



# COMMISSION MINUTES

## South Dakota Game, Fish and Parks Commission

December 8-9, 2022

RedRossa Conference Center | Pierre, SD

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

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Chairman Russell Olson called the meeting to order at 1:00 pm CST at the RedRossa Conference Center in Pierre, SD. Commissioners Travis Bies, Julie Bartling, Jon Locken, Russell Olson, Robert Whitmyre, Stephanie Rissler, and Charles Spring were present. The public and staff could listen via SDPB Livestream, participate via video conference, or in person, with approximately 104 total participants via Zoom or in person.

### DIVISION OF ADMINISTRATION

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#### 1. CONFLICT OF INTEREST DISCLOSURE

Chairman Olson called for a conflict of interest to be disclosed. *None were present.*

#### 2. APPROVE MINUTES OF THE NOVEMBER 2022 MEETING

Chairman Olson called for any additions or corrections to the regular meeting minutes of November 3, 2022. Minutes are available at <https://gfp.sd.gov/commission/archives/>. *Motion by Rissler with a second by Bartling to APPROVE THE MINUTES OF THE NOVEMBER 3, 2022, REGULAR MEETING MINUTES. The motion carried unanimously.*

#### 3. ADDITIONAL COMMISSIONER SALARY DAYS

Chairman Olson called for any additional salary day from the commissioners. No additional salary days were requested by the commissioners.

#### 4. LICENSE REQUEST

Chris Petersen, Administration Director, presented to the board a License List Request from Lisa Parr of Texas. *Motioned by Bies, seconded by Whitmyre to DENY THE APPROVAL OF THE LICENSE LIST REQUEST. The motion carried unanimously.*

#### 5. GO OUTDOORS SOUTH DAKOTA UPDATE

Scott Simpson, Parks & Recreation Director, updated the commission on the Go Outdoors South Dakota program.

#### 6. NEW STAFF INTRODUCTIONS

Commissioners were introduced to new staff.

### PUBLIC HEARING

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Jon Kotilnek, senior staff attorney, opened the floor for testimony from those in attendance on matters of importance to them in regard to the finalizations on the agenda. The public hearing started at 2:01 pm CST, with no persons testifying. The public hearing concluded at 2:03 pm. Public hearing minutes following these commission meeting minutes.

### OPEN FORUM – FOLLOWING PUBLIC HEARING – 01:01:10

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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. The open forum started at 2:03 pm CST.

- Justin Bell of Pierre, SD
- Dana Rogers of Pierre, SD
- Martie Haines of Faith, SD
- Joel Murano of Aberdeen, SD
- Trevor Davis of Sioux Falls, SD
- Jason Stone of Chamberlain, SD
- Todd Kritz of Rapid City, SD
- DJ Loken of La Plata, Missouri
- Bill Hinds of Akaska, SD

- Justin Borughton of Sioux Falls, SD representing the SD Bowhunters

The open forum concluded at 2:32 pm CST.

## PETITIONS

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### 7. EAST RIVER RIFLE SEASON CHANGE

Patrick Feterl of Mitchell, SD filed a petition to the commission to consider a rule change to the East River Rifle Season.

Department Position: The department recommended denying the petition.

*Motioned by Rissler, seconded by Whitmyre to DENY THE PETITION TO CHANGE THE EAST RIVER RIFLE SEASON. The motion carried unanimously.*

*Motioned by Locken, seconded by Whitmyre to ADOPT RESOLUTION 22-18 TO DENY THE PETITION TO CHANGE THE EAST RIVER RIFLE SEASON. The motion carried unanimously.*

### 8. SNAGGING ASIAN CARP ON THE MISSOURI RIVER

Trent Snaza of Sioux Falls, SD filed a petition to the commission to consider a rule change to approve snagging Asian carp on the Missouri River.

Department Position: The department recommended denying the petition.

*Motioned by Rissler, seconded by BIES to DENY THE PETITION TO SNAG ASIAN CARP ON THE MISSOURI RIVER. The motion carried unanimously.*

*Motioned by Rissler, seconded by Bies to ADOPT RESOLUTION 22-19 TO DENY THE PETITION TO ALLOW THE SNAGGING OF ASIAN CARP ON THE MISSOURI RIVER. The motion carried unanimously*

### 9. THIRD FISHING ROD PERMIT

Darrel Carter of Elk Point, SD filed a petition for the commission to consider a rule change to allow a third fishing rod statewide.

Department Position: The department recommended denying the petition.

