

Minutes of the Game, Fish, and Parks Commission
April 7-8, 2016

Chairman Peterson called the meeting to order at 1:00 p.m. CDT at the McCrory Gardens in Brookings, South Dakota. Commissioners Cathy Peterson, Barry Jensen, John Cooper, H. Paul Dennert, Gary Jensen, Russell Olson, W. Scott Phillips, and Jim Spies were present. Secretary Kelly Hepler was present along with approximately 80 public, staff, and media.

DIVISION OF ADMINISTRATION

Approval of Minutes

Chairperson Peterson called for any additions or corrections to the March 3-4, 2016, minutes or a motion for approval.

Motion by Dennert with second by G. Jensen TO APPROVE THE MINUTES OF THE MARCH 3-4, 2016 MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

Commissioner Peterson requested one additional salary day for her participation in the Habitat Conservation Fund Board meeting.

Motion by Cooper with second by Spies TO APPROVE THE ADDITIONAL SALARY DAYS AS REQUESTED. Motion carried unanimously.

Pending Action Items from 2016 Legislative Session

Tony Leif, Division Director provided a summary of SB71 to revise the provisions regarding the issuance of small game licenses and fishing licenses to certain veterans at reduced fees and to revise certain provisions regarding special pheasant hunts for disabled veterans. Leif explained the changes will need to occur within administrative rule that will be presented to the Commission at upcoming meetings.

Leif also noted staff will be reviewing draft administrative rules in regards to fisheries management on private ponds on private lands as these individuals would like to be actively engaged, but currently there is not a statute or rule that allows. These rules will also be brought forward to the Commission for consideration.

The final piece of legislation Leif discussed was HB1075 to revise the area for certain open units where nonresident waterfowl licenses are issued. Leif explained how this bill modifies the counties where three day temporary licenses are available and that unlike most legislation that modifies state statute this one modifies administrative rule. He further noted that the Commission authority remains in place to make any adjustments deemed necessary and those licenses will be allocated just prior to it becoming effective in law on July 1st.

Public Hearing

The Public Hearing began at 1:57 p.m. and concluded at 2:17 p.m. and the minutes follow these minutes.

FINALIZATIONS

Custer State Park Bison Hunting Season

Gary Brundige, Division Staff Specialist presented the finalization to the Custer State Park non-trophy bison harvest season changing the opening date to the 2nd Monday in January. They also recommended reducing the number of cow licenses from ten to five and reducing the number of cow licenses allocated to residents in the first draw from five to three. No changes were made to the proposal

Motion by Spies with second by Jensen TO APPROVE THE FINALIZATION OF 41:06:60 CUSTER STATE PARK NON-TROPHY BISON HARVEST AS PROPOSED. Motion carried unanimously.

Elk Hunting Season: Black Hills, Custer State Park, Archery and Prairie

Assistant Director Tom Kirschenmann and Wildlife Program Administrator Chad Switzer presented the finalizations for elk hunting seasons noting the last few years have had good habitat conditions. The adopted management plan has a population objective range between 6,000 – 8,000 wintering elk. Information considered in developing the season recommendations considered results from the aerial survey, biological, survival information of collared elk, harvest data, and social info from public. This year was the second time the elk aerial survey (more of a census as it covered the entire Black Hills) was completed. Kirschenmann also noted that when recommendations were generated that questions and concerns were anticipated about the number of antlerless elk licenses. The expected comments are a result of the popularity of elk hunting and it is one of the most sought after license. Kirschenmann also noted that even with the recommended number of antlerless licenses, the model shows the population growing slightly. Because of the number of questions and concerns expressed, the department held an open house in Rapid City. Several staff was present to have one-on-one conversations to help clarify questions and concerns from 60-70 individuals from the public.

Kirschenmann pointed out that this is a two-year recommendation, however if unforeseen circumstances arise such as unpredictable environmental factors that the commission has the prerogative to make necessary adjustments next year. Over the next year the department will continue to monitor the herd and use survey information and hunter harvest data to assess the population. If something alarming or concerning is found, the department will bring forward appropriate recommendations to the commission.

Chairwoman Peterson asked about success rates of licenses. Kirschenmann answered that there is no expectation that all licenses will be filled. Kirschenmann noted hunter success rates on page: 6a and how phenomenal hunting success is in SD. The only exception witnessed that past few years of 100% success has been in Custer State Park.

Commission Cooper made a comment addressing the commonly asked questions of drought and reducing the herd, the possible mountain lion factor, and is the overall number of tags too many and could staff correct quick enough if situation happens again. Cooper expressed his satisfaction with safe guards in place within the plan which addresses people's concerns when they review the plan.

Commissioner Phillips expressed again it is a good plan with solid numbers. Some comments received from the public make sense and need to look at in another year. Open house was great. Glad to hear we can review in a year if needed.

Switzer noted the department has much better data on biological factors and long-term survival monitoring through radio collaring. The department is utilizing information in model to better manage the population.

Black Hills Elk Hunting Season

Switzer presented the finalization to the Black Hills Hunting Seasons as specified below with no changes from proposal.

1. Adjust the number of licenses available from 430 "any elk" and 500 "antlerless elk" licenses (total of 930 licenses) to 443 "any elk" and 1,255 "antlerless elk" licenses (total of 1,698 licenses).
2. Make adjustments to existing antlerless hunting units and create new antlerless hunting units.
3. Season dates for units H2B, H2E, H2H, H3B, and H3E would run from the Monday closest to October 15 through October 31.
4. Season dates for units H2C, H2F, H2I, H3C, and H3F would run from December 1 through the Friday closest to December 15.
5. Season dates for units H2D, H2G, H2J, H3D, and H3G would run from Saturday closest to December 15 through December 31.
6. Remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motion by G. Jensen with second by Cooper TO APPROVE THE FINALIZATION OF 41:06:26 BLACK HUNTING ELK HUNTING SEASON AS PROPOSED. Motion carried unanimously.

Archery Elk Hunting Season

Switzer presented the finalization to the Archery Elk Hunting Season to adjust the number of licenses available from 144 any elk and 56 antlerless elk licenses to 147 any elk and 140 antlerless elk licenses. They also recommended removal of the language in administrative rule depicting the license type and number of licenses from each hunting unit. There were no recommended changes to the proposal.

Motion by Dennert with second by Olson TO APPROVE THE FINALIZATION OF 41:06:43 ARCHERY ELK HUNTING SEASON AS PROPOSED. Motion carried unanimously.

Prairie Elk Hunting Season

Switzer presented the finalizations to the Prairie Elk Hunting Season as specified below with no changes from proposal.

1. Adjust the number of licenses available from 48 “any elk” and 50 “antlerless elk” licenses (total of 98 licenses) to 59 “any elk” and 90 “antlerless elk” licenses (total of 149 licenses).
2. Add that portion of Meade County north of the existing unit boundary, east of Interstate 90, south of SD Highway 34, and west of Middle Alkali Road to Unit 9A (See attached map). The Fort Meade Bureau of Land Management South Unit would be restricted to archery hunting only.
3. Change the season dates for Unit 15A from the second Saturday in September to October 31 and from December 1-31 to September 1 to October 31 and from December 1-31.
4. Change the season dates for Unit 27A from September 1 to October 31 to October 1-31 and December 1-31.
5. Remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motion by Spies with second by Dennert TO APPROVE THE FINALIZATION OF 41:06:59 PRAIRIE ELK HUNTING SEASON AS PROPOSED. Motion carried unanimously.

