

**Minutes of the Game, Fish, and Parks Commission  
April 8-9, 2021**

Chairman Russell Olson called the meeting to order at 1:00 p.m. CT. Commissioners Travis Bies, Jon Locken, Doug Sharp, Charles Spring, Robert Whitmyre. Public and staff were able to listen via SDPB livestream and participate via conference call with approximately 65 total participants via zoom.

**DIVISION OF ADMINISTRATION**

**Conflict of Interest Disclosure**

Chairman Olson called for conflicts of interest to be disclosed. None were presented.

**Approval of Minutes**

Olson called for any additions or corrections to the March 4-5, 2021 regular meeting minutes or a motion for approval.

Motion by Sharp with second by Bies TO APPROVE THE MINUTES OF THE March 4-5, 2021 MEETING. Motion carried unanimously.

**Additional Commissioner Salary Days**

Olson called for additional salary days. None were requested.

**Newton Hills Property**

Kevin Robling, department secretary, provided information on the status of the Newton Hills Property.

**Parks and Wildlife Foundation Update**

Lisa Weyer, director, provided a brief update and noted a more detailed update will be presented at the May Commission meeting.

**Second Century Habitat Fund Board Update**

Lisa Weyer, director, provided an update.

**Nest Predator Bounty Program**

Keith Fisk provided an update on the bounty program.

**OPEN FORUM**

Jon Kotilnek, senior staff attorney, opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda.

Mike Lokken, Sioux Falls, SD asked about Asian Carp what is being done to minimize them? Says they are getting worse every year especially where he recreates at Gavin's Point. Wants to know if there is anything that can be done. Director Kirschenmann will have staff follow up.

**PETITIONS**

## **Lake Sharpe Smallmouth Bass – only one over 15 inches**

Kirschenmann explained the petition process and introduced the petition received and presented the departments position.

Steven Baumberger, petitioner began by inquiring about small mouth bass management.

Kirschenmann explained the department always continues to manage for smallmouth bass across the state.

Geno Adams further explained that the state continues to manage for smallmouth bass across the state and the department has removed some regulations because they have not been impacting the regulation size structure. Harvest Data is done through creel surveys on a variety of waters across the state.

Baumberger feels that data is in accurate and wants to create size diversity in the lake to make a bigger fishery.

Kirschenmann welcomed further dialog with the petitioner and noted the information presented to the Commission by Adams to deny the petition

Motioned by Bies, second by Sharp TO DENY THE PEITION. Motion carried unanimously.

Motioned by Bies, Second by Whitmyre TO APOPT RESOLUTION 21-08 DENYING THE PETION. Motion carried unanimously.

## **PROPOSALS**

### **Youth Proposals**

Jon Kotilnek, senior staff attorney, during the 2021 Session, HB 1034 was passed by the legislature as a Department sponsored bill. The bill was dubbed the "Youth Bill." The overall objective was rather simple – align the definition of who qualifies as a "youth." Prior to passage, in GFP the age limit for a youth was dependent upon the season. Some seasons if you were 16 and under you were considered a youth. For other seasons, if you were under 18 you qualified as a youth. HB 1034 aligned all the ages so that if an individual is under 18, they are considered a youth and qualify for youth licenses. This administrative rule proposal finishes what HB 1034 started. The proposal addresses all of our youth licenses and requirements that are found in rule and aligns them with HB 1034, namely, if you are under the age of 18, you are considered a youth.

- Remove the age eligibility for combination licenses in administrative rule (41:06:02:01.01).
- Make changes to the available license types and associated fees (41:06:02:03). Eliminate the junior combination license; create a youth deer license and fee (Resident \$5 / Nonresident \$10); amend resident/nonresident small game license structure to '18 and older' and 'under 18'; specify nonresident youth waterfowl licenses are available to those under 18.
- Correct a cross-referencing error in 41:06:16:11(10) pertaining to youth waterfowl season.

- Make changes to the adult accompaniment requirements for youth waterfowl season (41:06:49:04). Align adult accompaniment requirements (under age 16) with those found in state law (41-6-13).
- Make changes to the adult accompaniment requirements for youth pheasant season (41:06:55:04). Align adult accompaniment requirements (under age 16) with those found in state law (41-6-13).
- Make changes to the available fishing license types and associated fees (41:07:01:12). Eliminate the nonresident family fishing license and the youth fishing license options.
- Repeal 41:07:03:06 given the elimination of the nonresident family fishing license option.
- Amend the fishing license requirement age for permitted paddlefish anglers from 16 to 18 (41:07:05:02). All anglers, regardless of age, are eligible to obtain a paddlefish permit but fishing licenses are required of those 18 years of age and older.

Motioned by Whitmyre, second by Locken TO APPROVE THE RECOMMENDED CHANGES TO THE YOUTH HUNTING AND FISHING REGULATIONS. Motioned carried unanimously.

