The rationale for the request related to the processing of big game in the field, wherein the animal is field dressed and either quartered or entirely boned out. Allowing the alternative tagging methods creates flexibility and ease of transport for the hunter while still maintaining adherence to the statutory requirement for the tagging of big game.

41:06:03:01. Tagging required. The locking seal issued with each big game license, swan license, or special Canada goose license is an adhesive tag. The licensee shall sign the tag and date it by cutting out completely the month and day of the date of kill only. The licensee shall attach the tag securely ~~around one hind leg between the hoof and ankle joint of all hoofed big game animals except elk or~~ around one leg of a mountain lion, turkey, swan, or goose. ~~Elk shall be tagged by cutting a slit through the hide on one hind leg between the hock tendon and the leg bone and securely fastening the adhesive tag around the hock tendon directly above the ankle joint. The licensee shall attach the tag securely to all hoofed big game animals:~~

- (1) Around one hind leg between the hoof and ankle joint;
- (2) Around the hock tendon directly above the ankle joint on one hind leg; or
- (3) Around the base of the antler/horn.

Motion by Locken, second by Sharp TO AMEND THE PROPOSAL TO INCLUDE LANGUAGE PERTAINING TO MOUNTIAN LION TAGGING. Motion carried unanimously.

Motion by Locken, second by Sharp TO APPROVE THE FINALIZATION OF 41:06:03 ON BIG GAME TAGING REQUIREMENTS AS AMENDED. Motion carried unanimously.

Deer Hunting Season Drawing Structure

Robling provided background on the process and the public input gatherer noting the goal remains to get more hunters their preferred license more often and get more hunters in the field more often. He explained this change could get 1,000 more hunters in the field than previously. He also explained the changes to preference points and draw deadlines. Those impacted will be people who apply for 3 or more license in the draw and if approved by the Commission and interim rules review committee process this would go into effect 20 days later and be implemented in 2019.

Leif noted that should the commission adopt the finalization on the deer hunting season draw structure to note item 6 on the action sheet. This is per the Commission's request to ensure a comprehensive review of these changes is completed in 3 years.

1. Create a combined drawing for the Black Hills, East River, West River, Refuge, Custer State Park and Muzzleloader deer hunting seasons where an applicant that does not obtain a special buck license may submit no more than two applications. Applicants that have a special buck license may submit one application for the combined drawing.
2. Modify the leftover license allocation process for the seasons in the combined deer drawing:
 - a. In the second draw, an applicant may not apply for a leftover license if the applicant possesses 2 licenses for any of the Black Hills, East River, West River, CSP, Refuge Deer and Muzzleloader deer seasons in the first draw. A person with 1 license for these seasons may submit 1 application for a season that the person does not hold a license.
 - b. In the third draw, leftover licenses are no longer pooled in a combined drawing and an applicant may submit one application for each season for which they do not possess a license. Nonresidents may only apply for a license remaining in pools originally designated (8%) for nonresidents (BHD, WRD or Refuge Deer).
 - c. In the fourth draw, licenses remain segregated in their respective seasons and residents may submit up to five applications. Nonresidents may only apply for a license remaining in pools originally designated (8%) for nonresidents (BHD, WRD or Refuge Deer).
 - d. After the fourth draw, all remaining resident and nonresident licenses would be pooled and sold first-come, first- served. There will be no limit on the number of licenses that a person can acquire (like it is currently).
3. Allow applicants to use preference points for both 1st and 2nd choices in draws one through three. First draw applicants must use preference points for their first choice selection (as is currently required). An applicant who uses preference to acquire a license in a season may not purchase a preference point for that season.
4. Preference points for a combined deer drawing shall be issued without cost for any hunter that is or was age 15 or younger during the calendar year when the preference point is acquired.
5. A first-time applicant for a combined deer drawing that is or was age 15 or younger in the calendar year of the drawing shall receive a bonus preference point for that drawing.
6. The Commission will conduct a comprehensive review of these changes in 3 years and will adopt a resolution memorializing that intent at the March 2019 Commission meeting if the changes are adopted.