Custer State Park Elk Hunting Season

Switzer presented the finalization to the Custer State Park Elk Hunting Season to adjust the number of licenses available from 8 any elk to 9 any elk licenses and to remove the language in administrative rule depicting the license type and number of licenses from each hunting unit with no changes from proposal.

Motion by Phillips with second by Spies TO APPROVE THE FINALIZATION OF 41:06:27 CUSTER STATE PARK ELK HUNTING SEASON (ANY ELK) AS PROPOSED. Motion carried unanimously.

Custer State Park Early Archery Elk Hunting Season

Switzer presented the finalization to the Custer State Park Early Archery Elk Hunting Season to adjust the number of licenses available from 4 any elk to 3 any elk and removal of the language in administrative rule depicting the license type and number of licenses from each hunting unit with no changes from proposal.

Motion by Olson with second by B. Jensen TO APPROVE THE FINALIZATION OF 41:06:28 CUSTER STATE PARK EARLY ARCHERY ELK HUNTING SEASON AS PROPOSED. Motion carried unanimously.

Special Custer State Park Antlerless Elk Hunting Season

Switzer presented the finalization to the Special Custer State Park Antlerless Elk Hunting Season with one recommended change to the proposal to simplify the interpretation, but no change to season dates

1. Modify the unit boundary of CAE-CU1 and CAE-CU2 from within the boundaries of Custer State Park (CSP) to all of Custer State Park south and west of line beginning at the CSP west boundary and Lower French Creek Road southeast to Highway 87, north to Wildlife Loop Road (WL), southeast along WL to Oak Draw Road, east on Oak Draw Road to WL, south on WL to Lame Johnny Road, southeast on Lame Johnny Road to CSP east boundary fence, south then west then north along the CSP boundary fence to point of beginning.
2. Change the season dates for CAE-CU1 from nine consecutive days beginning on the first Thursday following the third Saturday of September to nine consecutive days beginning on the third Saturday following the third Saturday in September and for CAE-CU2 from nine consecutive

days beginning on the Tuesday following Native American Day to nine consecutive days beginning on the fifth Saturday following the third Saturday in September.

3. Increase the number of "antlerless elk" licenses from 0 to 20.
4. Repeal Unit CAE-ZZ1.

Recommended changes from proposal

1. Change the season dates for CAE-CU1 from nine consecutive days beginning on the first Thursday following the third Saturday of September to nine consecutive days following the close of CUE-CU1 and for CAE-CU2 from nine consecutive days beginning on the Tuesday following Native American Day to nine consecutive days beginning on the Saturday following the close of CAE-CU1.

Motion by G. Jensen with second by Cooper TO AMEND THE PROPOSAL OF 41:06:47 CUSTER STATE PARK ANTLERLESS ELK HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Motion by Cooper with second by B. Jensen TO APPROVE THE FINALIZATION OF 41:06:47 CUSTER STATE PARK ANTLERLESS ELK HUNTING SEASON AS AMENDED FROM PROPOSAL. Motion carried unanimously.

Elk Hunting Seasons – Unit License Allocation

Kirschenmann and Switzer presented the finalization to the unit-specific allocations of elk hunting licenses with no recommended changes from proposal.

Motion by Spies with second by Cooper TO APPROVE THE FINALIZATION OF ADMINISTRATIVE ACTION (Appendix C) TO ELK HUNTING SEASONS AND UNIT LICENSE ALLOCATIONS AS PROPOSED. Motion carried unanimously.

Application for License

Kirschenmann presented the finalization to the application for elk license to amend current administrative rule to allow an individual to use preference points in the second drawing for elk hunting season with no recommended changes from proposal.

Motion by Olson with second by Dennert TO APPROVE THE FINALIZATION OF 41:06:01 APPLICATION FOR ELK LICENSE AS PROPOSED. Motion carried unanimously.

Waterfowl Hunting Seasons

Goose Hunting Season

Switzer presented the finalization to the goose hunting season to remove Brookings, Brown, Clark, Codington, Day, Deuel, Hamlin, Hanson, Hutchinson, Grant, Kingsbury, Lake, Lincoln, Marshall, McCook, Miner, Minnehaha, Moody, Roberts, Spink, Turner and Union counties from the open area with no recommended changes from proposal.

Motion by Cooper with second by Olson TO APPROVE THE FINALIZATION OF 41:06:16 GOOSE HUNTING SEASON AS PROPOSED. Motion carried unanimously.

Early Fall Canada Goose and Waterfowl Hunting Seasons

Switzer presented the finalization to modify the boundaries of unites 1 and 2 by adding those portions of Yankton, Clay and Union counties near the Missouri River to Unit 2 and change the start date from September 1 to the first Saturday of September with no changes from proposal.

Motion by Dennert with second by Cooper TO APPROVE THE FINALIZATION OF 41:06:50 AND 41:06:16 EARLY FALL CANADA GOOSE AND WATERFOWL HUNTING SEASONS AS PROPOSED. Motion carried unanimously.

Minimum Standard for Hunting with Air Guns

Andy Alban, program administrator provided the finalization to decrease the muzzle velocity in factory-rated air guns from 1,000 to 600 feet per second when hunting cottontail rabbit, red squirrel, fox squirrel, grey squirrel, and species defined as a predator/varmint in 41-1-1. Changes from the proposal would be to create a two-tiered approach to air gun performance specifications; one for .177 calibers and one for calibers larger than .177.

Motion by G. Jensen with second by Cooper TO AMEND 41:06:04 HUNTING REQUIREMENTS AND PROHIBITED METHODS AS RECOMMENDED FROM THE PROPOSAL. Motion carried unanimously.

Motion by Cooper with second by Olson TO APPROVE 41:06:04 HUNTING REQUIREMENTS AND PROHIBITED METHODS AS AMENDED FROM THE PROPOSAL. Roll call vote: Dennert-yes, B. Jensen-no, G. Jensen-yes, Olson-yes, Peterson-no, Phillips-no, Spies-no, Cooper-yes. Motion failed with 4 yes votes and 4 no votes.

Allowance for Trail Cameras on Public Land

Alban presented the finalization for the use of trail cameras on public lands as specified below with no recommended changes from proposal.

1. Amend 41:03:01:02 to address property that may be left on department lands.
2. Amend 41:03:01:19 to create an allowance for portable blinds on department lands and regulate their placement.
3. Promulgate a new rule to create an allowance for trail cameras on department lands and regulate their placement.

Motion by Olson with second by Cooper TO APPROVE THE FINALIZATION OF 41:03:01 USE OF PARKS AND PUBLIC LANDS AS REQUESTED. Roll call vote: Dennert-yes, B. Jensen-yes, G. Jensen-yes, Olson-yes, Peterson-yes, Phillips-no, Spies-no, Cooper-yes. Motion passed with 6 yes votes and 2 no votes.