### **Disabled Pheasant Hunts**

Chad Switzer, wildlife program manager, presented the recommended change to the disabled pheasant hunting season to amend Administrative Rule of South Dakota 41:06:54:01 to align rule with South Dakota Codified Law 41-11-5.5 as follows:

**41:06:54:01. Special pheasant hunting season authorized -- Valid on private land only.**  
 A special pheasant hunting ~~season~~ for qualifying disabled veterans and purple heart recipients may be established anytime ~~during the months of October and November beginning September 1 through the end of the regular pheasant season~~ upon application by a sponsoring nonprofit organization. A special pheasant hunting ~~season~~ is valid only on private lands.

Motioned by Bies, second by Sharp TO APPROVE THE RECOMMENDED CHANGES TO THE DISABLED PHEASANT HUNTS. Motion carried unanimously.

### **Public Water Zoning**

Jon Kotilnek, senior staff attorney, in 2019, the department conducted a rules review process that looked at every GFP regulation. The effort was aimed at reducing complexity, reducing redundancy and adding clarification for a more simplified regulatory framework. During this process some safety zones were inadvertently removed from the Charles Mix County public water safety zones. Adopting this proposal would correct that error.

Motioned by Sharp, second by Locken TO APPROVE THE RECOMMENDED CHANGES TO THE PUBLIC WATER ZONING RULES. Motion carried unanimously.

### **Deer Season**

Andy Lindbloom and Andrew Norton, senior big game biologists, provided an update on mule deer and white-tailed deer management and research.

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

Switzer presented the recommended changes to the Custer Sate Park deer hunting season to Adjust the number of resident licenses from no more than 88 one-tag

deer licenses to no more than 100 one-tag deer licenses with no changes from proposal.

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

Switzer presented the recommended changes to the Black Hills deer hunting season to adjust the number of resident licenses from no more than 4,800 one-tag deer licenses to no more than 5,500 one-tag deer licenses with no changes from proposal.

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

Switzer presented the recommended change to the West River deer hunting season to adjust resident license numbers from no more than 12,308 one-tag, 5,220 two-tag deer licenses and 400 three-tag deer licenses to 20,000 one-tag, 15,000 two-tag deer licenses and 10,000 three-tag deer licenses. He noted a change from proposal to repeal units 15P, 27P and 45P.

Motioned by Locken, second by Bies TO APPROVE THE CHANGES TO THE PROPOSAL. Motion carried unanimously.

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

Switzer presented the recommended change to the East River deer hunting season to adjust resident license numbers from no more than 24,510 one-tag and 2,800 two-tag tag deer licenses to 30,000 one-tag and 15,000 two-tag and 5,000 three-tag deer licenses. He noted a change from proposal to repeal units 13P, 36P, 33P AND 38P

Motioned by Whitmyre, second by Sharp TO APPROVE THE CHANGES TO PROPOSAL. Motion carried unanimously.

### **Refuge Deer Hunting Season**

Switzer presented the recommended changes to the national wildlife refuge deer hunting season as follows with no recommended change to the proposal.

1. For Sand Lake National Wildlife Refuge, adjust resident license numbers from no more than 105 one-tag deer licenses to 200 one-tag and 100 two-tag deer licenses.
2. For Lacreek National Wildlife Refuge, adjust resident license numbers from no more than 20 one-tag deer licenses to 100 one-tag and 50 two-tag deer licenses.
3. For Waubay National Wildlife Refuge, adjust resident license numbers from no more than 20 one-tag deer licenses to 75 one-tag deer licenses.

### **Archery Deer Hunting Season**

Switzer presented the recommended changes to the archery deer hunting season proposal as follows:

1. Recommended changes from proposal:  
Modify ARSD 41:06:22:01.02 (Nonresident archery deer hunting season restrictions) as follows:
  - a. ~~A license obtained by a nonresident on or after the first day of August, 2019, is valid only on private lands not leased for public access by the department through the first day of January, 2020.~~ A license obtained by a nonresident on or after the first day of April, 2020, and every year thereafter, is valid only on private lands not leased for public access by the department.
2. Modify ARSD 41:06:22:01.01 as follows:

- a. Current Rule: Unit ARD-LM1: all areas open to archery deer hunting; excluding the following deer hunting units referenced in chapters 41:06:19, 41:06:20, and 41:06:21: 02C, 07A, 08A, 12A, 13L, 19A, 20A, 21A, 21B, 27A, 27L, 29A, 34A, 35L, 37A, 39A, 41A, 45D, 58A, 59A, 61A, 64A, 65A, and 67A;
- b. Recommended Rule: Unit ARD-LM1: all areas open to archery deer hunting; excluding the following deer hunting units referenced in chapters 41:06:19, 41:06:20, BD1, 02C, 07A, 08A, 12A, 14A, 27L, 33A, 34A, 35L, 36A, 38A, 41A, 50A, 54A, 58D, 59A, 59B, 61A, and 65A;

Motioned by Bies, second by Sharp TO APPROVE THE CHANGES TO THE PROPOSAL. Motion carried unanimously.

### **Muzzleloading Deer Hunting Season**

Switzer presented the recommended changes to the muzzleloading deer hunting season to adjust resident license numbers from no more than 1,000 one-tag “any deer” licenses to 1,500 one-tag “any deer” deer licenses.

Recommended changes from proposal:

- 1. Modify ARSD 41:06:45:02 as follows:
  - a. Current Rule: Unit MZD-LM1: all areas open to archery deer hunting; excluding the following deer hunting units referenced in chapters 41:06:19, 41:06:20, and 41:06:21: 02C, 07A, 08A, 12A, 13L, 19A, 20A, 21A, 21B, 27A, 27L, 29A, 34A, 35L, 37A, 39A, 41A, 45D, 58A, 59A, 61A, 64A, 65A, and 67A;
  - b. Recommended Rule: Unit MZD-LM1: all areas open to archery deer hunting; excluding the following deer hunting units referenced in chapters 41:06:19, 41:06:20, and 41:06:21: BD1, 02C, 07A, 08A, 12A, 14A, 27L, 33A, 34A, 35L, 36A, 38A, 41A, 50A, 54A, 58D, 59A, 59B, 61A, and 65A;

Motioned by Sharp, second by Whitmyre TO APPROVE THE CHANGES TO THE PROPOSAL. Motion carried unanimously.

### **Apprentice Deer Hunting Season**

Switzer presented the recommended changes to the apprentice deer hunting season to modify the statewide unit and “any antlerless deer” licenses to the following:

Recommended changes from proposal:

- 1. Repeal administrative rule language pertaining towards youth under 18 years of age.
- 2. Repeal administrative rule that each hunter must be accompanied by an adult while hunting.

Motioned by Locken, second by Whitmyre TO APPROVE THE CHANGES TO THE PROPOSAL. Motion carried unanimously.

### **Youth Deer Season**

Switzer presented the recommended change to the youth deer hunting season as follows:

- 1. Establish ARSD **Chapter 41:06:63 Youth Deer Season**.
- 2. Establish the following administrative rules:
  - 41:06:63:01. Youth deer hunting season established.** The youth deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset beginning on the second Saturday of September through January 1.
  - 41:06:63:02. Number and type of licenses available.** An unlimited number of “antlerless deer” and “antlerless whitetail deer” licenses may be issued for this season. Youth deer hunters are limited to one “antlerless deer” or “antlerless whitetail deer” license for areas open to youth deer hunting.
  - 41:06:63:03. Open units.** The following is a description of the open units.

(1) Unit YOD-03: West River Units 02A, 15A, 15B, 31A, 35A, 35C, 35L, 49A, 49B, 53A, 53C and 64A. License valid for a single tag “any antlerless deer” license.

(2) Unit YOD-13: That portion of the state not included in Unit YOD-03. Licenses valid for a single tag “antlerless whitetail deer” license.

**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 Meade Bureau of Land Management south unit and the signed portion of the north unit in Meade County.

**41:06:63:05. Application requirements and restrictions.** The following requirements and restrictions apply to all applications for license under this chapter:

(1) Any person who has reached the age of 12 years during the period September 1 through December 31 and has not reached the age of 18 years by June 30;

(2) A person who received a mentored deer license is ineligible to receive a youth deer license;

(5) Land operator preference is not applicable to these licenses.

3. Modify the following administrative rule:

**41:08:06:06. Hunting area limited.** A permittee may aerial hunt only in the counties permitted in the contract. A permittee may not aerial hunt upon or over any private land or any state or federal land, except as authorized by a department representative or as otherwise provided for in this chapter.

A permittee may aerial hunt upon or over land owned or managed by the Office of School and Public Lands, without prior authorization by a department representative except that such land is closed to aerial hunting for four consecutive days beginning three days prior to the opening day of any local prairie elk, antelope, or deer firearm hunting season, as provided in article 41:06. For purposes of this section, the phrase, deer firearm hunting season, does not include the mentored, youth, or apprentice deer season, as provided for in chapter 41:06:44 or seasons restricted to the use of muzzleloading rifles, as provided for in chapters 41:06:36 and 41:06:45. A landowner pilot who has obtained a permit from the department may aerial hunt land the pilot owns or leases, including land leased from the Office of School and Public Lands, and up to four miles onto any contiguous private land or land leased from the Office of School and Public Lands, with written permission of the respective owner or lessee of the contiguous land. No contact with the department for authorization is necessary.

Motion by Bies, second by Sharp TO APPROVE THE RECOMMENDED CHANGES TO THE YOUTH DEER HUNTING SEASON. Motion carried unanimously.

### **Application for License**

Chad Switzer, wildlife program manager, presented the recommended change to the mentored youth big game license proposal as follows:

Recommended changes from proposal:

1. Allow for both a resident and nonresident parent or guardian to purchase a mentored license for a designated mentored youth.

2. A person under 16 years of age who received a youth deer license is ineligible to receive a mentored deer license

3. Establish the types of big game animals that are eligible to harvest with a landowner-on-own-land license. a. For the West River, East River, and Black Hills firearm deer hunting seasons, qualifying landowners and owner/operators may purchase one “any deer” license or a two-tag “any deer” and “any antlerless deer” license.

b. For the antelope firearm hunting season, qualifying landowners and owner/operators may purchase one “any antelope” or a two-tag “any antelope” and “any doe/fawn antelope” license.

4. Modify the following administrative rule: **41:06:01:13. Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.** Antlerless licenses authorized by SDCL 41-6-19.8 may be issued to any qualifying farmer or rancher for use in the West River, East

River, Apprentice hunter, Youth, Archery, and Muzzleloading deer hunting units. Antlerless whitetail deer licenses will be available to qualifying applicants in hunting units which offer a deer license with multiple tags for antlerless deer in the lottery drawing for the East River and West River deer seasons. The requirements and equipment restrictions for each deer season apply to any free antlerless license issued.

**5. Modify the following administrative rule: 41:06:01:17. Access permits required for specific deer hunting units and public lands.** Any resident or nonresident deer hunter possessing an archery, muzzleloader, apprentice hunter, youth, or mentor deer license shall obtain and possess a free access permit to hunt West River deer units 24B, 27L, 35L, and East River deer unit 13L. Any resident or nonresident deer hunter possessing an archery deer license shall obtain and possess a free access permit in order to hunt Newton Hills State Park or in the Black Hills as defined in § 41:06:19:02. Unlimited access permits may be issued for each management unit and each free access permit shall be unit specific.

Motion by Whitmyre, second by Bies TO APPROVED THE RECOMMENDED CHANGE TO MENTORED YOUTH BIG GAME LICENSES. Motion carried unanimously.

### **Disabled Veterans Deer Hunting Season**

Switzer presented the recommended change to the disabled veterans hunting season proposal as follows:

#### **Recommended changes from proposal:**

1. For the purposes of this season, a qualified disabled veteran is a person who meets one of the following criteria:
  - a) A resident veteran who has been adjudicated by the United States Department of Veterans Affairs as twenty percent or more disabled due to a service-connected disability or has received the United States Department of Veterans Affairs K Award; or
  - b) A resident who has served on active duty in the armed forces of the United States or has served as a member of the armed forces reserve or national guard, and the resident is forty percent or more disabled for the purposes of receiving social security benefits.

Motioned by Sharp, second by Spring TO APPROVE THE CHANGES TO THE PROPOSAL. Motion carried unanimously.

### **Deer Hunting Season License Allocation**

Switzer presented the recommended changes to deer hunting license and access permit allocation by season and unit.

Motion by Locken, second by Bies TO APPROVE THE RECOMMENDED CHANGE TO ALLOCATION OF DEER LICENSES (Appendix C). Motion carried unanimously.

### **Upland Game**

Switzer presented no recommended changes to the pheasant and grouse hunting seasons

### **CWD Regulations**

Switzer provided no recommended changes to the proposal to disposal of carcass remains for deer and elk as it pertains to chronic wasting disease.

## **DIVISION OF PARKS AND RECREATION Bison Center Update**

Matt Snyder, parks and recreation regional supervisor, provided an update on the Bison Center project.

### **Snowmobile Season Recap**

Ryan Raynor, district park supervisor, provide information on the snowmobile season.

### **Spring Creek Golf Course Development**

Scott Simpson, parks and recreation division director, provided the Commission an update on the development of the Spring Creek Golf Course.

### **2021 Capital Development**

Adam Kulesa, planning and development administrator, provided a short power point presentation was given highlighting major projects scheduled for this construction season. Several projects over 1 million dollars included: Palisades Phase I & II main road stem and campground loop construction, Mina Lake Spillway Replacement, Newell Lake Spillway Replacement, 1.5 asphalt overlay on the 18 mile stretch of Wildlife Loop Road, and a new boat ramp/parking lot at Lake Poinsett. The parks division is working diligently to play catch up on completing projects after Covid-19 delayed many of those budgeted projects in 2020.

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

Al Nedved, parks and recreation deputy director, provide the year to date revenue, camping and visitation reports for all parks and districts.

## **DIVISION OF WILDLIFE**

### **Land Donation – Blue Dog Lake Fishing Access Area – Day County**

Paul Coughlin presented information on a land donation in Day County from the County to be used for public water access to Blue Dog Lake.

Motioned by Whitmyre, second by Bies TO ADOPT RESOLUTION 21-07 (APPENDIX A) TO ACCEPT THE LAND DONATION IN DAY COUNTY FOR BLUE DOG LAKE FISHING ACCESS. Motion carried unanimously.

### **Land Acquisition – Medicine Knoll Creek GPA Land Exchange**

Paul Coughlin presented information on a possible land exchange near the Medicine Knoll Creek GPA

### **Panfish Regulations**

Brian Blackwell, fisheries biologist, provided research on bluegill population dynamics and angler harvest is being completed at lakes Enemy Swim and Pickerel. Bluegill abundance was high at both lakes in 2020. Growth was variable at Enemy Swim depending on what fish were sampled and growth at Pickerel is excellent. Bluegill harvest was somewhat high (33%) at Enemy Swim in 2020 and was extremely high (58%) at Pickerel. Late summer showed the highest harvest at both lakes and may be related to reductions in invertebrates. The information gained in this study will be used to model bluegill population responses under various regulations, including the current



15 fish daily limit, to see what may be best to maintain or increase the numbers of large bluegills.

### **CWD Surveillance and Public Outreach**

Chad Switzer provided information to the Commission

### **Elk Management Plan Stakeholder Group Update**

John Kanta, wildlife terrestrials chief, explained GFP is currently in the process of revising the elk management plan. As part of this process GFP is meeting with stakeholders to discuss the plan and take input. A third meeting was recently held with stakeholders. Topics discussed were prairie elk management objectives, landowner preference for elk licenses, population objectives and other topics. GFP plans to have a draft elk plan out for public comment in May of this year.

### **License Sales Update**

Heather Villa, administrations chief, provided an update on resident and nonresident license sales.

### **Enemy Swim AIS Update**

John Lott, fisheries chief, explained that at the March Commission meeting, a representative from the Enemy Swim Preservation Association requested Game, Fish and Parks close one of the two boat ramps on the lake to facilitate lakeshore residents conducting voluntary AIS inspections at the remaining ramp. The department met with the association twice after the March Commission meeting and proposed partnering with them on a dedicated GFP watercraft inspection station at the lake. The ramps are close enough to each other that the requirement to participate in a boat inspection would apply to boats planning to launch at either ramp. The association will provide funding for one GFP employee to be stationed at the inspection station for 10 hours per day, 7 days per week, at the Church Bay Public Water Access Area, from mid-May through mid-September. Association volunteers will help staff the station, with the number of volunteers needed based on expected use of the lake on a given day and during different times of the day (minimize delays to launch).

### **Adjourn**

Meeting adjourned at 9:50 a.m.

Respectfully Submitted,



Kevin Robling, Department Secretary

**Appendix A**  
**RESOLUTION 21-07**

WHEREAS, the South Dakota Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property (Property) presently owned by Day County, which Property is described as:

Lot 26, Subdivision of Lot 4, of Section 28 in Township 122 North, Range 54 West of the 5<sup>th</sup> P.M., Day County, South Dakota 1.2 acres, more or less; and

WHEREAS, Day County, acting through its elected Board of County Commissioners, desires to gift and transfer title to the Property to GFP for use as a Public Water Access Area; and

WHEREAS, the Department has evaluated and determined the Property would serve very well as Public Water Access Area, offering season long fishing and other recreational access to Blue Dog Lake; and

WHEREAS, the Department is authorized to accept gifts of property for Public Water Access Areas 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 the Property for use as a Public Water Access Area from Day County, acting through its elected Board of County Commissioners, and further acknowledge the extreme generosity and vision of the Day County Commission in taking such action to ensure outdoor recreation opportunities are available to all South Dakotans and visitors.

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 Day County, acting through its elected Board of County Commissioners.

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 Day County, acting through its elected Board of County Commissioners for their generosity, and further acknowledge the outdoor recreation opportunities this gift will provide to South Dakotans and visitors for many years to come.

**Appendix B**  
**RESOLUTION 21-08**

WHEREAS, Steve Baumberger of Sioux Falls, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated March 15, 2021, requesting that the Game, Fish and Parks Commission amend ARSD § 41:07:03:03 (Fish Limits-Daily, possession, and length limit restrictions on special management waters) – to allow, at most, 1 smallmouth bass 15 inches or longer in length as part of the daily limit on Lake Sharpe, except for approved South Dakota Department of Game Fish & Parks bass tournaments, 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 establishing length restrictions for smallmouth bass on Lake Sharpe; and

WHEREAS, current smallmouth bass harvest levels are not detrimental to the smallmouth bass population in Lake Sharpe; and

WHEREAS, research has shown increasing smallmouth bass abundance and lake-wide distribution in Lake Sharpe throughout the last three decades; and

WHEREAS, previous length restrictions on smallmouth bass in Lake Sharpe did not have a positive impact on the smallmouth bass fishery; and

WHEREAS, the suggested length restriction will substantially reduce the ability of anglers to harvest smallmouth bass without improving population quality.

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, Steve Baumberger of Sioux Falls, South Dakota.

## Appendix C

### 2021-2022 CUSTER STATE PARK DEER

Unit	Resident Licenses		
	Any Deer Type 01	Any Whitetail Type 11	Antlerless Whitetail Type 13
	CUD-1	0	25
CUD-2	0	0	50
<b>TOTAL</b>	<b>0</b>	<b>25</b>	<b>50</b>

### CUSTER STATE PARK DEER 2019-20 vs. 2021-2022 Comparison

Unit	2019-2020 Resident Licenses	2021-2022 Resident Licenses	# Change	% Change	2019-2020 Resident Tags	2021-2022 Resident Tags	# Change	% Change
CUD-1	38	25	-13	-34%	38	25	-13	-34%
CUD-2	50	50	0	0%	50	50	0	0%
<b>TOTAL</b>	<b>88</b>	<b>75</b>	<b>-13</b>	<b>-15%</b>	<b>88</b>	<b>75</b>	<b>-13</b>	<b>-15%</b>

### 2021-2022 BLACK HILLS DEER

Unit	Resident Licenses			Nonresident Licenses			License Totals							
	Any Deer 01	Any WT 11	Antlerless WT 13	Any Deer 01	Any WT 11	Antlerless WT 13	RES 1-tag	RES 2-tag	RES Lic	RES Tags	NR 1-tag	NR 2-tag	NR Lic	NR Tags
BD1			300	0	0	24	300	0	300	300	24	0	24	24
BD2			0	0	0	0	0	0	0	0	0	0	0	0
BH1	200	3,000		16	240	0	3,200	0	3,200	3,200	256	0	256	256
<b>TOTAL</b>	<b>200</b>	<b>3,000</b>	<b>300</b>	<b>16</b>	<b>240</b>	<b>24</b>	<b>3,500</b>	<b>0</b>	<b>3,500</b>	<b>3,500</b>	<b>280</b>	<b>0</b>	<b>280</b>	<b>280</b>
Unit	Any Deer 01	Any WT 11	Antlerless WT 13	Any Deer 01	Any WT 11	Antlerless WT 13	RES 1-tag	RES 2-tag	RES Lic	RES Tags	NR 1-tag	NR 2-tag	NR Lic	NR Tags
							<b>RES and NR:</b>	<b>0</b>	<b>3,780</b>	<b>3,780</b>				

### BLACK HILLS DEER 2019-2020 VS 2021-2022 Comparison

Unit	Resident Licenses											
	Any Deer				Any Whitetail				Antlerless Whitetail			
	Year		Change		Year		Change		Year		Change	
	2019-2020	2021-2022	#	%	2019-2020	2021-2022	#	%	2019-2020	2021-2022	#	%
BD1									1,000	300	-700	-70%
BD2									100	0	-100	-100%
BH1	200	200	0	0%	3,500	3,000	-500	-14%				
<b>TOTAL</b>	<b>200</b>	<b>200</b>	<b>0</b>	<b>0%</b>	<b>3,500</b>	<b>3,000</b>	<b>-500</b>	<b>-14%</b>	<b>1,100</b>	<b>300</b>	<b>-800</b>	<b>-73%</b>

Note: An additional 8% of the number of licenses will be available to nonresidents.

2021-2022 WEST RIVER DEER

Unit #	Unit Name	Resident Licenses												Nonresident Licenses												License Totals																										
		AnyD 01	AtID 03	AtID 03P	AD+AtID 08	2 AtID 09P	AnyW 11	AtIW 13	AtIW 13P	3 AtIW 17P	AW+AtIW 18	2 AtIW 19	2 AtIW 19P	AnyD 01	AtID 03	AtID 03P	AD+AtID 08	2 AtID 09P	AnyW 11	AtIW 13	AtIW 13P	3 AtIW 17P	AW+AtIW 18	2 AtIW 19	2 AtIW 19P	RES 1-tag	RES 2-tag	RES 3-tag	RES Licenses	REG Tags	NR 1-tag	NR 2-tag	NR 3-tag	NR Licenses	NR Tags																	
02A	Pennington	400																																																		
02C	Pennington	100				50																																														
11A	Bennett	150				50	50																																													
11B	Bennett	100				75	75																																													
15A	Butte	250																																																		
15B	Butte	250																																																		
20A	Corson	150																																																		
21A	Custer	125				250		100																																												
21B	Custer	100				100	50																																													
24A	Dewey	100				250	100																																													
24B	Little Moreau	100				10	10																																													
27A	Fall River	125																																																		
27B	Fall River	200				200																																														
27L	Fall River	5				10																																														
30A	Gregory	25																																																		
30B	Gregory	25																																																		
31A	Haakon	600			50																																															
35A	Harding	350			50																																															
35C	Harding	250			50																																															
35L	Harding	100																																																		
39A	Jackson	175				100	50																																													
39B	Jackson	275				50	50																																													
41A	Jones	200				300																																														
45A	Lyman	100				350		100																																												
45B	Lyman	50						50																																												
45C	Lyman	30																																																		
45D	Lyman	30				50																																														
49A	Meade	700																																																		
49B	Meade	700																																																		
50A	Mellette	200				500																																														
53A	Perkins	325				75																																														
53C	Perkins	500				75																																														
56A	Stanley	150						150																																												
58D	Stanley	5						3																																												
60A	Tripp	100						250																																												
64A	Ziebach	300			50			200																																												
65A	Oglala Lakota	75																																																		
67A	Todd	100						100																																												
TOTAL		7,420	0	150	50	150	2,745	886	250	800	6,000	770	2,000	596	0	12	4	12	220	72	20	64	480	62	160	11,453	8,970	800	21,223	31,793	920	718	64	1,702	2,548																	
Unit #	Unit Name	AnyD 01	AtID 03	AtID 03P	AD+AtID 08	2 AtID 09P	AnyW 11	AtIW 13	AtIW 13P	3 AtIW 17P	AW+AtIW 18	2 AtIW 19	2 AtIW 19P	AnyD 01	AtID 03	AtID 03P	AD+AtID 08	2 AtID 09P	AnyW 11	AtIW 13	AtIW 13P	3 AtIW 17P	AW+AtIW 18	2 AtIW 19	2 AtIW 19P	RES 1-tag	RES 2-tag	RES 3-tag	RES Licenses	REG Tags	NR 1-tag	NR 2-tag	NR 3-tag	NR Licenses	NR Tags																	
		RES & NR:																											12,373	9,688	864	22,925	34,341																			

EAST RIVER DEER  
2019-20 VS 2021-22 Comparison

Unit #	Unit Name	2019-20 Resident Licenses	2021-22 Resident Licenses	# Change	% Change	2019-20 Resident Tags	2021-22 Resident Tags	# Change	% Change
01A	Minnehaha	650	600	-50	-8%	650	600	-50	-8%
03A	Brown	2,000	2,000	0	0%	2,000	2,000	0	0%
04A	Beadle	700	800	100	14%	700	800	100	14%
05A	Codington	350	550	200	57%	350	750	400	114%
06A	Brookings	550	550	0	0%	550	550	0	0%
07A	Yankton	300	350	50	17%	300	350	50	17%
07B	Yankton	75	75	0	0%	75	150	75	100%
08A	Davison	200	200	0	0%	200	200	0	0%
10A	Aurora	500	400	-100	-20%	500	400	-100	-20%
12A	Bon Homme	250	300	50	20%	250	300	50	20%
12B	Bon Homme	50	75	25	50%	50	100	50	100%
13A	Brule	1,000	1,000	0	0%	1,700	1,000	-700	-41%
13L	Brule	20	20	0	0%	20	20	0	0%
14A	Buffalo	350	350	0	0%	600	350	-250	-42%
16A	Campbell	580	530	-50	-9%	580	530	-50	-9%
17A	Charles Mix	400	400	0	0%	400	400	0	0%
18A	Clark	700	800	100	14%	700	1,000	300	43%
19A	Clay	300	350	50	17%	300	350	50	17%
22A	Day	700	1,000	300	43%	700	1,000	300	43%
23A	Deuel	500	700	200	40%	500	900	400	80%
25A	Douglas	350	350	0	0%	350	350	0	0%
26A	Edmunds	1,300	1,100	-200	-15%	1,300	1,100	-200	-15%
28A	Faulk	1,200	1,000	-200	-17%	1,200	1,000	-200	-17%
29A	Grant	300	500	200	67%	300	600	300	100%
32A	Hamlin	700	800	100	14%	700	1,000	300	43%
33A	Hand	870	310	-560	-64%	1,120	310	-810	-72%
34A	Hanson	200	200	0	0%	200	200	0	0%
36A	Hughes	525	400	-125	-24%	425	400	-25	-6%
37A	Hutchinson	150	200	50	33%	150	200	50	33%
38A	Hyde	720	310	-410	-57%	1,220	310	-910	-75%
40A	Jerauld	600	350	-250	-42%	700	350	-350	-50%
42A	Kingsbury	600	600	0	0%	600	600	0	0%
43A	Lake	400	400	0	0%	400	400	0	0%
44A	Lincoln	300	300	0	0%	300	300	0	0%
46A	McCook	550	650	100	18%	550	650	100	18%
47A	McPherson	1,000	1,000	0	0%	1,000	1,000	0	0%
48A	Marshall	600	800	200	33%	600	800	200	33%
51A	Miner	750	750	0	0%	750	750	0	0%
52A	Moody	550	450	-100	-18%	550	450	-100	-18%
54A	Potter	1,050	450	-600	-57%	1,550	450	-1,100	-71%
55A	Roberts	800	700	-100	-13%	800	900	100	13%
56A	Sanborn	550	650	100	18%	550	650	100	18%
57A	Spink	1,300	1,100	-200	-15%	1,300	1,100	-200	-15%
59A	Sully	350	350	0	0%	350	350	0	0%
59B	Sully	370	320	-50	-14%	370	320	-50	-14%
61A	Turner	100	150	50	50%	100	150	50	50%
62A	Union	400	450	50	13%	400	450	50	13%
63A	Walworth	750	550	-200	-27%	750	650	-100	-13%
	<b>TOTAL</b>	<b>27,310</b>	<b>26,240</b>	<b>-1,070</b>	<b>-4%</b>	<b>29,510</b>	<b>27,540</b>	<b>-1,970</b>	<b>-7%</b>

REFUGE DEER  
2019-20 VS 2021-22 COMPARISON

Refuge Unit	Resident Licenses							
	Any Deer				Antlerless Deer			
	Year		Change		Year		Change	
	2019-20	2021-22	#	%	2019-20	2021-22	#	%
<b>Lacreek Refuge</b>								
RFD-LC1	10	10	0	0%	0	0	0	0%
RFD-LC2	10	10	0	0%	0	0	0	0%
<b>Sand Lake Refuge</b>								
RFD-SL1	20	20	0	0%	0	0	0	0%
RFD-SL2	20	20	0	0%	0	0	0	0%
RFD-SL3	20	20	0	0%	0	0	0	0%
RFD-SL4	0	0	0	0%	25	25	0	0%
RFD-SL5	20	20	0	0%	0	0	0	0%
<b>Waubay Refuge</b>								
RFD-WA1	10	10	0	0%	0	0	0	0%
RFD-WA2	0	0	0	0%	0	0	0	0%
RFD-WA3	10	10	0	0%	0	0	0	0%
<b>TOTAL</b>	<b>120</b>	<b>120</b>	<b>0</b>	<b>0%</b>	<b>25</b>	<b>25</b>	<b>0</b>	<b>0%</b>

Note: An additional 8% of the number of licenses will be available to nonresidents.

2021-2022 REFUGE DEER

Unit	Resident Licenses		Nonresident Licenses		License Totals					
	Any D 01	AtIW 13	Any D 01	AtIW 13	RES 1-tag	RES Lic	RES Tags	NR 1-tag	NR Lic	NR Tags
<b>Lacreek Refuge</b>										
RFD-LC1	10		1		10	10	10	1	1	1
RFD-LC2	10		1		10	10	10	1	1	1
<b>Sand Lake Refuge</b>										
RFD-SL1	20		2		20	20	20	2	2	2
RFD-SL2	20		2		20	20	20	2	2	2
RFD-SL3	20		2		20	20	20	2	2	2
RFD-SL4		25		2	25	25	25	2	2	2
RFD-SL5	20		2		20	20	20	2	2	2
<b>Waubay Refuge</b>										
RFD-WA1	10		1		10	10	10	1	1	1
RFD-WA2					0	0	0	0	0	0
RFD-WA3	10		1		10	10	10	1	1	1
<b>TOTAL</b>	<b>120</b>	<b>25</b>	<b>12</b>	<b>2</b>	<b>145</b>	<b>145</b>	<b>145</b>	<b>14</b>	<b>14</b>	<b>14</b>
Unit	Any D 01	AtIW 13	Any D 01	AtIW 13	RES 1-tag	RES Lic	RES Tags	NR 1-tag	NR Lic	NR Tags
<b>RES and NR:</b>					<b>159</b>	<b>159</b>	<b>159</b>			



2021-2022 ARCHERY ACCESS PERMITS

Designated Area	Number of Access Permits		
	Any Deer	Antlerless Whitetail Deer	Total
Adams Homestead and Nature Preserve	10	60	70
Good Earth State Park	5	0	5
WRD-35L (Residents)	500	0	500
WRD-35L (Nonresidents)	125	0	125

2019-2020 vs. 2021-2022 Comparison

Designated Area	Number of Access Permits		
	Any Deer	Antlerless Whitetail Deer	Total
2019-2020 Adams Homestead and Nature Preserve	5	30	35
2021-2022 Adams Homestead and Nature Preserve	10	60	70
2019-2020 Good Earth State Park	5	0	5
2021-2022 Good Earth State Park	5	0	5
2019-2020 WRD-35L (Residents)	500	0	500
2021-2022 WRD-35L (Residents)	500	0	500
2019-2020 WRD-35L (Nonresidents)	125	0	125
2021-2022 WRD-35L (Nonresidents)	125	0	125

2021-2022 MUZZLELOADER DEER

	Resident	
	Any Deer Licenses	Any Deer Tags
Statewide	1,000	1,000
<b>Total</b>	<b>1,000</b>	<b>1,000</b>

2019-2020 VS. 2021-2022 Comparison

	Resident	
	Any Deer Licenses	Any Deer Tags
2019-2020 Statewide	1,000	1,000
2021-2022 Statewide	1,000	1,000