*Motioned by Whitmyre, seconded by Locken to DENY THE PETITION TO ALLOW THE USE OF A THIRD FISHING ROD. The motion carried unanimously.*

*Motioned by Whitmyre, seconded by Rissler to ADOPT RESOLUTION 22-20 TO DENY THE ALLOWANCE OF A THIRD FISHING ROD. The motion carried unanimously.*

## PROPOSALS

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### 10. ARCHERY ANTELOPE AND ARCHERY DEER OVERVIEW

Andrew Norton, Wildlife Program Administrator, made a presentation to the commission regarding the proposed Archery Antelope and Deer Season changes. Archery antelope and deer hunters have been steadily increasing the past 10 years and there is currently no cap to the number of archery hunters. GFP emailed a hunter questionnaire and conducted a stakeholder meeting to understand concerns and develop recommendations. As a result, a recommended proposal to limit the number of nonresident archery antelope hunters to 450 and nonresident archery deer hunters to 2,200 on public land was approved by the Commission. In addition, the proposal removes nonresident West River and East River specific archery any deer licenses. An unlimited number of private land any deer and any antelope licenses would be available to nonresidents and no changes were made to resident archery.

## 11. ARCHERY ANTELOPE HUNTING SEASON – CHAPTER 41:06:24

Department proposed changes:

1. Modify ARSD 41:06:24:01 (Archery antelope hunting season established -- Open area -- Number and type of licenses available) as follows:
  - a. The archery antelope hunting season is open in those areas of the state with a firearm antelope season and in the portions of Custer and Pennington Counties within the Black Hills Fire Protection District, except Custer State Park, with access permits from one-half hour before sunrise to one-half hour after sunset each day beginning on the third Saturday of August through October 31, except during the firearm antelope season.
 

~~An unlimited number of resident one-tag antelope licenses for this season valid on public and private land may be issued.~~

Unlimited number of nonresident one-tag archery antelope licenses valid on private land not leased by the Department of Game, Fish and Parks for public hunting may be issued.

No more than four hundred and fifty nonresident one-tag archery antelope licenses valid on public and private land may be issued by lottery drawing.

~~The access permits may be issued by lottery drawing.~~

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

## 12. ARCHERY DEER HUNTING SEASON – CHAPTERS 41:06:22 AND 41:06:01:17

Department proposed changes:

1. Modify ARSD 41:06:22:01 (Archery deer hunting season established -- Number and type of licenses -- Access permits) as follows:
  1. a. The archery deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset each day beginning September 1 through January 1, except as otherwise provided in § 41:06:22:02.
  2. Unlimited resident "any deer" licenses may be issued for units ARD-ST1, ARD-ER1, and ARD-WR1, and unlimited resident and nonresident antlerless whitetail deer licenses may be issued for unit ARD-LM1.
  3. Unlimited nonresident "any deer" licenses valid on private land not leased by the Department of Game, Fish and Parks for public hunting may be issued for unit ARD-ST1.
  4. Two thousand and two hundred nonresident "any deer" licenses may be issued valid for unit ARD-ST1 on public and private lands.
  5. One thousand single-tag "any antlerless deer" licenses may be issued for use in ARD-MP1, ARD-MP2, and ARD-MP3.
  6. No more than ten "any deer" and 50 antlerless whitetail deer access permits may be issued to residents for Adams Homestead and Nature Preserve.
  7. No more than ten "any deer" and 25 "antlerless whitetail deer" access permits may be issued to residents for Good Earth State Park.
  8. No more than 500 "any deer" access permits may be issued to residents, and no more than 125 "any deer" access permits may be issued to nonresidents for unit WRD-35L described in § 41:06:20:02.
  9. No more than 20 "any deer" access permits may be issued to residents, and no more than five "any deer" access permits may be issued to nonresidents for Unit WRD-274L, described in § 41:06:20:02.
2. Modify ARSD 41:06:22:01.02 (Nonresident archery deer hunting season restrictions) as follows:

1. A nonresident may not hunt deer on private lands leased for public access by the department or public lands prior to October 1. ~~A license obtained by a nonresident on or after the first day of April is valid only on private lands not leased for public access by the department.~~
3. Modify ARSD 41:06:22:03.01 (License purchase restrictions) as follows:
  - a. ~~A person resident~~ may purchase one statewide "any deer" license valid on public and private land. In lieu of a statewide "any deer" license, a ~~resident person~~ may purchase one East River "any deer" license and one West River "any deer" license valid on public and private land. A nonresident may purchase one statewide "any deer" license valid on private land only or apply for one "any deer" license valid statewide on public and private land made available through a lottery draw. A nonresident may not purchase more than one archery any deer license. No person may purchase more than one "antlerless whitetail deer" archery license.
4. Modify ARSD 41:06:01:17 (Access permits required for specific deer hunting units and public lands) as follows:
  - a. Any resident or nonresident deer hunter possessing an archery deer license valid for public land shall obtain and possess a free limited access permit to hunt hunting units or public lands described in § 41:06:22:01.