OPEN FORUM

Chuck Dieter, Brookings, SD spoke on behalf of the South Dakota Waterfowl Association in regards to their concerns with House Bill 1075 on nonresident waterfowl hunting in South Dakota. He thanked the Department and Commission for their action on

nonresident waterfowl and noted the difficult situation the legislature has put them in by passing House Bill 1075. Dieter explained the original intent of the 1,500 nonresident waterfowl licenses were to be used for commercial hunting around Pierre and by moving these to the new area it breaks the original agreement. Dieter's recommendation would be to have GFP conduct a human dimensions project on waterfowl satisfaction and changing nonresident licenses around to reduce hunter stress on certain areas.

George Vandel, Pierre, SD spoke on behalf of the South Dakota Waterfowl Association and High Plains Wildlife Board. Vandel stated his group was part of the original agreement that developed temporary licenses by working with local hunters, sportsman's clubs and the legislature. Feel it is important for commercial interest of central South Dakota and concerned license are going to northeast portion of state. Vandel thanked the Commission and staff for their efforts on taking in public input and putting ideas together to come up with a plan. He further noted that his group is considering making elected officials accountable for their actions and aware of conservation.

Tom Yseth, Brookings, SD stated his family would rather miss a year hunting than see the nonresident waterfowl opened up. When unable to draw a waterfowl tag they go fishing and are noticing the large number of nonresident fishing. His family feels the fee for nonresident fishing licenses should be increased.

G. Jensen asked the Department to develop a plan on how to handle these types of issues as we know we will be asked to do something.

Hepler noted the need to be cognizant of staff and pay attention to what is happening on the water and what staff are hearing as well as needing to be prepared to provide the commission with the best information possible.

Cooper inquired whether it would be valuable to have communications staff put together an electronic option to take input on public experience instead of a large open public comment period instead of a survey.

PETITION FOR RULE CHANGE

John Almont, Sioux Falls, SD was present to provide information on the senior antlerless deer license petition he submitted to allow seniors to have one doe deer tag for West River or East River at a cost of \$10.00.

Leif explained the Commissions options to accept the petition as proposed and amend the administrative rule or take action to reject the petition by a resolution stating the reasons why.

Per the request of the Commission, Leif presented a resolution outlining reasons for denial of the petition for the Commissions consideration.

Leif noted the Department is in the process of crafting a statewide deer management plan with the assistance of public input via a deer stakeholder group to be utilized in recommendations of management through license allocations. With this in mind, in lieu of initiating rule-making proceedings at this time the appropriate approach would be to discuss the possibility of allowing a senior antlerless license with the deer stakeholder group through this planning process prior to making a recommendation on the alternative of an allowance for a senior antlerless license.

Motion by Cooper with second by Phillips TO ADOPT RESOLUTION 16-04 (Appendix B) DENYING THE PETITION WITH THE CAVEAT FOR DISCUSSION OF SENIOR LICENSES IN THE DEER MANAGEMENT PLAN WORKGROUP MEETINGS. Motion carried unanimously.

DIVISION OF PARKS AND RECREATION

Spearfish Canyon Foundation Land Donation

Al Nedved described the property in spearfish canyon as isolated not part of spearfish falls or the devils bathtub noting the remote property will not developed for trails, but possibly used as a land transfer with US Forest Service. Nedved further explained that it is public property and will remain in the public trust per the foundations request. The Lawrence County Commission was informed of the land donation no response received.

Motion by Spies with second by Dennert TO ACCEPT THE GIFTED PROPERTY FROM THE SPEARFISH CANYON FOUNDATION LOCATED IN LAWRENCE COUNTY TO BE USED FOR PARKS AND RECREATION USE. (Appendix A). Motion carried unanimously.

Status of Trevarton Murdock Lawsuit

Staff Attorney Dick Neill provided an update on the lawsuit filed two years ago by landowners in Fall River County who wanted to set aside a portion of the Mickelson trail that runs through their property. Neill stated that a year ago the Federal District Court in Rapid City dismissed the lawsuit and the plaintiffs appealed to the Eighth US Circuit Court in St. Louis. Recently the Circuit Court upheld the District Court decision to dismiss therefor the Mickelson Trail will remain open in Fall River County to public use under the recreational trails act. Neill noted that prior to the Circuit Court decision attorneys from the Attorney General's office approached the landowners with a limited use agreement of the trail for ranching purposes. We are hopeful they will take advantage of the opportunity.

SDSU Park Management Program

Jeff VanMeeteren, Regional Supervisor introduced Barry Dunn, Dean of the College of Agriculture and Biological Sciences at South Dakota State University. Dean Dunn provided an overview of the park management program and its return to the college of agriculture and biological sciences pending Board of Regents approval. Dunn further noted the plan to work with GFP staff to develop the curriculum.

Capitol Campout

Division Director Katie Ceroll informed the Commission on the capitol campout to be held June 10-12. This is a new event for South Dakota invites families to tent camp at capitol as a way to encourage families to enjoy the outdoors. The event is open to 100 families and will be hosted by parks and wildlife staff and other partners. The registration process will roll out next online. Saturday has been designated as outdoor university day with variety of activities available from 10:00 a.m. – 4:00 p.m. to campers and the public.

Go 4th Program/Park Prescriptions

Ceroll informed the Commission that the Go 4th program idea from the National Parks Service will continue again this year. This program provides fourth grade students free daily park pass and once utilized they can be redeemed for \$6 discount to annual pass or free subscription to digest.

Ceroll also explained the Park Prescriptions Program that partners with Avera Mental Health and mirrors the Go 4th program to get a prescription like the go 4th pass funded by a Department of Health grant. Last year 2000 prescriptions were written with only a dozen returned so this year's tool kit for doctors will include literature for waiting rooms for mental, physical and emotional health describing the benefits of going outdoors and will roll out mid-June.

Park Revenue and Camping Reservation Report

The park revenue and camping reservation report was provided by Ceroll. The report includes a year to date comparison of revenue by line and March 2016 year to date comparison by district item. Ceroll reminded the Commission that effective January 1, 2016 the Mickelson Trail daily pass increased from \$3.00 to \$4.00 and the Custer State Park temporary daily vehicle pass increased from \$15.00 to \$20.00 and despite the increase there continues to be increase use. Ceroll also stated it's early in the camping season, but trending show an 11 percent increase from last year with the exception of Newton Hills which experienced poor weather.

DIVISION OF WILDLIFE

SD Pheasant Management Plan

Switzer provided the Commission an update on the pheasant management plan noting changes from the previously drafted version to include a list of best management practices. Other recommended changes to the plan include working with Scott Taylor, pheasant plan coordinator regarding CRP and farm bill program allowing further opportunities to work with landowners and agriculture partners to better integrate habitat into landowner management decisions. The Pheasant Habitat Workgroup recommendations are also listed as appendix. Switzer stated some of the recommendations have already been implemented and others are currently in process.