Drawing	Resident	Nonresident
1 and 2	Maximum of 2 licenses in ERD, WRD, BHD, CSP, Refuge Deer or MZD	Maximum of 2 BHD or WRD or Refuge Deer licenses
3	Maximum of 1 license in each of the WRD, ERD BHD, CSP, Refuge Deer and MZD seasons.	
4	Maximum of five additional licenses for a maximum total of eleven licenses.	
<i>Leftover Resident and Nonresident Licenses Pooled</i>		
5	Unlimited. First-come, First-served	Unlimited. First-come, First-served

Olson said this has been an 18 month endeavor that has been good for department and sportsmen. An important thing to keep in mind is these changes show we listen to the sportsmen and women. This continues to provide opportunity and option to apply for other license. This was a monumental task and he supports it. He thanked all involved and urged the support of the proposal as written.

Phillips agreed this has been a monumental task and supports the changes. He then inquired about youth tags and the possibility of providing a free bonus for first time youth applicants who have applied twice and were unsuccessful.

Robling said it could be amended to say applicants who is or was 15 years or younger and has never had a license for a combined deer drawing shall receive a bonus preference point for the drawing.

Phillips noted this request comes from the comments received and requested the finalization be amended.

Motioned by Phillips, second by Sharp TO AMEND THE DEER HUNTING SEASON DRAWING STRUCTURE FINALIZATION TO PROVIDE A BONUS PREFERENCE POINT TOR FIRST-TIME APPLICANTS 15 YEARS OR YOUNGER. Motion carried unanimously.

Motioned by Locken second by Olson TO APROVE THE FINALIZATION OF THE DEER HUNTING SEASON DRAWING STRUCTURE 41:06:01 AND 41:06:02 AS AMENDED. Motion carried unanimously.

Motioned by Bies, second by Phillips TO ADOPT RESOLUTION 19-12 (Appendix J) INSTRUCTING THE DEPARTMENT COMPLETE A COMPREHENIVE REVIEW OF THE DEER HUNTING SEASON DRAWING STRUCTURE CHANGES IN 3 YEARS (2022). Motion carried unanimously.

OPEN FORUM

Vice Chair Phillips opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda.

Wayne Lloyd, Wentworth, SD spoke in regards to nonresident issues specifically the petition introduced by Dana Rogers. He thinks Rogers has some valid points but doesn't want to see the negative connotations toward nonresidents on social media. Noted that most of the people who post these comments are nonresident hunters of other states.

Martie Haines, Faith, SD has questions about outfitter permits as an archery outfitter. Understand there is a stress on public property, but should not limit an entire state for nonresident hunters. It is difficult for them as they have no promise of drawing. Wondering if we can zone property differently or have tags for outfitters. Hoping there is a common ground we can come to.

Larry Nemic, Pierre, SD. Likes to draw rifle license for the area in which he lives. Would like to apply for a West River and hear back on that tag before putting in to draw for a different tag. So if you don't draw the one you really want in the first draw then you can put in for muzzleloader. There should be a limit of two firearm tags for each hunter. If they want more than that they can put in for an archery tag. Also feels GFP does not have accurate success rates. Needs to go back to the report card tags used

50 years ago. Hunts with a bow where there are mountain lions and wolves and should be able to carry a side arm for possible attacks by these other animals.

Dana Rogers, Hill City, SD spoke on behalf of the petitions he submitted noting that the petitions he submitted as a result of conversation at the South Dakota Bowhunters annual meeting. He then spoke to statistics for specific licenses and concerns with nonresident pressure in specific units.

Roger Hatling, Pierre, SD, spoke in regards to the petition to restrict shooting rifles on Okobojo Creek. Said he has a cabin on Lake Pickerel near public ground and have never had a problem. He does not agree with the petition and said we as hunters are losing public ground.

John Simpson, Pierre, SD in regards to the petition to restrict shooting rifles on Okobojo Creek. Has not had a chance to review but understands residents have concerns. Said it was a 16 day season and its like if someone builds a house near a GPA needs to understand where they are building. This has been public use for public access and should be open to as many forms of recreation as possible. If there are concerns they need to follow up with the Sully County Sheriff. As for archery hunting has seen a phenomenal increase of nonresidents because their tags are unlimited. There are now more nonresidents than residents and recommends these tags be limited similar to rifles hunting.

Dayne Weelborg, Estelline, SD spoke in regards to resident nonresident issues. He has hunted 6 different states and 2 provinces and feels strongly as someone who is a nonresident hunter. He has 16-20 years preferences in many of these states. In some of these states it requires 8 plus years to receive a tag. These states also have other opportunities and there is common ground to be found. Unlimited nonresident tags is not common ground and doesn't happen anywhere else.