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

## FINALIZATIONS

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### 13. PET ALLOWANCE IN PARK FACILITIES – CHAPTER 41:03:01

Department proposed changes:

1. Current administrative rule does not allow for pets in department camping facilities except under certain circumstances.
2. The proposed rule change would allow for customers to pay a pet fee and have their pet stay in the cabin or suite.

*Motioned by Rissler, seconded by Locken to ADOPT THE FINALIZATION. The motion carried unanimously.*

### 14. PET ALLOWANCE FEE – CHAPTERS 41:03:01

Department proposed changes:

1. Current administrative rule does not allow for pets in department camping facilities except under certain circumstances.
2. The proposed rule change would establish a pet accommodation fee for pets that stay at cabins, lodges, or suites.

*Motioned by Whitmyre, seconded by Bies to ADOPT THE FINALIZATION. The motion carried unanimously.*

## DIVISION OF PARKS & RECREATION

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### 15. ANGOSTURA CONCESSION CONTRACT

Sean Blanchette, Environmental and Cultural Resource Specialist, submitted the ten-year Concession Agreement to the Angostura Recreation Area with the Angostura Resort Management concessionaire to the commission for approval.

*Motioned by Whitmyre, seconded by Rissler to APPROVE 'ANGOSTURA RESORT MANAGEMENT' AS THE CONCESSIONAIRE, APPROVE THE CONCESSION AGREEMENT TO THE ANGOSTURA RECREATION AREA,*

*AND APPROVE DIRECTOR SCOTT SIMPSON AS THE SIGNATORY FOR THE AGREEMENT. The motion carried unanimously.*

## 16. CUSTER STATE PARK BISON ACTION REPORT

Matt Snyder, West Regional Supervisor, reported on 57<sup>th</sup> Custer State Park Bison Auction saw 51 registered bidders with 15 in person and 36 online. 13 online buyers made a purchase with 8 on-site buyers purchasing bison. Bison went to buyers from South Dakota, Wyoming, Tennessee, Iowa, Minnesota, North Dakota, Kentucky, and Alabama. CSP sold 399 bison compared to 397 in 2021. Prices were steady with 2021 seeing an average increase of 1%. CSP will overwinter 974 bison compared to 1,000 bison in 2021. The slight reduction is due to the current drought conditions we are experiencing.

## 17. ADAMS HOMESTEAD AND NATURE PRESERVE – AG LEASE UPDATE

Regional Park Supervisor, Jeff VanMeeteren, presented an update on the agricultural lease that was recently bid out for the 400 acres of cropland at the Adams Homestead and Nature Preserve. A total of seven individuals presented competitive bids with the high bid coming in at \$400/acre for the 236.5 acres of irrigated cropland and \$300/acre for the 163.5 acres of non-irrigated cropland. The Foundation is currently working with the high bidder in formalizing a 3-year lease with an option to renew for an additional 3 years.

Additionally, new irrigation equipment has been purchased to replace the existing irrigation system that is 27-47 years old, with some elements of this no longer functioning. Historically, a portion of the Adams Homestead and Nature Preserve has always been farmed and was the family wishes of the Adam's sisters who donated the land who felt farming was part of the story of the land.

## 18. 2023 LODGING RATE SCHEDULE UPDATE

Al Nedved, Deputy Director for the Division of Parks and Recreation provided the modern cabin and suite lodging fee changes for 2023. ARSD allows a range of \$85-\$205 to be charged for modern cabins and suites. Two four-plex suite facilities are being converted into two modern cabins with three bedrooms and kitchens. The new fee will be \$205 for these facilities. The Newton Hills modern cabin is seeing tremendous, use, and an increase from \$150 to \$185 is being made to reflect the demand and level of amenities.

## 19. SNOWMOBILE SYSTEM

Al Nedved, Deputy Director for the Division of Parks and Recreation gave an update of the snowmobile program. The season will begin on December 15 and run through March 31. The current balance of the snowmobile fund is \$916,256 and the annual budget is about \$1.3 million. Nedved detailed the east river grant-in-aid program and the Black Hills systems. Current challenges are the ability to find volunteers and younger participation in the programs in the east river system. Challenges in the Black Hills include unauthorized use of Off-Highway Vehicles, continued development of private lands that rely on access agreements, and the conversion of seasonal roads to year around roads. The Department is working with representatives Governor's Snowmobile Advisory Council and the South Dakota Snowmobile Association to help identify all the challenges facing the snowmobile program and provide a method of developing recommendations.