Motion by B. Jensen with second by Spies TO ADOPT THE PHEASANT MANAGEMENT PLAN AS PRESENTED. Motion carried unanimously.

Land Acquisition Guidance Document

Paul Coughlin, program administrator presented the Commission with the wildlife divisions land acquisition guidance document that will describes the priorities and principles. The priorities include: additions to existing game production areas and water access areas, lake and river access, and important habitat types, landscapes and recreational opportunities. Coughlin further explained the guidelines for acquisition will be in regards to the process, economics and land ownership and stewardship.

Land Acquisition Projects

Coughlin provided the Commission with the current land acquisition and disposal report. Early development projects include the Wetlands America Trust Addition to Swan Lake GPA consisting of 240 acres of land in Clark County and the Wetlands America Trust Addition to Odessa #1 GPA containing 80 acres of land in McPherson County. Both projects are expected to close in July 2016 if approved by the Commission.

East River Fisheries Management Plan Implementation update

Biologist Dave Luchessi provided the Commission with an update on the East River Fisheries Management Plan highlighting on the objectives for projects stating work has been done on 14 of the 16 objectives within the plan. It was noted that 18 habitat projects have been completed and 2 more have been scheduled, they are working with SDSU to collect quantitative data and 9 new piers have been installed with 2 more scheduled.

Regional Terrestrial Resource Supervisor positions

Kirschenmann informed the Commission on the status 4 new Regional Terrestrial Resource Supervisor positions. Recently the job descriptions and class specifications have been approved through Bureau of Human Resource and will be advertised in the near future. These positions will be supervisor positions one in each region, and are responsible for preparing and implementing management plans as well as other administrative duties.

Results of Animal Damage Control Cooperator Survey

Cindy Longmire, Human Dimensions Specialist presented results from animal damage control services customer satisfaction survey. The survey rated the overall satisfaction of landowners at 80 percent and specifically highlighted on their ability to contact staff, staff response time to initial contact, explanation received, direct response time and periodic updates on progress. The survey also noted beaver damage, livestock loss caused by predators, and property damage for 2013 -2014.

Winter Depredation Activities Report

Keith Fisk, Program Administrator presented a powerpoint on the Wildlife Damage Management programs winter depredation activities. Fisk noted the funding source is provided by the surcharge on hunting licenses and federal Pitman Robinson grant. He also explained the management tools used which will lead to a long term reduction in expenditures.

Habitat Workshop Recap

Emmett Keyser, Regional Supervisor updated the Commission on the habitat workshop events held throughout the state. Keyser's update highlighted key points from

each region. In region 1 focused their workshops on habitat development for big game and western wildlife species. Region 2 showed interest, but attendance was low due to the mild spring weather. Habitat workshops in region 3 centered on private land habitat. Region 4 also focused on private land habitat specifically recommending providing landowners with examples to be implemented at future events.

Enemy Swim and Stony Point (Kampeska Lake) update

Scott Lindgren, Regional Supervisor explained the role GFP plays in regards to shoreline alterations per administrative rule. Lindgren also provide an update on the July 2015 violation at the Enemy Swim alteration that resulted in deferred prosecution where the violator has agreed to restore the area if it does not restore itself. An update was also provided on the permit received 6 months ago from an individual looking to develop 16-20 lots which also requires city approval due to the location. Once city approval is obtained the developer will modify his permit and resubmit for approval. Lindgren further explained if an individual is going to disturb land along lake they need to contact GFP and obtain a permit.

National Hunting and Shooting Sports Action Plan

Jason Kool, Division Staff Specialist presented a powerpoint explaining the National Hunting and Shooting Sports action plan to help recruit, retain and reactivate hunters. The plan was a collaboration of partners including the Wildlife Management Instituted and Council to Advance Hunting and Shooting Sports. Kool stated the plan will be used as a guidance document for states, NGO's and the industry to accomplish two main goals of increasing participation and support in hunting and shooting sport. Kool also presented the key strategies to achieve these goals and statistic on resident and nonresident fishing and small game license state by participation over the last 10 years by age and gender.

2016 License Sales Update

Chief Scott Simpson provided the licensed sales report as of April 1, 2016 for all resident and nonresidents for all license types. Simpson noted resident license sales are up 8 percent due to the mild weather ice fishing season and angler success. Annual fishing licenses sales are up 17 percent for residents and an increase of 13 percent for nonresident anglers.

Adjourn

Motioned by Olson with second by B. Jensen TO ADJOURN THE MEETING.
Motion carried unanimously and the meeting adjourned at 10:50am

Appendix A

RESOLUTION 16- 03

WHEREAS, Spearfish Canyon Foundation, successor in interest to Spearfish Canyon Land Trust, owns real estate (Property) described as:

Red Cross, Tarius, Claudius, Mitiades and Mark Anthony lode mining claims of Mineral Survey No. 1224, located in Section 16, Township 5 North, Range 2 East, Black Hills Meridian, Lawrence County, South Dakota, as defined and described in patent of record; and

WHEREAS, Spearfish Canyon Foundation desires to gift the Property to the South Dakota Department of Game, Fish and Parks (Department) to be used for park and recreational purposes; and

WHEREAS, the Department has evaluated and determined that the Property would be conducive for use for park and recreational purposes; and

WHEREAS, the Department is authorized to accept gifts of property for park and recreational purposes per SDCL §§ 41-2-19 and 41-2-24;

NOW, THEREFORE, BE IT RESOLVED, that the South Dakota Game, Fish and Parks Commission does hereby authorize the Department to accept the gift of the Property from Spearfish Canyon Foundation to be used for park and recreational purposes.

BE IT FURTHER RESOLVED that the South Dakota Game, Fish & Parks Commission, on behalf of the citizens of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to the Spearfish Canyon Foundation for its generosity, and further acknowledge the benefits this gift will provide the public for park and recreational use.

Appendix B

RESOLUTION 16- 04

WHEREAS, John Almont of Sioux Falls, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated March 22, 2016, requesting that the Game, Fish and Parks Commission amend ARSD 41:06:21 (East River Deer Season) and ARSD 41:06:20 (West River Prairie Deer Season) to allow senior citizens to receive one doe deer tag at a cost of \$10 for either the east river or west river deer seasons for the reason 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 reason advanced by Petitioner in support of his request to amend ARSD 41:06:21 (East River Deer Season) and ARSD 41:06:20 (West River Prairie Deer Season) to allow senior citizens to receive one doe deer tag at a cost of \$10 for either the east river or west river deer seasons; and

WHEREAS, antlerless deer harvest is one of the most important variables affecting the population dynamics of deer herds; and

WHEREAS, the Department is currently in the process of developing a statewide deer management plan, with the assistance of public input via a deer stakeholder group, which will cover an array of management activities including elements such as license and tag allocations; and

WHEREAS, at this time the appropriate approach would be to discuss the request of a senior antlerless license with the deer stakeholder group through this planning process prior to making a recommendation on the alternative of an allowance for a senior antlerless license.

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, John Almont of Sioux Falls, South Dakota.