Doug Abraham, Pierre, SD represents South Dakota Landowner Outfitter Alliance spoke to the deer season draw structure noting it harms interest of the members of his association at there are 187 leftover tags that will no longer be available to nonresidents. Thanks the department for working with the alliance to look at opportunities by allowing for increased resident and nonresident opportunities without a negative biological impact and pressure on public hunting areas while raising revenue for habitat. As for the archery petitions he urged the Commission to look at opportunity for residents and nonresidents while protecting public access and opportunity for both residents and nonresidents as well as landowners and outfitters with the biological data being taken into consideration over personal observation.

Rob Goodman, Kyle, SD spoke on behalf of the Oglala Sioux Parks and Recreation Authority stating they would like to see sheep tag auction funds remain dedicated to sheep only. They recently completed projects with SD GFP which would not have been possible without the funds that come from this auction tag that are allocated for sheep. Supports changing the boundary for the unit to moving it to highway 44.

Todd Waldere, Alexandra, SD agrees with two tag proposal for deer. Said he just applied for an out of state tag that cost \$1,000 or more. Stated South Dakota needs

to increase cost of tags for nonresidents to increase funds similar to what other states do.

DIVISION OF WILDLIFE

Adoption of Fishery Area Management Plans

John Lott, fisheries chief, requested the Commission adopt the Fishery Area Management Plans.

Motioned by B. Jensen, second by Locken TO ADOPT THE FISHERY AREA MANAGEMENT PLANS. Motion carried unanimously.

Elk Landowner Preference

Kevin Robling & John Kanta, wildlife regional supervisor, discussed elk landowner preference. Currently wildlife conservation officers (WCO) approve landowners prior to the elk license drawing. Paper applications must be submitted through the mail. Applications come in right up to the application deadline. This puts a time crunch on WCOs and the process can be cumbersome. As such, internal direction will be provided to WCOs to treat elk landowner preference similar to how we look at deer landowner preference. With deer landowner preference landowners apply for a deer license and acknowledge on the application that they qualify for landowner preference. After the deer licenses are drawn WCOs review the list of landowner preference licenses and identify any potential issues with landowner preference and address those issues. Starting with the 2019 elk license drawing, WCOs will review elk landowner preference in the same fashion as deer landowner preference.

CWD Management Plan Update

Chad Switzer, wildlife administrator, presented an updated timeline to the commission which included public involvement activities, when a draft plan would be shared with public, adoption of the plan by the Commission, and when any modified or new regulations would be recommended to the Commission. See table provided below for details.

February 12	Present at GFP Region 4 meeting
February 13	Present at GFP Region 3 meeting
February 16	Present at South Dakota Bowhunters Inc. annual convention
February 20	Present at GFP Region 2 meeting
February 21	Internal workgroup meeting
March 4	Present at GFP Region 1 meeting
March 5 and 7	One hour conference call with known game processors
March 6 and 8	One hour conference call with licensed taxidermists
March 12	Open house in Aberdeen
March 13	Open house in Sioux Falls

March 14	Open house in Huron
March 15	Present at South Dakota Taxidermy Association annual convention in Watertown
March 18	Open house in Rapid City
March 19	Open house in Hot Springs
March 21	Internal workgroup meeting
March 25	Open house in Wall
March 26	Open house in Pierre
April 1	Provide 1st draft plan to GFP staff, stakeholder group and public
April 11-14	Present at the Dakota Territory Meat Convention in Brookings
April - May	Continue any identified communication and outreach needs with stakeholders. Include CWD information and best management practices in deer and elk applications.
May 9	SDPB - South Dakota Focus
May 13	Next CWD stakeholder group meeting
May 14	Internal workgroup meeting
May 14-31	Incorporate feedback from GFP staff, stakeholder group and public comment period
June 6-7	Present final draft action plan to Commission and allow for public comment period
July 8-9	Ask for formal plan adoption by Commission <u>AND</u> present Department recommendations for Commission consideration.
September 5-6	Ask Commission to finalize proposed rule changes that would go into effect for the 2020 deer and elk hunting seasons. Provide best management practices to hunters and public for 2019 hunting seasons.
September 10-12	Present at the Dakota Solid Waste Management convention in Bismarck, ND

Wildlife and Fishery Winter Weather Impacts and Depredation Update

Lott provided an update to the commission on potential impacts to fishery resources due to weather conditions. In particular, Lott focused on lakes that will likely be winter killed and a few others that may have a partial winter kill. Lott also discussed a lower level of fishing activity due to the inability to access many lakes resulting from the amount of snow on and around many lakes.