## 20. WINTER PARKS RECREATION OPPORTUNITIES

April Larson, Marketing Coordinator, provided an update of all the recreational opportunities available through our Parks systems throughout the state.

## 21. CAMPING, Visitation, and Revenue REPORT

Scott Simpson, Director of the Division of Parks and Recreation gave a report on year-end usage statistics including revenue, camping and visitation. The Department will end the year with over 396,000 camping units which is about 2,000 camping units higher than last year's record year. Long term over the last twenty years show that the amount of camping units has essentially doubled during this period. Visitation was down 7% from last year but remains 13% above the ten-year average. Shoulder season usage during the months of May,

September and October continues to grow. These months make up about 30% of camping and visitation for the year.

## DIVISION OF WILDLIFE

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### 22. AQUATIC INVASIVE SPECIES MANAGEMENT PLAN

Jake Davis, Fisheries Program Administrator, presented to the Commission an overview of the draft GFP Aquatic Invasive Species Strategic Plan. The plan includes objectives and strategies to slow the spread of AIS in South Dakota and focuses on outreach and education, regulations and enforcement and partnerships. Public comments on the document will be taken through December 31st, 2022.

### 23. SEASON-SETTING SCHEDULE

Andrew Norton, Senior Big Game Biologist, presented the commission with the 2023 proposed schedule for setting seasons and regulations at commission meetings.

### 24. ANNUAL WILDLIFE DAMAGE MANAGEMENT

Emmett Keyser, Region 3 Wildlife Supervisor, provided the Commission with an overview of the Annual Report on the GFP Wildlife Damage Management Program. Because funding sources are different for the two primary components of that program, Keyser shared information about agency staff efforts to deliver both Animal Damage Control (ADC) services, involving predatory animals and their impacts in causing damage to livestock, and the Wildlife Damage Management (WDM) Programs that involve game animals and the impacts wildlife cause to growing crops, stored livestock feed and other property. Keyser highlighted the history of the program for the Commission and shared information on the levels of service and expenditures made in providing these services to landowners and other citizens through the WDM Program. This past calendar year, agency staff assisted more than 2,000 individuals while responding to 2,985 individual requests for service regarding all aspects of Wildlife Damage Management Program. Expenditures for the services provided under the Animal Damage Control component of the WDM program were approximately \$2 million this past year while services provided to help control and abate damage caused by game animals cost the department around \$1.6 million. In total, agency staff expended some 63,500 work hours providing WDM Program services this past year.

### 25. ICE FISHING ACCESS

Jake Davis, Fisheries Program Administrator, presented to the Commission an overview of the GFP winter fishing access program. Statewide, 173 access areas are maintained by GFP and partners. Challenges associated with the program include environmental and social.

### 26. FALL LAW ENFORCEMENT EFFORTS

Law Enforcement Chief Sam Schelhaas gave an update on the fall seasons and law enforcement efforts. Schelhaas talked about different efforts officers use to effectively protect the game species. He talked about the TIPS program, road checks and traditional patrols along with the outreach efforts that officers focus on every fall. Schelhaas also provided a brief update about officer vacancies and the plan to fill many of those vacancies.

### 27. RAPID CREEK WATER LEVEL UPDATE

Jake Davis, Fisheries Program Administrator, presented to the Commission an overview of the reduced flows in Rapid Creek below Pactola Reservoir that prompted concern by the public over the potential impacts to the fishery. Bureau of Reclamation reduced flows to 11 cubic feet per second for one week to complete repairs on the outlet structure after damage was found during annual inspections in November. Unfortunately, GFP was not contacted prior to flows being reduced.

## 28. LICENSE SALES UPDATE

Director Kirschenmann, Wildlife Director, provided a summary of license sales and described that license sales remain good and a little ahead of last year. Resident small game license sales have gone up from last year, and the department is conducting a survey to better understand why fishing license sales have dropped. Nonresident license sales are comparable to last year. Kirschenmann also provided a brief field report on how small game, waterfowl, and big game seasons have gone.

## ADJOURN

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Meeting ADJOURNED ON DECEMBER 9, 2022, AT 10:25 PM CST.

Respectfully submitted,



Kevin Robling, Department Secretary