Appendix C

2016 and 2017 Elk Hunting Seasons

Black Hills Firearm Elk					Archery Elk					
Unit	Any Elk Licenses		Antlerless Elk Licenses		Unit	Any Elk Licenses		Antlerless Elk Licenses		
	2015	2016 & 2017	2015	2016 & 2017		2015	2016 & 2017	2015	2016 & 2017	
H1A	75	75			H1A	25	25	5	10	
H1B			40	30	H2A	85	90	44	115	
H2A	250	250	400		H3A	27	25	7	10	
H2B				200		H4A				
H2C				150		H5A	2	2		
H2D				50		H7A	5	5	0	5
H2E				200		H9A				
H2F				200		30A				
H2G				125		TOTAL	144	147	56	140
H2H			25		Prairie Elk					
H2I			25		Unit	Any Elk Licenses		Antlerless Elk Licenses		
H2J			25			2015	2016 & 2017	2015	2016 & 2017	
H3A	80	80	60		9A	10	10	20	40	
H3B				15		11A			8	10
H3C				15		11B	10	12		
H3D				15		11C	8	12		
H3E				50		11D			12	20
H3F				50		15A	10	10	10	10
H3G				50		27A	10	15	0	10
H4A	0	8			30A					
H5A	5	5			TOTAL	48	59	50	90	
H7A	15	20			Custer State Park Elk					
H7B			0	20	Season	Any Elk Licenses		Antlerless Elk Licenses		
H9A	5	5				2015	2016 & 2017	2015	2016 & 2017	
H9B			0	10	Archery	8	9			
TOTAL	430	443	500	1,255	Rifle	4	3			
					Special Antlerless Units					
					CAE-CU1			0	10	
					CAE-CU2			0	10	
					TOTAL	12	12	0	20	

Public Hearing Minutes of the Game, Fish and Parks Commission
April 7, 2016

The Public Hearing Officer Scott Simpson began the public hearing at 1:57 p.m. at the McCrory Gardens in Brookings, South Dakota with Commissioners Cooper, Peterson, Jensen, Jensen, Phillips, Dennert, and Spies present. Simpson indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Simpson then invited the public to come forward with oral testimony.

Custer State Park Bison

No oral or written testimony was received

Elk Hunting Seasons

Ron Hillestud, Volga, SD,"inquired about the goal for number of elk in Custer State Park.

Dave Jennings, Oelrichs, SD emailed, "I would like to encourage the GFP commission to accept the recommendation for the proposed elk season. You have a good elk management plan developed with input from all the stakeholder groups. It makes sense to follow it."

Trent Hitunen, Custer, SD emailed," After reading the current elk harvest proposal for the 2016 season I felt compelled to share my view. I understand there is not one simple answer to manage the elk herd. I do however feel it is vital for the GFP and Commission to take into account the views of the public to assist in the management of game populations. From what I understand there is a proposal to give out 20 antlerless permits in Custer State Park. I cannot understand the logic behind this proposal. With current CSP numbers around 455 elk and the CSP elk goal of around 800 elk this is a "shortfall" of around 350 elk. Shooting cows in CSP will not only be detrimental to the overall number it completely goes against the management objective. It has the potential to cause a stagnant growth for a few years or worse yet a declining population over the next few years. If the goal is to "protect" the grasses in the south end of the park I would like to see some current data supporting the decision to harvest antlerless elk. CSP has been gaining on the number of elk needed to reach the management goal and the harvest of antlerless elk would do nothing but deteriorate the gains made in the last few years. As far as increases in the H2 and H3 units I can see an increase in H2 as there are enough elk to increase the opportunity. But I do not understand why GFP has to have such a significant increase it seems more plausible to take smaller steps over the next few years and re-evaluate year after year. It just seems the GFP is on to much of a roller-coaster tag issuing system. The H3 unit I do not believe can support an increase in the number of elk tags. I spend a lot of time in the H3 unit throughout the year and in my opinion the number of elk reported in the H3 unit is overstated by a fairly significant number. Thanks for your time."

Travis Sivertsen, Ree Heights, SD, emailed, "I'm concerned about the direction I see our states GF&P headed. I see our seasons getting longer, primitive weapons restrictions getting more lax and tag numbers rising.

The raise proposed for the antlerless elk tags sounds a little dramatic. I know they did a helicopter survey but how many elk that were counted came from the Wyoming side? I understood it was a winter count? If this is true a large number of those elk could have migrated in. I went on hunts with friends who had tags in H2 the last two years. The numbers we saw weren't great. What if you double the cow tags like proposed and we have a bad winter kill or a low percentage of calves survive the next year. Were back to poor elk numbers in the hills. These tag increases should be done in small amounts.

The late season antlerless rifle deer season is not needed. They have depredation tags if a landowner has a problem with deer numbers. The deer are in survival mode and don't need the extra stress of being hassled by rifle hunters driving thru their wintering grounds. In case the GF&P hasn't seen this, most rifle hunters won't get out of their pick up. It would be nice to see at least a trial of a 9 day season with the start date moved back a week so it's not in the middle of the rut. The two week season was put in because of one bad winter, people couldn't get out to hunt. We haven't had a winter like that in a long time but we still have the season. I think we would see better trophy quality and the meat hunters would still have good success. If a person can't get out to hunt in 9 day season hunting isn't real high on their list of priorities. The GFP should look into amount of complaint calls during rifle season in Hand and Hyde counties. I think they will see there is a very high number. There are way too many people with tags and nowhere to hunt.

I received an E-mail from the GFP about removing shed antlers from GFP land being illegal. This is a ridiculous rule. They want youth to get involved in the outdoors and then they push rules like this. As I read it, this rule also includes mushroom hunting and there are a lot of families that enjoy that as well. The public paid for that land and should be free to use it. I know of two cases of people caught shed hunting on private ground. They were caught red handed and the land owners pressed charges against them but they never received any sort of fine. This makes it look like either the GFP or the court system has zero respect for landowners. I think the GFP needs to revise their punishments for game violations. The punishment doesn't fit the crime when some guys poach 20 some deer, end up with a \$750 dollar fine, and loss of license for a year. I would think that should be permanent loss of license in South Dakota and loss of firearms plus a larger fine. I know there will be civil charges also but its still to low.

Leon Cain, Hot Springs, SD, emailed, "To the South Dakota game fish commissioners, Too many elk, not enough elk? This is a waste of everybody's time. You have one problem, the vast majority of people that get an elk tag can't hunt, don't know how to hunt, or think they can kill an from there pick-up window. They spend more time winning about there's no elk, than getting out there and hunting. AND if they get up on the elk they can't hit one! We have seen this time and time again. Please don't put more fools like this out in the woods! 27A had 60 cow tags issued, 14 were killed. There no reason that more elk should have been killed, in 27A there is 60 elk standing off HWY 18 every day! Your problem is your hunters, first, then lets talk numbers."

Nancy Hilding, Black Hawk, SD wrote, "As your season/hunting area overlap Jackson, Melette and Bennet County your overlap with "Indian Country" Jackson is on reservation and Melette and Bennet former reservation land area that is not checker board

jurisdiction. Elk have no clue on tribal/nontribal jurisdictions boundaries. Tribes and SD GFP need to cooperate and consult.”

Eric Grenz, Rapid City, SD wrote, “I support increasing the total elk population objective much higher support the land owners of deeded land with depredation tags or on call depredation hunts. Forest service lease holders should not get as much aid until conditions become extreme as their lease rates are not fair market value. I live in unit 7 north of Johnson siding and would like to see the elk population return. Thank you.”

Bill and Lisa Miller, Hot Springs, SD, emailed, “We would like to voice our opinion about the number of elk licenses slated to be issued for the 2016 hunting season. We feel the number should be increased due to the amount of damage the elk cause to our property including the amount of our forage they eat, the amount of fences which they destroy, and the number of hay bales which are destroyed if they are left in the field a day too long. The elk create a massive amount of labor intensive work, which some of which could be reduced if the number of possible harvested animals is increased. This elk situation gravely affects our livelihood and costs us so much financially and also our time management is affected because of the requirements the large herds of elk cause. We also feel it would be more humane to offer more licenses to hunters rather than having the large herds on the highway where the general public is now in danger because it is extremely difficult to avoid the large herds of elk in the roadways, especially during the dark hours. Statistically, there were more elk killed on Highway 18 by motor vehicles than were harvested during the 2015 elk season for the unit located here near Minnekahta Junction. Thank you for your time listening to our concerns.”

Dylan Deuter, Ree Heights, SD, emailed, “I believe you a putting out to many cow tags AGAIN. What happened to slow and steady +750 extra cow tags looks like a lot to me. If cows are such a problem for ranchers on public ground then I think they should be issued 2 cow tags to be killed on their own privately owned land. NO GUARANTEE BULL TAGS for land owners, but can apply with every one else for a bull tag. I have been told that the reason that you will not split up H2 into two separate units for any elk was to simplify things, your proposals now do NOT look that simple so what gives. Do you think cow hunters are that much more intelligent than bull hunters? I believe the December season should gone for ever. I moves elk around when they should be resting and conserving energy to make it thru a tough winter to come. As a land owner east river most of our problems come from late seasons: poaching, trespassing, and forcing deer into large groups where they could potentially cause a depredation problem.

I was lucky enough to draw an archery Any Elk tag in 2015. It was a great hunt, Best elk hunt i have ever been on in comparison to Montana and Wyoming limited entry areas as well. However I hunted 25 days of the season. I had seen elk every day and heard elk every day, but it took 15 days before I had seen my first cow of the season. So I do not believe you should be increasing cow tags at all. In Custer State Park if you don't have enough elk to put out more bull tags. Why would you turn out 20 cow tags. Don't increase cow tags in H2. Do away with land owner bull tags. No more December season. Don't kill any cows in the Park”

Brent Phillips, Rapid City, SD, wrote, "We are new land owners in southern Custer County. My wife and I own 517.5 acres (two distinct parcels) of the most beautiful land in the Black Hills. We are about 3 miles southwest of Wind Cave Park. We bought the land for the sole purpose of providing habitat for elk, deer, turkey and other wildlife as well as a place we can go on weekends away from the busy work life of Rapid City. The land is primarily treed and serves as an excellent bedding and calving area for elk and last Fall we say dozens of elk each day. I am a hunter, have been for decades and enjoy hunting and seeing game in our Black Hills.

I understand there are a few land owners in my area that have had significant influence on opinions related to the elk population, harvest quotas and are being quoted as saying they want all elk gone. That would be a significant travesty for our area. Providing the opportunity for 150 elk cows to be harvested in this area in a single year seems excessive. I grew up in Idaho and have seen successful and unsuccessful game management strategies. The elk are a resource that we need to carefully manager for our generation and generations to come. I do not believe a very small minority should have any influence beyond their share.

I am a land owner, my wife is a land owner and we appeal to you to consider our needs and desires to have elk, to support their growth in our region and have personally taken the next step and become land owners to help preserve our wildlife. I would suggest a more modest harvest of 25-30 cows per season or 75-90 tags would be more appropriate. I would reduce population and provide hunting opportunities. Regarding the remedy of the few who lose grazing or alfalfa production due to elk, there are funds to help compensate them and despite stated losses of \$50,000 per year and payments of \$10,000 per year there might be a compromise somewhere in between the two figures.

We moved to the Black Hills for several reasons, one was the outdoors and wildlife. I am an avid outdoorsman and hunger. I mentor disadvantaged kids and help them achieve their hunter safety certificate and take them on their first deer hunt as well as spend time helping them develop skills and take on responsibilities. What a wonderful opportunity to serve and live in the Black Hills. We have invested in supporting our passion and appeal to you to take all of these issues into account before you make a decision. Call me anytime if you want to talk about my comments of discuss solutions. Thank you for your time."

Ryan Cuny, Hot Springs, SD, emailed, "Within the last nine months I moved back to Hot Springs, Southern Black Hills, to enjoy the wildlife and outdoors with my wife, two boys and daughter. As I review your plan to increase the Elk Cow tags in Unit three for the next two seasons, I am very concerned with the damage it will cause to the total Elk population. As I hope to draw a tag someday or just listen and photograph the bulls bugle in the fall, it seems with the route of your plan, it is going to strongly diminish the current herd for future years. Please consider the ramifications of how these extreme actions are going to effect the Black Hills elk conservation in Unit three."

Sean Fulton, Rapid City, SD, emailed, "I recently attended the public meeting in Rapid City about the 2016 elk proposals and feel that the SD GFP is working in the right direction. There are a few things that concern me and I would like to mention them. I am

not a biologist but do spend immense amounts of time in the black hills mainly hunting and hiking. I have noticed and believe the elk population to have increased from a few years ago but do not feel that the numbers are any where near what they were 10+ years ago. Large areas of canopy having been eliminated in the hills due to bug tree kill off, has created massive increases in forage not only for the ungulates like deer and elk but for many other creatures too. I along with several other outdoorsman that I converse with feel that the elk population could be raised well above the proposed 6000-8000 that is being sought after. We would like to see that population increased to numbers well over 10,000.

Next I would like to address the landowner tags. I personally don't have a problem with landowners receiving elk tags every year but I don't feel they should be able to receive ANY-ELK tags every year. I would like to see landowners able to receive antlerless tags every year and one person in the family unit able to apply for and receive an ANY-ELK tag once every three years. This would still allow the landowners to put pressure on the elk herds on their property every year and give more sportsmen and women an opportunity to draw a coveted and for some a once-in-a-lifetime Elk tag in the Black Hills of SD.

Lastly I would like to suggest allowing landowner assistance contingent on Walk-In-Area access. I know that some landowners want elk and others do not. Some receive assistance for haystack corrals and other damages. Many of these landowners get this assistance even though they will not let hunters on their property to help, by hunting and putting pressure on the elk. Therefore some of these landowners may be taking advantage of the assistance. My suggestion to alleviate this would be to require any landowner that asks for assistance or depredation tags in areas that are recognized as hunt-able units to place their property in the WALK-IN-AREA program for a minimum of two years for the species that the complaints are about. Elk-Deer-Turkeys, Etc... Also this stipulation on the walk in would allow ANY SEX of the species to be taken with a valid license, not just antlerless animals. This walk in could be done in a limited number of hunters per day process to keep landowners from worrying about overuse. Requiring a landowner to put maybe 50% or the majority of the land that is being overused into a program like this will also give them more assistance as part of their lease in the Walk-in-Program. Maybe some of these landowners will end up liking the program and enroll in it longer than the required time. I really appreciate your consideration on all of these topics and hope that my voice can make a difference to help our fellow sportsmen/women and landowners achieve a better outdoor experience."

Alan Lien and James Lien, Chamberlain, SD and Dale Springer and Roger Springer of Bradley, SD, emailed, "I have a difficult time with the proposed shooting of 20 Custer State Park cow elk and the numbers are no where near the target population of 700 to 900 elk, and reduce the potential for more calf recruitment to the population. Have you tried any other alternatives to move the elk?"

And what makes you think that by shooting the cows it will move them to other parts of the park? Maybe there is a reason they prefer that area other than they are from Wind Cave, it is more open and less potential for predation? I agree the elk are not inhabiting great habitat in other parts of the park but I think this is a shot in the dark.

Also, I know that the elk management plan said that 25% of the tags would be for archery elk, but where did this arbitrary and capricious number come from? You want to shoot more cows in the park, but reduce the early archery elk tags from 4 to 3? This was my dream tag and was fortunate enough to draw it last year after 24 years of applying, and it was a wonderful hunt. Archery hunting is so low impact that even a couple of more tags would have little impact on the elk or herd. I would like to see my son and friends also have a chance to enjoy this hunt someday. Thank you for the opportunity to comment.”

Matt Rippentrop, Hot Springs, SD, emailed, “I’m not in favor of unit #3’s south half 150 (50/50/50) total cow elk tags you are proposing for 2016 & 2017. It’s too many cow elk tags being proposed for this area for two consecutive years. Please consider a smaller increase to 75 (25/25/25) cow elk tags rather than the 150 cow elk tags currently proposed. As a landowner in the area I believe if the cow elk quota is set as high as proposed the herd’s size and quality will be set back, which took so long to rebuild to where it is today. Here are some additional past harvest numbers for you to review provided by SD GFP’s website: 1) In 2015, there were only 60 cow elk tags issued in unit #3’s south half and 23 cows were harvested. 2) From 2011 to 2015, unit #3’s south half averaged 31 cow elk/year being harvested.

How can unit #3’s south half average cow elk harvest rate for the last five years of 31 cow elk/year support a new tag allocation of 150 cow elk for the 2016 & 2017 hunting seasons? Thank you for your time and consideration of lowering unit #3’s south half cow elk tag allocation to 75 cow elk tags/year (25/25/25).”

Jeb Bordewyk, Piedmont, SD, emailed, “I strongly agree with the sentiments of Mr. Rippentrop. He is well studied in this area and knows the land area and wild life in unit #3. His comments and statements are very difficult to refute. Please reconsider the drastic increase in cow tags for the south half of Unit #3. Thank you all for your time and the work you do as SDGFP commissioners and thank you for your consideration.”

Scott Phillips and Kristi Phillips, Fall River County, SD, emailed, “I am a landowner in Fall River County who makes a living off of farming and ranching. The amount of elk we currently have throughout the year on our property creates a serious hardship for me. Fences are continually needing repaired which takes time and money, and the devastation they cause to the hay fields is terrible. The more elk I have the less production I have for my livestock. I am no longer able to raise an alfalfa seed crop due to the amount of elk that graze my fields and pastures each year. For these reasons we hope you increase the number of cow tags. The elk are a constant hardship the farmers and ranchers in our county and will continue to be so until something is done.”

Application for Elk Licenses

No oral testimony was received.

Joe Long, Aberdeen, SD, emailed, “Why not create another tier in the elk drawing preference system to increase the odds for someone who has been applying for 15 or 20 years? Based on the 2015 drawing success data for unit 2 rifle, if a person has 10+ preference points, they have about a 12% chance of drawing a tag. By creating a “15 or more years preference” category and moving about 100 of the 173 licenses from the 10 yr.

group into that group, would greatly increase their chances. This could be done for archery and rifle seasons.”

Michael Schortzmann, Rapid City, SD, emailed, “I feel that landowners should be eligible for cow tags and have to send in for any elk tags just like everyone else. Their landowner tags should only be good on their own land and not public land.

I am concerned that the large jump in the number of proposed cow tags is premature. I don't think the elk herd has rebounded enough to have that many cow tags. I spend a lot of time in the woods and I have not seen evidence that that much of an increase is justified.”

Cal Walsh, Hermosa, SD, wrote, “I think they should weigh the drawings heavier in favor of people with higher points to reward perseverance. This should go for the CSP deer too.”

Dana Rogers, Box Elder, SD emailed, “First off, thank you for your time and efforts on behalf of SD wildlife and hunters. Often, I'm sure all you here are negative thoughts so I wanted to start by thanking you.

1. We have a current range goal of 6-8,000 elk in the Black Hills. The vast majority of that land is public National Forest which can support a few thousand more elk. I have discussed this with biologists, some ranchers and many hunters. A vocal minority of grazing lease holders and a similar number (small) of landowners are wanting reduction. The habitat can support it and though private land depredation needs to be considered and addressed that can be done with the emergency depredation pool that is above and beyond normal tag allocation. Please consider eliminating or reducing the increase in cow elk tags. We had a significant knee jerk reaction a decade ago and over-killed our cow elk herd. We are now recovering but that is tenuous and dependent on weather and significantly improved cal recruitment.

2. The 50% set aside for either sex landowner tags is extreme. I am wholeheartedly in support of ranchers and giving them preference but this is our premier species in SD with regard to tag allocation that most can ever 'expect' to draw. In 2015 19% of Either Sex elk tags went to qualifying landowners so it certainly didn't approach the entire 50% it 'could' have. However, given the significant odds against the rest of SD residents, with hundreds of people already holding more than 15 preference points in many hills units for both Rifle and Archery licenses, change is in order. I would propose offering the landowners qualifying cow elk tags annually. If that is entirely too severe for their taste, then I would propose limiting the qualifying landowner to receiving an either sex elk license every third year. They would still receive a huge amount of license accumulation over a lifetime compared to an average citizen. Additionally, given the fact that elk are so migratory and spend much of their lives on public land each year, if these landowners were to draw a tag, I feel they should be restricted to hunting their own land claimed in the elk use survey. This would be much more equitable given they control access on their deeded lands and would spread out either sex opportunity on the public areas within a unit. Elk are NOT deer where non-landowners can expect to draw at least every other year. These highly coveted elk permits take double digit years for the average South Dakotan and then they must wait another 10 years before even applying again, while the landowner does not. I am thankful

for the farmers and ranchers that do provide elk habitat but the equity for these permits needs to be addressed.

3. Depredation is certainly a consideration on some ranchers alfalfa and cattle feed. That can and definitely should be addressed where a complain exists and is verified. I would ask if exclusion cages are used? Is fencing that can significantly reduce depredation around stored feeds or fields mandated? If the claimant expresses depredation they certainly need to be open to tag holders or the depredation mitigated.

4. The preference system we use also needs to be addressed. I do appreciate that we have a hybrid or modified draw system where the highest percentage of tags first is drawn for the applicants with the most preference points and then on down the line. There are many western states that offer options I would recommend we South Dakotans consider. I would propose the hybrid system be modified to use a square system +1 for the current years application as well as modifying the percentage of available tags into different pools given the high number of applicants waiting extended periods.

For Example: Points Squared + Current Year = Chances in Draw: 0 sq 0 + 1 = 1; 1 sq 1 + 1 = 2; 2 sq 4 + 1 = 5; 3 sq 9 + 1 = 10; 4 sq 16 + 1 = 17; 5 sq 25 + 1 = 26; 6 sq 36 + 1 = 37; 7 sq 49 + 1 = 50; 8 sq 64 + 1 = 65; 9 sq 81 + 1 = 82 ; 10 sq 100 + 1 = 101 Etc

50% of available license (after LO tags drawn) in over 15 or even 20 PP pool. 25% of available to 10 or 15+ pp pool. 20% to 7 or 10+ pool. 5% to all remaining undrawn.

These changes would significantly alter the drawn dynamics in favor of longtime applicants and still provide the opportunity to draw for all. Thank you again for taking public comment into consideration and I respectfully request that all SD hunters be taken into consideration for these coveted tags as equitably as is humanly possible.”

Waterfowl Hunting Seasons

No oral or written testimony was received.

Minimum Standard for Hunting with Air Guns

Ron Kolbeck, Salem, SD expressed concert to regulate air guns by foot pounds of pressure opposed to velocity and shared his email. Thanks for the conversation earlier today. At your request, I am providing this e-mail as support as to why I am not in favor of the proposed regulation and outline my recommendations for the use of foot pounds of energy (fpe) in regulations versus the current velocity or feet per second (fps). I am also sharing this e-mail with Andy Alban, as I also had an earlier conversation with him to help me understand the rationale for the proposed change and we discussed my recommendation of using fpe as well. If either of you have any questions, please feel free to give me a call. I do plan to attend the Commission meeting on April 7th and provide testimony in person as well.

The current minimum air gun specifications state: “No person may hunt species listed in SDCL 41-8-31(1A) with an air gun that is factory-rated to produce a muzzle velocity of less than 1000 feet per second. Only hunting pellets are permitted.” I was involved in discussions and testified in front of the Commission when this was established in 2011. (Cathy you were right, that was the meeting where the Commissioners were in

Pierre and testimony was heard from Yankton via phone due to the flood.) The discussion at that time was to make sure the most common caliber air gun, the .177, would deliver an appropriate amount of power to humanely kill the game. While foot pounds of energy (fpe) was discussed as a measure, the Commission decided to use the velocity or fps as this is what the gun manufacturers use to promote their guns. The current requirement of 1000 fps velocity effectively established an estimated minimum of 18 fpe, assuming the average weight of a .177 hunting pellet of approximately 8 grains. [(FPE=weight of bullet in grains * velocity (FPS) * velocity (FPS)) / 450,435] What the current regulation failed to recognize is that larger caliber air guns shooting heavier pellets could generate substantially more energy (fpe) even at slower speeds. For example, using the same formula a .22 caliber pellet weighing 15 grains would generate 18 fpe at just 730 fps. That same 15 grain pellet at 1000 fps would generate 33 fpe, while a .25 caliber air gun can generate 39 fpe at 700 fps using a 36 grain pellet. For your benefit, I have attached an Excel spreadsheet that contains the formula and lays out some different scenarios with each caliber.

The intent to allow the larger caliber air guns that are more capable of humanely harvesting game makes perfect sense to me. However, the current proposal to simply lower the velocity for all guns creates a real concern. Again, the most common air gun out there is the .177 caliber using an 8 grain pellet. At 600 fps this gun would only generate 6 fpe versus 18 fpe at 1000 fps. To put this in perspective, I have attached an article that I have found useful in framing my research on the topic. This article includes a chart with the minimum acceptable caliber and energy for hunting various game. In researching, I have found that everyone tends to have an opinion about how much energy is needed to kill various game, so everyone is not likely to agree with this chart. However, I have found this chart to be a middle of the road amongst the various opinions of experienced air gun enthusiasts. Please note that the chart suggests 9 fpe for rabbit or squirrel sized game versus 25 fpe for raccoon and 50 fpe for coyote. Also note that the minimum caliber suggested is .22 for rabbit, squirrel and raccoon, but steps up to .30 caliber for coyote. When we are discussing the energy required to harvest an animal, it is also important to recognize that there is a big difference in muzzle energy and the amount of energy delivered to the target. As a general rule, air guns lose energy very rapidly down range. For example, if the current proposal of 600 fps was adopted, a .177 caliber gun using an 8 grain pellet would generate 6.4 fpe at the muzzle, but only 3.6 fpe at 10 yards and 2.8 fpe at 30 yards. This is well below any minimums I have ever heard of for any game and why I cannot support the current recommendation.

My recommendation would be to shift to a Foot Pounds of Energy (FPE) specification at the muzzle. This measure shows no favoritism for any specific caliber or velocity. I also researched the local sporting goods stores and found that many of the air gun manufacturers are now publishing the muzzle fpe on the box, especially for the larger calibers and the true enthusiasts know the capabilities of their guns. Using FPE is also consistent with how current regulations are established for hunting big game. My recommendation is to establish separate minimums for small game and for predators/varmints with minimums of 12 fpe and 30 fpe, respectively. If this distinction is not made, then I would recommend a minimum of 18 fpe, which is where it is effectively at today.

I would also like to encourage the Commission to consider how they will handle the anticipated request for the use of air guns in hunting big game in South Dakota. A few short years ago this may have sounded absurd, but several states now allow this and I anticipate there will be a push for it here in the near future. As we look at these requests, it is important to recognize that hunting with an air gun should be considered similar to hunting with a muzzle loader or even a bow. Air guns are very similar to these primitive weapons in that they do not generate the energy necessary to create shocking power like a firearm does. The animals are either shot in the head or they must die from blood loss. This requires the hunter to get very close to the animal and be able to make a very accurate shot.

As I researched this topic and then wrote this out, I realized how confusing this can be, especially for someone who is not familiar with ballistics. Thus I would welcome the opportunity to visit in person to address any questions or concerns you may have.

Allowance for Trail Cameras on Public Land

No written testimony was received

Spencer Vaa, Brookings, SD, spoke in regards to his concern about the use of trail cameras on public lands especially GPA's specifically for deer hunting. He stated that when people see tree stands and trail cameras it give the impression that the area is designated spot for a specific person.

The public Hearing concluded at 2:17 p.m.

Respectfully Submitted,

Kelly R. Hepler, Department Secretary