Kirschenmann provided an update to the commission on winter impacts to terrestrial species, in particular deer and pheasant. Kirschenmann explained that staff are working on over 200 deer depredation complaints across the state with most occurring in the northeast. Staff of all disciplines are assisting with deer depredation efforts. Kirschenmann also explained that staff are receiving concerning calls from the public over deer and pheasants starving and struggling to find food. It was explained that we do not feed wildlife but use short stop feeding of deer in certain circumstances. Kirschenmann stated that if individuals decide to feed wildlife that they consider location

and place in close proximity to winter thermal cover to minimize exposure to harsh weather conditions and predators.

Missouri River Refuge Taskforce

Robling provided an update noting that at the Commission meeting on December 6th it was decided to take a step back and form a public taskforce to assist in developing the criteria and discussing the future of the waterfowl refuge system on the Missouri River. This process is just getting started but we have already received multiple requests from landowners, sportsmen, and business owners to be on this group. He said our goal will be to have several meetings of this workgroup to define a set of criteria for the Commission to review by late summer.

DIVISION OF PARKS AND RECREATION

Palisades State Park Land Donation Update

Sean Blanchette, executive director of the South Dakota Parks and Wildlife Foundation and Al Nedved, parks and recreation assistant director, presented information on the expansion of Palisades State Park near Garretson.

Blanchette briefed the Commission on the status of land acquisitions referencing a map that was provided to the Commission. In December 2018, the Foundation purchased 80 acres and donated it to the Department with previous approval from the Commission. The Foundation recently closed on a 97.5 acre parcel and has executed a land exchange agreement to acquire an additional 80 acres with the intent of donation both newly acquired parcels to the Department. Once completed, the Foundation will have donated a total of 257.5 acres of property to the Department. Blanchette explained that fundraising efforts are underway and part of the current campaign will be to raise \$500,000 to be put towards development as a match to a potential appropriation that has been introduced in legislation.

Nedved discussed potential development plans for the expanded land base at Palisades. Nedved presented Resolution 19-03 which would authorize the department to accept the Foundation's donation of the newly acquired 177.5 acres.

Motioned by Sharp with second by Phillips TO ADOPT RESOLUTION 19-03 (Appendix A) as presented Motion carried unanimously.

Solicitation of Agenda Items from Commissioners

No agenda items were recommended

Adjourn

The meeting adjourned at 11:10 a.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary

Appendix A
RESOLUTION 19-03

WHEREAS, The South Dakota Parks and Wildlife Foundation owns real estate (Property) described as:

THE SOUTH HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4), EXCEPTING LOT H-1 THEREIN, OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, MINNEHAHA COUNTY, SOUTH DAKOTA.

and

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4) OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, EXCEPT LOT P-2 OF THE NORTHEAST QUARTER (NE1/4), EXCEPT TRACT 1 OF COUNTY AUDITOR'S SUBDIVISION OF THE NORTH HALF (N1/2) AND EXCEPT BOWAR'S FIRST ADDITION; AND
THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) LYING SOUTHERLY AND EASTERLY OF THE RAILROAD RIGHT-OF-WAY, EXCEPT LOT P-1 OF THE NORTHWEST QUARTER (NW1/4), EXCEPT TRACT 1 OF COUNTY AUDITOR'S SUBDIVISION OF THE NORTH HALF (N1/2) AND EXCEPT BOWAR'S FIRST ADDITION, ALL OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, MINNEHAHA COUNTY, SOUTH DAKOTA; AND
THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4 NW1/4) AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, MINNEHAHA COUNTY, SOUTH DAKOTA

Whereas, pursuant to its wishes, South Dakota Parks and Wildlife Foundation desires to gift and transfer title to the Property to the South Dakota Department of Game, Fish and Parks (Department) for use for the parks division; and

Whereas, the Department has evaluated and determined that the Property would serve very well as a park or recreational area, and

Whereas, the Department is authorized to accept gifts of property for park and recreational use per SDCL 41-2-19 and desires to accept the gift of the Property upon confirmation of the gift by the Game, Fish and Parks Commission; and

Whereas, the Game, Fish and Parks Commission desires to acknowledge the Department's acceptance of this gift of property from South Dakota Parks and Wildlife Foundation for use as a park and recreational area, and further acknowledges the extreme generosity of South Dakota Parks and Wildlife Foundation.

