

## **Minutes of the Game, Fish, and Parks Commission September 1-2, 2021**

Chairman Russell Olson called the meeting to order at 1:00 p.m. MT. Commissioners Julie Bartling, Travis Bies, Jon Locken, Stephanie Rissler, Doug Sharp, Charles Spring, Robert Whitmyre and Russell Olson were present. Public and staff were able to listen via SDPB livestream and participate via video conference or in person with approximately 60 total participants via zoom and 50 in person.

### **DIVISION OF ADMINISTRATION**

#### **Conflict of Interest Disclosure**

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

Chairman Olson welcomed Rissler and Locken to the Commission

#### **Approval of Minutes**

Olson called for any additions or corrections to the July 8-9, 2021 regular meeting minutes or a motion for approval.

Motion by Bies with second by :Locken TO APPROVE THE MINUTES OF THE July 8-9, 2021 MEETING. Motion carried unanimously.

#### **Additional Commissioner Salary Days**

Olson called for additional salary days. Rissler submitted 2 salary days. Motion by Whitmyre with second by Sharp TO APPROVE THE SALARY DAYS AS REQUESTED. Motion carried unanimously.

#### **Rapid City Firearms Range – Project status**

John Kanta, terrestrial's chief, explained GFP is in the process of planning the finest outdoor shooting range ever constructed in South Dakota. The range will be constructed on 400 acres of property a few miles north of Rapid City. The cost of the property is approximately \$1 million, and the estimated cost of construction is \$10 million. GFP is actively seeking funding partners for this project. GFP intends to break ground spring of 2022 and complete construction by fall of 2022.

#### **Returned License Process**

Keith Fisk provided the commission information on the process to return a hunting license.

#### **Leadership Development Program**

Emmett Keyser, Regional Wildlife Supervisor and Jeff VanMeeteren, Regional Parks Supervisor shared information with the Commission regarding the Department's Leadership Development Training Program. The Leadership Training Program is being lead and delivered by Lumin Advantage, Inc., a small company out of the Twin Cities that specializes in delivering leadership training to government agencies. In mid-September, the Lumin staff will begin training the 3rd Cohort of the Leadership Development Program for the Department. Nineteen staff were initially selected from

the group of 26 applicants who sought to participate in the Leadership Development Training Program this year. One of those candidates selected recently took another position, so Cohort #3 will have 18 participants who will attend 6 individuals 2-to-3-day long training sessions. The training encompasses a total of 78 hours of class or online instruction that will take place over the coming months, with the final training session occurring in July 2022. About a year and a half ago, the Department of Transportation (DOT) engaged the same training provider, Lumin Advantage, so both the Department and DOT will again benefit from efforts to coordinate the scheduling and delivery of this leadership training.

### **Law Enforcement Section Update**

Sam Schelhaas, law enforcement chief, gave a brief update on the efforts of the law enforcement section. Schelhaas talked about the different challenges faced within the past year and focused primarily on the work of providing a safe and enjoyable experience within the sixty plus state park and recreation areas within the state. There were many uncertainties as the summer started but officers and managers came together to make the program successful. The focus of the summer of 2021 was establishing relationships between the officers and the managers and then providing adequate coverage in the park and recreation areas. Significant strides were made in both of these areas. Focus now is for the upcoming hunting seasons as we transition from summer into fall.

### **PUBLIC HEARING**

The Public Hearing began at 2:00 p.m. and concluded at 2:33 p.m. The minutes follow these Commission meeting minutes.

### **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.

### **Park Entrance License Sale Date**

No verbal comments

### **Camping Fees**

No verbal comments

### **Park Check Out Time**

No verbal comments

### **Other**

Nancy Hilding, Prairie Hills Audubon Society – Black Hawk, SD – spoke regarding Commissioner inquiring about possible amendments to beavers season and doesn't see it in the minutes or on the agenda for this meeting. Says statute requires public access. The notice provides the URL to each rule and allow staff to make changes as a matter of form, but the public cannot.

Aaron Thompson, Spearfish Livestock Association - Spearfish, SD - landowner and rancher spoke regarding elk management plan and contingency tags. Provided

some history on drought contingency licenses based on science and data not public opinion. The 10 percent reduction is on the far end of conservative. Feels the amendment to the plan should be scrapped as it based off public opinion and not science. Finds the 20-tag recommendation insulting.

Kathleen Schmidt – Nemo, SD spoke regarding the Nest Predator Bounty Program as it is cruel and barbaric. Stated stats of the program saying this is not wildlife management and shouldn't be taught to children to kill animals. This allows the rodent population to explode, and the Commission should know that animals cannot speak for themselves. Why ask for public input when not taking it. Need to find better way to get people outdoors to promote biological diversity. Complaint about several seasons that should not be hunted.

## **FINALIZATIONS**

### **Bait Regulations, Private Hatchery and Tournaments**

Lott presented the recommended changes as follows:

1. Remove requirement for monthly and annual reporting by licensed retail bait dealers.
2. Remove size restrictions on trap entrance size and mesh size restriction for noncommercial bait seines, nets, and traps.
3. Eliminate annual fish health and AIS inspection requirement for private hatcheries.
4. Change the definition of fishing tournaments so that youth events with participants under the age of 18 (currently 17) would not be considered a tournament.

Motioned by Sharp, second by Rissler to APPROVED THE RECOMMENDED CHANGES TO THE BAIT, PRIVATE FISH HATCHERIES AND FISHING TOURNAMENT RULES. Motion carried unanimously.

### **Aquatic Invasive Species**

Lott presented the recommended changes to the aquatic invasive species rules as follows:

1. Create an exemption to the prohibition on possessing and transporting AIS for a shoreline property owner to transport aquatic invasive species for disposal, in a manner that minimizes possible introduction to new waters.
2. Create an exemption to prohibitions for launching a boat, dock, or boat lift into waters within the state that is not clean, drained, and dried or that is not cleaned, drained, and dried, following removal from waters for:
  - a. An owner or agent of the owner of a boat, dock, or boat lift with mussels attached that is subsequently launched directly into the infested water from which it was removed, if the boat, dock, or boat lift was stored on the riparian property of the owner or at a marina business property, prior to launch.
  - b. An owner or agent of the owner of a boat with a shooting or observational blind constructed of aquatic macrophytes cut above the water line, attached to or in boat.
3. Repeal current administrative rules requiring decontamination of boats that have used infested waters and were in the water for three or more days or have one gallon or more of water remaining after draining.

Motioned by Whitmyre, second by Bies TO APPROVED THE RECOMMENDED CHANGES TO THE AQUATIC INVASIVE SPECIES RULES ARE PRESENTED. Motion carried unanimously.

### **Fish Limits and Hoop Nets and Setlines**

John Lott, wildlife fisheries chief, presented the recommended changes as follows:

1. Change catfish regulations on Iowa/SD border waters to allow 10 channel catfish daily, 5 flathead catfish daily with allowance for, at most, one flathead catfish 30 inches or longer in length as part of the daily limit and one blue catfish daily.
2. Standardize gear types in inland waters of the Missouri River, western tributaries, Angostura Reservoir, Belle Fourche Reservoir and Shadehill Reservoir allowing hoop nets, traps, setlines and floatlines (add definition to general provisions chapter) to be used to target catfish and rough fish according to regulations.
3. Change title of chapter 41:07:08 to Hoop nets, traps and setlines.

Motioned by Sharp, second by Locken to APPROVED THE RECOMMENDED CHANGES TO THE FISH LIMITS, HOOP NETS AND SETLINES RULES. Motion carried unanimously.

### **Spearing and Blow Guns**

John Lott, wildlife fisheries chief, presented the recommended changes to the fishing season rules to open all inland waters including the Missouri River system to game fish spearing May 1 – March 31 annually with the exception of lake sturgeon, paddlefish and muskie statewide, northern pike in lakes currently managed for muskies, walleye in managed walleye fisheries where harvest is limited to a single fish daily, and salmonoids in the Black Hills, and allowing pike and catfish to be taken year-around and allow the use of blowguns as a legal method of take for fish as presented via petition in May. Recommended changes from proposal include blowguns as an additional method of take as part of seasons and locations open for use of legal spear, legal speargun, legal crossbow, and legal bow and arrow in inland waters, but not boundary waters with Nebraska, Iowa, and Minnesota.

Motioned by Locken, second by Whitmyre TO REMOVE USE OF BLOW GUNS IN THE TAKE OF FISH FROM THE FINALIZATION. Motion carried unanimously.

Motioned by Bartling, second by Bies TO APPROVE THE RECOMMENDED CHANGE TO AS AMENDED. Motion carried unanimously.

### **Spring Turkey**

Switzer presented the recommended changes to the spring turkey hunting season to Eliminate Unit BST-BH2, which is the second license currently available for residents within the Black Hills Fire Protection District for the month of May.

Motioned by Whitmyre, second by Bies TO APPROVE THE RECOMMENDED CHANGE TO THE SPRING TURKEY HUNTING SEASON. Motion carried unanimously.

### **Mountain Lion Hunting Season & Information on Population Status**

Andy Lindbloom and Andrew Norton, senior wildlife biologists explained the Department conducts several surveys and assessments to better understand mountain lion population abundance and trends in the Black Hills. Data that are evaluated include but are not limited to harvest surveys, non-harvest mortalities, removals and total mortality densities, mark/recapture population estimates, and catch per unit effort. Although not all trend indices assessed by the SDGFP are in agreement, several

surveys and population projections suggest mountain lions increased following several years of low harvest rates through 2018/19. The past 2 years (2019/20 and 2020/21) of increased harvest and other documented mortalities, however, are not sustainable and will result in a decreasing population.

Switzer presented the recommended changes to clean up the mountain lion hunting season to state: The mountain lion hunting season in the Black Hills Fire Protection District is open December 26 through April 30, provided that the department shall close the mountain lion hunting season in the Black Hills Fire Protection District if the harvest limit for that area is reached prior to ~~March 31~~ April 30.

Motioned by Rissler, second by Spring TO APPROVE THE RECOMMENDED CHANGE TO THE MOUNTAIN LION SEASON. Motion carried unanimously.

## **PROPOSALS**

### **Park Entrance License Sale Date**

Scott Simpson, division director, presented the recommended changes to allow some flexibility to the date in which annual park entrance licenses can be sold instead of limiting it to be October 1.

Motioned by Bies, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGE TO SALE DATE OF PARK ENTRANCE LICENSES. Motion carried unanimously.

### **Camping Fees**

Scott Simpson, division director, presented the recommended changes to camping fees adding Dude Ranch, Elk Creek, and Sheps Canyon lakeside Use Area to basic campground fees, remove Randall Creek from the preferred campground fees and adding it to the prime campsites fees, and changing the CSP French Creek Horse Camp to \$36.

Motioned by Locken, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGES TO CHARGE BASIC CAMPING FEES AT DUDE RANCH, ELM CREEK AND SHEPS CANYON LAKESIDE USE AREA. Motion carried unanimously.

Motioned by Bartling, second by Sharp TO MOVE RANDALL CREEK FROM A PREFERRED CAMPGROUND TO PRIME CAMPSITE FEE LIST. Motion carried unanimously.

Motioned by Sharp, second by Locken TO APPROVE THE INCREASED CAMPING FEE AT CSP FRENCH CREEK HORSE CAMP FROM \$31 TO \$36. Motion carried unanimously.

### **Park Check Out Time**

Scott Simpson, division director, presented the recommended changes to make checkout times for all state park lodging 11:00am for consistency to reduce confusion with customers and provide adequate time for cleaning between stays.

Motioned by Sharp, second by Bies TO MAKE CHECKOUT TIMES FOR ALL STATE PARK LODGING 11:00AM. Motion carried unanimously.

## **DIVISION OF PARKS AND RECREATION**

### **Spring Creek Prospectus**

Scott Simpson, division director, provided the Commission copies of the Spring Creek Resort Restaurant Prospectus.

Motioned by Sharp, second by Bartling TO AUTHORIZE THE DEPARTMENT TO ISSUE AND ADVERTISE A PROSPECTUS FOR THE SALE OF SPRING CREEK CONCESSION RESTAURANT LEASE. Motion carried unanimously.

### **CSP Construction and Rally Update**

Scott Simpson, division director, provided an update on the construction at Custer State Park and status from the 2021 motorcycle rally.

### **Palisades Development Update**

Luke Dreckman, District Park Supervisor presented the Commission with an update on the construction progress underway at Palisades State Park. The mainline road and new park entrance area have been built with approx. 80% of the base course material added to these features at this time. The road contractor has now shifted his efforts to constructing the campground loop consisting of 70 campsites. All road work is expected to be complete by mid-September of this year. During the 2022 construction season park utilities (i.e. electricity, water, etc.), a park Welcome Center/Office, a campground comfort station and dump station will be constructed. Additional connector roads and parking areas will also be built to various day-use areas that will be developed in the future throughout the new expansion property.

### **Recreational Trails Program Awards**

Randy Kittle, grants coordinator, provided information on the recreational trails program and grants being awarded.

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

Al Nedved, Parks and Recreation Deputy Director, provided July's revenue, visitation and camping report.

## **DIVISION OF WILDLIFE**

### **Elk Management Action Plan**

Chad Switzer, program manager, presented the elk management action plan.

Motioned by Bies, second by Bartling TO APPROVE THE ELK MANAGEMENT PLAN AS RECOMMENDED. Motion carried unanimously.

### **Elk Contingency Licenses**

Andrew Norton, senior wildlife biologist, provided data regarding the elk population for recommendation in license allocation.

Chad Switzer, program manager, presented recommended changes for the 2021 hunting season to be five antlerless elk licenses for units the following units H2HIJ, H3BCD, H4B and H9B totally 20 contingency licenses.

Motioned by Whitmyre, second by Sharp TO APPROVE THE ADMINISTRATIVE ACTION TO ALLOCATE THE 20 ELK CONTINGENCY LICENSES AS RECOMMENDED. Motion carried unanimously.

### **Canada Goose License and Kill Permits**

Tom Kirschenmann, division director and Jacquie Ermer, regional supervisor, provided the commission information for Canada goose licenses and kill permits.

### **Antler Auction Results**

Sam Schelhaas, law enforcement chief, gave a brief update on the 2021 Antler Auction held in Milbank South Dakota on June 26, 2021. Farrell Auction Company was the auction company that was selected. Schelhaas shared that the gross receipts were \$82,095 with approximately \$15,000 of that from firearm sales. The auction was done in conjunction with South Dakota Property Management and also contained items from other state agencies.

### **License Sales Update**

Tom Kirschenmann, wildlife division director, provided an update on resident and nonresident license sales.

### **Adjourn**

Meeting adjourned at 9:30 a.m.

Respectfully Submitted,



Kevin Robling, Department Secretary

**Public Hearing Minutes of the Game, Fish and Parks Commission  
September 1, 2021**

The Commission vice chair Doug Sharp began the public hearing at 2:00 p.m. CT. Commissioners Julie Bartling, Travis Bies, Jon Locken, Russell Olson, Stephanie Rissler, Doug Sharp, Charles Spring, and Robert Whitmyre were present. Kotilnek indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Kotilnek then invited the public to come forward with oral testimony. Written comments attached.

**Fish Limits**

No verbal comments

**Hoop Nets & Setlines**

Nancy Hilding, Prairie Hills Audubon Society – Black Hawk, SD – provided concerns on process stating the public cannot make a substantial comment or substantial change during the meeting saying this is not transparent and provided rules regarding such. Says the rule can be changed on the testimony. Concerned about incidental take of otters from hoop nets and setlines. These are not allowed in most of the area and ask that it be amended to find something to minimize the incidental take of otter and other aquatic mammals. Specifically, the design and maintenance and trap check time.

**Bait Regulations**

No verbal comments

**Spearfishing**

No verbal comments

**Blow Guns**

No verbal comments

**Private Hatchery**

No verbal comments

**Tournaments**

No verbal comments

**Aquatic Invasive Species**

Nancy Hilding, Prairie Hills Audubon Society – Black Hawk, SD - Recommends amendments on AIS per comment from Izaak Walton League. Suggest creation of a hold for 21 days

**Spring Turkey**

No verbal comments

**Mountain Lion Hunting Season**

Chris Hesla, SD Wildlife Federation – Pierre, SD – opposes the ability to chase mountain lions from private land to public land because of how the mountain loin is designated as a big game animal in SD. If chased off private land they should get a break or change designation to be a varmint. Feels we are already doing a good job of managing mountain lions.

Haley Steward, Humane Society – Beaverton, OR – opposed to the proposal due to excessive levels of recreational hunting as it is for trophy and not sustenance. If this continues, they would like to see it be done as sustainable levels. Recommends changes to limit hunting of breeding females. Feels the use of hounds is not fair sporting.

Nancy Hilding, Prairie Hills Audubon Society – Black Hawk, SD – spoke regarding comment she tried to submit. Provided printed copies of her comments and stated these comments can be considered as amendments. Recommends the female quote be limited to under 40. Recommends no hound hunting, but willing to compromise no hunting from private land to public land and no hunting by hounds on prairie unit. Says there is a requirement to enter the petition.

Brad Tisdall, SD Houndsmen – Rapid City, SD – president of organization that brought petition forward. Not asking for anything special that is not allowed to every other sportsman. This helps control lions in an area that GFP cannot manage and the Houndsmen can do so by working with landowners. Helps check for what is referred to as presumed lions. This is less demanding then hunting then in the black hills allowing youth, elderly, and disabled hunters. Also allows education for non-hound hunters to see what it really takes to work a dog. Thanked all present, past Commission and GFP staff for work over the past 10 years in his role as president of the SD Houndsmen. Noted that there were complaints on how the rule was rewritten and said it was the right thing to do. This helps to make things easier like doing the right thing when no one is watching. The SD Houndsmen are happy with this change.

Julie Anderson, Rapid City, SD – trophy hunting is cruel and inhumane not population control only bloodlust. Kittens die or are orphaned. This tilts a population to majority of male as predators. This is a self-regulating species that preys on other animals such as diseased and over abundant animals. Asked how private landowners are supposed to object to mountain lions being hunted on their land.

The public Hearing concluded at 2:33 p.m.

Respectfully Submitted,



Kevin Robling, Department Secretary

## Appendix A