NOW, THEREFORE, BE IT RESOLVED, that the Game, Fish and Parks Commission does hereby confirm the decision by the Department to accept the transfer and gift of the Property from South Dakota Parks and Wildlife Foundation to be used as by the parks division.

BE IT FURTHER RESOLVED that the Game, Fish and Parks Commission, on behalf of the citizens and sportspersons of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to South Dakota Parks and Wildlife Foundation for its generosity, and further acknowledge the outdoor recreational opportunities this gift will provide to South Dakotans for many years to come.

Appendix B
RESOLUTION 19-04

WHEREAS, Henry Maddocks of Pierre, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 19, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:03:01 (Use of Parks and Public Lands) – to restrict rifle use on GFP land near Okobojo Creek 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 the rifle restriction near Okobojo Creek; and

WHEREAS, there are multiple scenarios across the state where residential dwellings are in close proximity to public hunting areas, and in some instances at a higher density than the described area; and

WHEREAS, the Department has no documented safety issues from the area described by the petitioner; and

WHEREAS, the area to be closed requested by the petitioner exceeds the area necessary to address the petitioner’s concern for safety; and

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, Henry Maddocks of Pierre, South Dakota.

Appendix C
RESOLUTION 19-05

WHEREAS, Josh Hagemann of Mission Hill, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 19, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:45:01 (General Muzzleloading deer hunting season established) – to alter the muzzleloading 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 to alter the muzzleloading season; and

WHEREAS, at the time of establishing the muzzleloader season, it was desired to have its own start date and time period independent of other firearm seasons; and

WHEREAS, the use of a muzzleloading firearm is currently allowed as a legal equipment to harvest deer during firearm seasons; and

WHEREAS, the Commission has concern this change will add more hunters on public lands already crowded with current license holders.

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, Josh Hagemann of Mission Hill, South Dakota.

Appendix D
RESOLUTION 19-06

WHEREAS, Dana Rogers of Hill City, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 18, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:01:17 (Access permits required for specific deer hunting units and public lands) – change the number of access permits given to non-residents 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 limiting the number of access permits for non-residents; and

WHEREAS, the GFP Commission is currently conducting a process to establish a set of criteria to consider when allocating resident and nonresident licenses; and

WHEREAS, the GFP Commission believes their resident/nonresident criteria process should be finalized prior to considering or taking action on petitioned changes; and

WHEREAS, the GFP Commission will defer these discussions to a later date with the expectation the Department will bring forward alternatives for consideration to address the issue.

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, Dana Rogers of Hill City, South Dakota.

Appendix E
RESOLUTION 19-07

WHEREAS, Dana Rogers of Hill City, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 18, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:01 (Application for License) – to create a non-resident archery permit 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 creating a non-resident archery permit; and

WHEREAS, the GFP Commission is currently conducting a process to establish a set of criteria to consider when allocating resident and nonresident licenses; and

WHEREAS, the GFP Commission believes their resident/nonresident criteria process should be finalized prior to considering or taking action on petitioned changes; and

WHEREAS, the GFP Commission will defer these discussions to a later date with the expectation the Department will bring alternatives for consideration addressing the issue.

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, Dana Rogers of Hill City, South Dakota.

Appendix F
RESOLUTION 19-08

WHEREAS, Dana Rogers of Hill City, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 18, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:22:01 (Archery deer hunting season established – number and type of licenses) – to restrict the number of non-resident archery licenses issued 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 restricting the total number of non-resident archery licenses available; and

WHEREAS, the GFP Commission is currently conducting a process to establish a set of criteria to consider when allocating resident and nonresident licenses; and

WHEREAS, the GFP Commission believes their resident/nonresident criteria process should be finalized prior to considering or taking action on petitioned changes; and

WHEREAS, the GFP Commission will defer these discussions to a later date with the expectation the Department will bring forward alternatives for consideration to address the issue.

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, Dana Rogers of Hill City, South Dakota.

Appendix G
RESOLUTION 19-09

WHEREAS, Dana Rogers of Hill City, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 18, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:02:03 (Hunting License Fees to increase the price of license fees for non-residents 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 increase the license fees for non-residents; and

WHEREAS, the GFP Commission is currently conducting a process to establish a set of criteria to consider when allocating resident and nonresident licenses; and

WHEREAS, the GFP Commission believes their resident/nonresident criteria process should be finalized prior to considering or taking action on petitioned changes; and

WHEREAS, the GFP Commission does not have the authority to create a state habitat stamp; and

WHEREAS, the GFP Commission and Department will be discussing a license fee package later in 2019 and that would be the appropriate time to consider the suggested changes to nonresident fees provided by the petitioner.

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, Dana Rogers of Hill City, South Dakota.

Appendix H
RESOLUTION 19-10

WHEREAS, Dana Rogers of Hill City, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 18, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:24:01 (Archery antelope hunting season and number of licenses) – limiting the number of antelope archery licenses available to non-residents 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 limiting the number of antelope archery license available to non-residents and

WHEREAS, the GFP Commission is currently conducting a process to establish a set of criteria to consider when allocating resident and nonresident licenses; and

WHEREAS, the GFP Commission believes their resident/nonresident criteria process should be finalized prior to considering or taking action on petitioned changes; and

WHEREAS, the GFP Commission will defer these discussions to a later date with the expectation the Department will bring forward alternatives for consideration to address the issue.

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, Dana Rogers of Hill City, South Dakota.

Appendix I
RESOLUTION 19-11

WHEREAS, Bruce Bauer of Watertown, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated February 18, 2019, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:13 (Spring Wild Turkey Hunting Season) – to allow restricted rifle hunting for the turkey seasons 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 allowing restricted rifle hunting for the turkey seasons; and

WHEREAS, the GFP Commission recently took action to remove the use of rifles to harvest turkeys during the spring turkey season after consideration of survey information, public input, and as a proactive approach to prevent a future hunting accident; and

WHEREAS, the suggested changes provided by the petitioner make regulations more complex which is contrary to current efforts to streamline regulations; and

WHEREAS, some of the petitioned changes are lower than established regulations for foot pounds produced at the muzzle capacities which were set to assure firearms are sufficiently powered; and

WHEREAS, the GFP Commission has directed the department to reassess the use of rifles and to bring forward recommendations for consideration later in 2019 that if determined appropriate by the Commission could be in place for the 2020 spring turkey 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, Bruce Bauer of Watertown, South Dakota.

Appendix J
RESOLUTION 19-12

WHEREAS, pursuant to ARSD § 41:06:01 and 41:06:02, the Game, Fish and Parks Commission (Commission) has adopted changes to the deer drawing structure with an overall goal of getting more deer hunters their preferred license more often; and

WHEREAS, the Commission has considered numerous alternatives and has responded to input provided by deer hunters by amending proposals and extending public comment periods multiple times in an effort to find middle ground and compromise; and

WHEREAS, the Commission acknowledges the changes adopted are not supported by all deer hunters, but believes the adopted changes move in the direction of meeting the overall goal; and

WHEREAS, the Commission also acknowledges that final results of a new drawing structure cannot be determined until actually implemented and have gone on record to state that changes will be made if desired outcomes are not met.

NOW, THEREFORE, BE IT RESOLVED, that with adoption of the changes in the deer drawing structure the Commission instructs the Department to conduct a comprehensive review of the changes in three years (2022) and report to the Commission how the new structure is functioning and if adjustments to the new system are warranted.

Public Hearing Minutes of the Game, Fish and Parks Commission
January 10, 2019

The Public Hearing Officer Scott Phillips began the public hearing at 2:00 p.m. at RedRossa Convention Center in Pierre, South Dakota. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Scott Phillips, Russell Olson (via conference call), Douglas Sharp, and Robert Whitmyre were present. Chairman Jensen indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Phillips then invited the public to come forward with oral testimony.

Deer Hunting Season Drawing Structure

Dan Nefzyer, Lake Norden, SD spoke in support of the two tag proposal. He said with the two tag proposal more people can be in the field and if people really want to hunt there are archery and other tags available to give everyone opportunity. There is no excuse if people are not getting a tag. There were quite a few leftover tags available and people need to do things for themselves before the state has to.

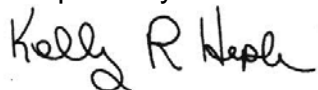
Wayne Lloyd, Wentworth, SD, spoke in support of the deer hunting season draw structure noting it is a good compromise between the avid hunter and GFP. The said he is one of the 12 percent that puts in for more than 2 tags and appreciates the compromise as this is the best solution for the hunter.

Dayne Weelborg, Estelline, SD, said as a hunters we are a small percentage of people and we need to work together and be positive even toward people who do not hunt. He is excited to have a Governor who is representing our view points and sportspeople. It's disheartening to see the negative comments online.

See attached public comments submitted prior to the public hearing

The public Hearing concluded at 2:07 p.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary