

**AGENDA**  
**Game, Fish, and Parks Commission**  
January 12-13, 2012  
Holiday Inn Express, 110 East Stanley, Ft. Pierre, SD

**Call to order 1 PM CT**

**Division of Administration**

Action items:

1. Approve Minutes of the December Meeting  
<http://gfp.sd.gov/agency/commission/docs/minutes-Draft.pdf>
2. Additional Commissioner Salary Days
3. License List Requests

Information item:

4. License Sales Report
5. Department Sponsored Legislation

**Open Forum**

**Division of Parks and Recreation**

Action items:

6. Proposal Public Water Zoning change at Lewis and Clark
7. Modify Lyman County Lease
8. Cedar Shore Lease Transfer

Information items:

9. 2011 Final Visitation and Revenue Report
10. Point of Sale/Reservation System RFP

**Division of Wildlife**

Proposals:

11. Public Water Markings and Zones
12. Motorboat and Watercraft
13. Special Buck
14. Mountain lion

Information:

15. Impacts of flooding of Missouri River on fisheries
16. Mountain lion hunting season update
17. Bobcat populations in eastern SD
18. Potential land exchange for a new shooting range
19. Hunting season recap
20. DOW annual report
21. Public Information/Communications Strategies

**Adjourn**

**Next meeting information:**

March 1-2 at Holiday Inn Express  
110 East Stanley, Ft. Pierre, SD

Minutes of the Game, Fish, and Parks Commission  
December 1, 2011

Vice Chair Susie Knippling called the meeting to order at 1:01 PM at the AmericInn Conference Center in Fort Pierre, South Dakota. Commissioners present were: Susie Knippling, Jim McMahon, Jim Spies, John Cooper, Cathy Peterson, and Barry Jensen. Commissioners Jeff Olson and Mike Authier were absent. Secretary Jeff Vonk was present along with media, staff, and public numbering approximately forty.

**Division of Administration**

Chair Knippling called for any additions or changes to the agenda. McMahon made a motion to add a discussion regarding mountain lions to the Division of Wildlife information items. Motion was second by Cooper and motion carried unanimously and the agenda was amended.

Chair Knippling called for any additions or corrections to the November minutes or a motion for approval. Cooper identified a preposition change on page 159.

Motion by Cooper with second by Spies TO APPROVE THE MINUTES OF THE NOVEMBER MEETING AS CORRECTED. Motion carried unanimously.

Knippling asked Commissioners for any additional salary days and Knippling claimed one for a waterfowl meeting.

Motion by McMahon with second by Jensen TO APPROVE THE ADDITIONAL SALARY DAY FOR KNIPPLING AS REQUESTED. Motion carried unanimously.

Director Chris Petersen presented a license list request from Marvin Kraus of the Greater Midwest Fur Exchange for a list of the 2010 Trapping License holders to mail a flyer with dates and locations he would be available to purchase furs. This would be at full fee.

Motion by Jensen with second by Peterson TO APPROVE THE LICENSE LIST REQUEST FROM MARVIN KRAUS AS PRESENTED. Motion carried unanimously.

The South Dakota Wildlife Federation requested a list of 2011 resident east river deer license holders to promote membership to the Federation and sell gun raffle tickets. This list would be at the reduced fee of \$100 for nonprofit organizations.

Motion by McMahon with second by Spies TO APPROVE THE LICENSE LIST REQUEST FROM THE SD WILDLIFE FEDERATION AS PRESENTED. Motion carried unanimously.

Petersen presented the License Sales Report ending on November 28, 2011, showing an overall decline of .9% in license sales. Petersen indicated sales were stable compared to last year. The sales year ends on December 15<sup>th</sup> and the financial impact would be \$500,000-\$600,000 less than the 2010 sales. Nonresident Small Game sales are down 4.6%, nonresident one day fishing is up 5.4%, resident one-day small game was up 10%, and the resident combination licenses showed a slight increase.

#### Open Forum

No comments were received.

The Public Hearing began at 2:00 PM and ended at 2:05 PM for items listed under Finalizations and the Blood Run land purchase for the Parks Division (minutes are attached).

#### Finalizations

##### Spring Turkey Hunting Season 41:06:13

Kirschenmann presented proposed changes to the number of turkey tags available in the Prairie Units with an overall slight decrease in tags with no recommended changes to proposal.

Offer residents 125 more one-tag "male turkey" licenses and 150 less two-tag "any turkey" licenses for the Prairie Units than 2011 for an overall decrease of 175 tags (-1.3%). Offer nonresidents 19 less one-tag "male turkey" licenses and 28 more two-tag "any turkey" licenses for the Prairie Units than 2011 for an overall increase of 37 tags (4.9%).

Motion by Spies with second by Peterson TO FINALIZE CHANGES TO THE SPRING TURKEY SEASON 41:06:13 AS PROPOSED. Motion carried unanimously.

##### Spring Light Goose Hunting Season 41:06:16

Kirschenmann presented the proposed change to remove the daily bag limit of 20 light geese for the Spring Light Goose Conservation Order with no recommended changes.

Remove the daily bag limit of 20 light geese (snows, blues, and Ross').

Motion by Spies with second by Jensen TO FINALIZE CHANGES TO THE SPRING LIGHT GOOSE HUNTING SEASON 41:06:16 AS PROPOSED. Motion carried unanimously.

## **Division of Parks and Recreation**

### **Blood Run land purchase**

Director Doug Hofer stated the Blood Run project has been in the works for 12 years and during that time, three governors expressed their support for the purchase of the Buzz Nelson property to preserve and enhance a portion of the Blood Run National Historic Landmark. GFP has entered into a purchase agreement to purchase Tract C, a parcel of the Nelson property and recommends approval of Resolution 11-06 to complete the purchase of 10 acres from Alvin (Buzz) and Lois Nelson for \$200,920. This would be parcel C of three parcels to complete the sale of 324 acres from the Nelson's for a cost of \$3.5 million. The other two parcels are to be purchased by the SD Parks and Wildlife Foundation and the Conservation Fund and all transactions to take place before end of the year.

A third application was submitted yesterday to the Forest Legacy Program and it is anticipated the Blood Run project will rank even higher than previous applications and be favorably considered as part of the 2012 Federal budget. Should the Forest Legacy funds not be appropriated by Congress, the Parks and Wildlife Foundation is committed to continue fundraising to complete the purchase from The Conservation Fund.

Motion by Cooper with second by McMahon TO APPROVE RESOLUTION 11-06 AS PRESENTED (Appendix A). Motion carried unanimously. Commissioners McMahon and Cooper complimented Hofer on his hard work and dedication to the Blood Run Project.

### **Angostura Concession Lease**

Sean Blanchette provided background information and history of the Angostura Concession Lease indicating the property belongs to the US Bureau of Reclamation (BOR) and is managed under an Agreement between the BOR and GFP. Angostura has two seasonal trailer home areas with 86 trailer sites. The trailer sites are managed by the concessionaire and the revenue from the rental of these trailer sites comprises about 30% of the concession's annual revenue. In 2008, the trailer owners were required to inspect their individual sewer systems and only 5 of the 86 homes had systems working properly to code. A consultant engineer has completed an evaluation and determined individual drain fields are not a feasible solution and a centralized sewer system will be needed to adequately dispose of sewage there. Discussion included BOR involvement, concessionaire involvement, funding sources, cabin owners view point, ground contamination, water contamination, types of sewer systems, role of GFP, and the need to address this in any future Concession agreements. The current lease expires on Dec. 31, 2011, and Blanchette asked for approval of a one-year extension on the current Angostura Concession Lease.

Commissioners expressed a strong desire to address the sewer system deficiencies before any additional concessionaire extensions are considered beyond the extension recommended at this time.

Motion by Cooper with second by McMahon TO APPROVE THE EIGHTH AMENDMENT TO ANGOSTURA STATE RECREATION AREA CONCESSION LEASE AS PRESENTED (Appendix B). Motion carried unanimously.

#### Indian Creek Concession Lease

Sean Blanchette indicated only one proposal to purchase and operate Bridge City Marina through the advertised Concession Lease was received. The proposal met all criteria contained in the prospectus and included proof of financing capability and a business plan. The new concession lease includes a 10-year term which will commence upon execution, and contains the minimum required services and conditions as outlined in the RFP.

Blanchette introduced the prospective concessionaire Jessie Norder, and she expressed her excitement for the opportunity and indicated she and her husband intend to keep the name and have plans to upgrade the structure and improve utilization of the space. The cabins, boat slips, and store will remain in place and they hope to add food services late next year.

Blanchette explained that currently, the marina operates under the terms of a lease between Walworth County and the US Corp of Engineers, the ownership and administration of which is the Department's as a result of the Title VI land transfer. Walworth County desires to dissolve their interest and obligations in this contract and has indicated its acceptance of an amendment to terminate it which will be voted on at its December 6<sup>th</sup> County Commission meeting. Resolution 11-08 authorizes Director Hofer to terminate the existing lease with Walworth County and execute the new concession agreement with the Norders at Indian Creek Recreation Area near Mobridge.

Motion by McMahon with second by Peterson TO APPROVE RESOLUTION 11-08 AS PRESENTED (Appendix C). Motion carried unanimously.

#### Custer State Park Resort Repair and Maintenance Fund

Josh Schmaltz and Dave Sweet provided a report of the completed 2011 Repair and Maintenance Projects and the proposed projects for 2012 for Custer Resorts. They also provided the Personal Property Replacement Reserve expenditures for 2011 and proposed expenditures for 2012. These are annual reports provided to the Department as required by the Concession agreement. Schmaltz expressed appreciation and support of the Commission, Director Hofer, Dick Miller, and Sean Blanchette to make the needed improvements in Custer State Park and plans to reduce the R & M expenditures to an appropriate balance by the end of 2012.

Dave Sweet indicated that Regency has spent more than the dollars shown on the reports as Regency desires to offer to the public the best experience possible and sales have increased each year and is currently 50% above the previous owner's sales. The Reunion Cabin was featured in *Midwest Living* and has more than 200 days booked for 2012. Several NASPD directors visited the cabin in September and expressed their desire to have one in their parks. Sweet also indicated that Regency collects a voluntary donation from their guests for the

“Friends of Parks and Wildlife” campaign with the Parks and Wildlife Foundation and in the last two years have contributed more than \$40,000 to the campaign.

#### **Buffalo Auction Results**

Custer State Park Superintendent Richard Miller indicated the Buffalo auction day was cold, windy, and snowy with only 48 bidders, the sale went quickly. The 2-year old bred heifers and 2-year old breeding bulls showed increase in the average price and the park had sales over \$319,000.00.

#### **Cedar Shore Resort**

Director Hofer briefed the Commission about the lease agreements at Cedar Shores in Lyman County. The current concession agreement is with Lyman County who in turn subleases the property to the City of Oacoma, and the Cedar Shore Resort management company.

Dave Sweet of Regency, Inc. indicated his company has been negotiating a possible purchase of the Cedar Shore Resort property and a tentative agreement has been reached. It is anticipated an amendment may be presented at the next Commission meeting for the approval of a transfer of the Concession lease to a new owner affiliated with Ramkota or Regency Inn Management.

#### **Custer State Park Mountain Pine Beetle update**

Richard Miller provided an update on the mountain pine beetle infestation epidemic in and around Custer State Park. The Park budgeted \$300,000 for 2011 to remove 20-21,000 trees and a contract is in place and work is occurring along Iron Mountain Road. The next area of focus will be the visual corridors of the park and areas around the Game Lodge. Recent surveys have shown that the number of trees infected with Mountain Pine Beetle in Custer State Park could be in the neighborhood of 140,000 trees, considerably more than was anticipated at this time a year ago. Discussion included new areas where the bugs are entering the park, the demand for timber products, and the forest service efforts occurring in the Black Hills National Forest.

#### **Division of Wildlife**

##### **Mountain Lion discussion (amended agenda item)**

Director Tony Leif provided a handout with the history of the mountain lion hunting season and the season for landowners including the season dates. Landowners are allowed to hunt on their own property. State Law also authorizes any person the right to protect themselves and their property from a mountain lion. A landowner wishing to hunt a lion must apply for and purchase a license.

Leif provided background of the recent lion taken on private property by an individual while checking cattle, who wishes to keep the lion he took under the state statute. Discussion ensued on viability of the kill as hunting or protecting property and who gets the lion. Further discussion included establishing a guideline to address the concerns for lions taken outside the Black Hills Fire Protection Area

which is managed for a mountain lion population. Leif will bring a recommendation to the January meeting.

#### Salzmann Land Donation

Paul Coughlin presented a map and Resolution 11-07 asking Commission approval for a gift of property from the SD Parks and Wildlife Foundation to be used as a Game Production Area in Lyman County. Commissioner Knippling asked if there were any conditions on the gifted property and Coughlin stated there is "permission only" hunting on the property. Discussion ensued as to how this would be handled and the Commission deferred action giving the Department time to develop a plan before the Commission takes action accepting the property.

#### 2012 Season Setting Schedule

Chief Kirschenmann presented the 2012 Season Setting Schedule as a guideline for the Commissioners, staff, and public to know when changes to seasons are proposed and finalized on the Commission meeting schedule.

#### Waterfowl hunting loss due to crop fire

Cliff Stone and Emmett Keyser provided a handout with a map showing the "Zone of Influence" identified by the US Fish and Wildlife (USFWS). This area is considered as "baiting" and is allowing no waterfowl hunting. Commissioners saw photos showing a field of corn with damage from a fire that rapidly went through a corn field and left the corn on the ground. The role of GFP is to answer questions from the hunting public and issue courtesy warnings. Signs have been available to landowners to post around these areas and the Walk-In-Areas north of this zone are posted so hunters know that waterfowl hunting is not allowed.

#### Nonresident Waterfowl Licenses

Tony Leif indicated there are discussions with a group that wants to expand nonresident hunting in northeast SD. One idea is to allow the sale of more of the three day licenses as not all allocated licenses are being sold. There seems to be a desire to have waterfowl licenses allocated by the Commission instead of from the Legislature. Discussion included the hard work of the Lower Oahe Access Plan committee to find a workable solution to allow additional nonresident waterfowl hunters along the Missouri River, a concern for a loss of revenue opportunity here, and a continued desire to uphold the agreement for the Lower Oahe Licenses.

#### GPA enhancement projects

Paul Coughlin presented a PowerPoint Presentation showing access and habitat improvements on 727 Game Production Areas in 61 counties for 295,524 acres of which 50% are grassland, 30% wetlands, 10% trees and shrubs, 10% cultivated ground. These GPAs provide lots of hunting and fishing opportunity and have a wide variety of diverse habitat, access, and public uses and are managed by the Wildlife Division. The presentation had photos of improvements and included activities of the Habitat Forever Teams.

**CREP update**

Kirschenmann provided an update of acres in CREP program showing Hutchinson County with 7,600 acres providing additional pheasant habitat. CREP at full enrollment allows for 100,000 acres, and currently there are 55,000 acres and are ahead of schedule in the program for enrollment.

Motion by Jensen with second by McMahon TO ADJOURN THE MEETING.  
Motion carried unanimously and meeting adjourned at 4:50 PM on Thursday,  
December 1, 2011.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary

(Appendix A)  
**RESOLUTION NO. 11-06**

Whereas, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property from Alvin N. Nelson and Lois A. Nelson, as Trustees of the Alvin N. Nelson Living Trust and Alvin N. Nelson and Lois A. Nelson, as Trustees of the Lois A. Nelson Living Trust, of Sioux Falls, South Dakota, which property is described as:

The East 10 acres of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 14, Township 100, Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota; and

Whereas, said property is to be acquired by and utilized by the Division of Parks and Recreation for the purpose of a State Park (Blood Run); and

Whereas, SDCL 41-4-1.1 requires that before GFP acquires and purchases property GFP must notify owners of land located adjacent to the property sought to be acquired by publishing notice of the same once in each legal newspaper of the county in which the property to be purchased is located; and

Whereas, GFP has published the required legal notice at least thirty (30) days prior to the date of action by the Commission authorizing the intended purchase, which notice included the time and location of the meeting at which the Commission's action is expected and by giving notice of instructions for presenting oral and written comments to the Commission; and

Whereas, the Commission has reviewed any and all comments that may have been received relative to the intended purchase and after consideration of the same, the Commission approves of the same.

NOW, THEREFORE, BE IT RESOLVED, that GFP is authorized to complete the purchase of the above described real property at the agreed price of \$200,920.00 and consummate the purchase agreement with Alvin N. Nelson and Lois A. Nelson, as Trustees of the Alvin N. Nelson Living Trust and Alvin N. Nelson and Lois A. Nelson, as Trustees of the Lois A. Nelson Living Trust, which is acceptable to the GFP to acquire by purchase the above described real property.

(Appendix B)  
**EIGHTH AMENDMENT TO ANGOSTURA  
STATE RECREATION AREA  
CONCESSION LEASE**

This EIGHTH AMENDMENT TO ANGOSTURA STATE RECREATION AREA CONCESSION LEASE between the South Dakota Department of Game, Fish and Parks, hereinafter referred to as the "Department," and Angostura Resort Management, hereinafter referred to as "Concessionaire." This amendment is subject to the terms of and of the Regulations promulgated by the Game, Fish and Parks Commission identified as ARSD Article 41:13, Park Concession Leases effective March 21, 1990, and to all terms and conditions of Contract No. 14-06-600-3633, memorandum of understanding, hereinafter referred to as "MOU" and any amendments thereto or replacement contracts between the Department of Game, Fish and Parks and the U.S. Bureau of Reclamation, hereinafter referred to as Reclamation. The Concessionaire has been provided a copy of ARSD Article 41:13, effective date March 21, 1990, and the MOU between the Department and Reclamation.

WHEREAS, The Department and the Concessionaire entered into a concession lease agreement on April 5, 1991, and such agreement subsequently was amended July 10, 1991, February 27, 1992, January 8, 1993, June 5, 1995, December 18, 2006, March 6, 2009, and August 19, 2010 (hereinafter collectively referred to as the "Concession Lease Agreement"), and;

WHEREAS, Angostura Recreation Area, and the concession property within, is on land owned by Reclamation and managed by the Department; and

WHEREAS, Reclamation has completed a Resource Management Plan (RMP) for Angostura Reservoir and such RMP will affect the terms and conditions of future concession leases, and;

WHEREAS, significant wastewater system improvements and funding plan will be required to take place as a condition of a new concession lease, the extents of which have yet to be determined; and

WHEREAS, the Department, Reclamation, and the Concessionaire agree that a short-term extension of the Concession Lease Agreement is necessary to allow adequate time for a wastewater system improvement implementation plan to be developed and a new long term concession lease structured.

NOW THEREFORE, it is agreed to by the parties to amend the Concession Lease Agreement as follows:

1. Section 1, Term of Lease, shall be deleted in its entirety and replaced by the following:

Section 1. Term of Lease

- (a) This lease shall be for a term beginning on January 1, 1993, and ending on December 31, 2012.
2. Except as amended herein, the terms and conditions of the Concession Lease Agreement shall continue to remain in full force and effect.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

DEPARTMENT OF GAME, FISH AND PARKS

BY: \_\_\_\_\_  
Douglas Hofer, Director  
Division of Parks and Recreation

CONCESSIONAIRE

BY: \_\_\_\_\_  
Gilbert Moyle, President  
Angostura Resort Management, Inc.

APPROVAL

IN WITNESS THEREOF, and having the authority to do so, I approve the above and foregoing amendment to the Concession Lease and terms contained therein this \_\_\_\_ day of \_\_\_\_\_, 2010 pursuant to the authority granted to the undersigned.

US BUREAU OF RECLAMATION

BY \_\_\_\_\_  
\_\_\_\_\_  
(Designate office and title)

(Appendix C)  
**RESOLUTION 11-08**

WHEREAS, the current owner of the Bridge City Marina concession operates the business under the terms and conditions of a sublease with Walworth County, South Dakota, which is the lessee named in the parent Lease No. DACW45-1-89-6105 dated October 1, 1989, with the United States, Department of the Army, as lessor, which said parent lease subsequently was assigned by the United States to the South Dakota Department of Game, Fish, and Parks (Department) through Title VI land transfer legislation; and

WHEREAS, the current owner has issued to the Department its intent to sell the facilities and relinquish all its rights under its sublease with Walworth County; and,

WHEREAS, Walworth County desires to relinquish its rights under the parent Lease dated October 1, 1989, in order to allow for the Department to enter in to a direct concession lease with a successor concessionaire, and;

WHEREAS, since the current owner issued its intent to sell and as required by the regulations promulgated by the Game, Fish, and Parks Commission, the Department issued a prospectus on October 14, 2011, to solicit a successor concessionaire for a new ten year concession lease agreement; and,

WHEREAS, in response to its request for proposals, GFP received one viable proposal complete with proof of financing capability from Michael and Jessica Norder, principal partners in a soon to be formed S-Corporation (Norders) of Glenham, South Dakota; and,

WHEREAS, GFP and the Norders have negotiated the terms of a new Concession Agreement for Bridge City Marina which will have a term of ten years commencing on January 1, 2012, and expiring on December 31, 2021; and,

WHEREAS, GFP and Walworth County desire to terminate said parent Lease No. DACW45-1-89-6105 dated October 1, 1989, to facilitate the execution of the new Concession Agreement which will require a mutual agreement from GFP and the Walworth County Commission; and

WHEREAS, the Parks Division of GFP has presented the new Concession Agreement to the GFP Commission for its review and approval, and the GFP Commission has reviewed said terms of said Agreement with Parks Division Director Douglas Hofer and legal counsel for the Department, and finds the terms and conditions set forth in said Agreement to be acceptable, and wishes to execute the new Concession Agreement on behalf of GFP;

NOW THEREFORE, BE IT RESOLVED, that the GFP Commission does hereby approve and accept the terms and conditions set forth in the new Concession Agreement (a copy of which said agreement is attached hereto and incorporated herein by this reference) to be entered into by and between GFP and the Norders and hereby authorizes and directs Douglas Hofer, Director of the Division of Parks and Recreation, to execute the New Concession Agreement hereinabove described in this resolution on behalf of GFP.

BE IT FURTHER RESOLVED the GFP Commission does hereby authorize Director Hofer to enter into and execute an agreement with Walworth County, South Dakota, to immediately terminate the existing parent Lease No. DACW45-1-89-6105 dated October 1, 1989.

Public Hearing Minutes of the Game, Fish, and Parks Commission  
December 1, 2011

Public Hearing Officer Chuck Schlueter began the hearing at 2:00 PM indicating testimony would be received in the order as listed on the agenda under Finalizations numbered 5 and 6 as well as on the purchase of the Blood Run property number 7. Written testimony received would be read first then testimony would be accepted from the audience. Public wishing to testify was instructed to approach the microphone and provide their name and address on the sheet at the microphone prior to providing their comments to the Commission.

#### Spring Turkey Hunting Season

Stanley M. Fischer emailed: "As a non resident, I have been hunting in South Dakota since the prairie units were first opened to non residents. I consider it to be the greatest turkey hunting in America. One of the great things of the present season length is flexibility. I travel over 1200 miles to get there. If one of your spring snow storms shows up, I might delay my arrival by several days since there is no pressure on ending dates. Since there was no reason given for the new changes, except for the number of tags, what possible benefit could there be? Why not leave it alone and not add one more complication to the sport of hunting."

No oral testimony was received.

#### Spring Light Goose Hunting Season

Justin Broughton of Sioux Falls, SD, emailed: "I wanted to take a moment to comment in support of the elimination of the daily limit on snow geese for the Spring Conservation Season. As the season itself is being held as a means to reduce population the daily limit on take is counter productive to the objectives of the conservation order. Wanton waste has been the biggest concern in the past and a reason for the limit. There is already a law against wanton waste, please enforce it accordingly and remove the daily limit on snows in the spring season."

Jamie Huizenga of Pierre, SD, emailed: " I am in support of making the proposed rule change to eliminate the 20 bird bag limit for the Spring Light Goose Conservation Order...My understanding is South Dakota is one of the only states that imposes the daily 20 bird daily limit on hunters participating in the Spring Light Goose Conservation Order. States like Missouri and Arkansas have allowed unlimited spring snow goose harvest for years. I am not aware of any additional problems this higher limit would create in South Dakota."

No oral testimony was received.

#### Blood Run land purchase

Emails supporting the purchase of the Blood Run property were received from Bud Johnston, Mary Montoya, Rona Johnston, Greg and Kathy Morrissey, Nora Olson, Sherece Jones, Whitney Jones, Angelo Nuno, Kallene Denoyer, Mick and LaDonna Myers, and Linda Boyd.

No oral testimony received.  
The Public Hearing concluded at 2:05 PM.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary



**GAME, FISH & PARKS**

523 East Capital  
Pierre, SD 57501  
(605)773-4510  
Fax (605)773-6245

**Mary.Healy@state.sd.us**

3

**REQUEST FOR LISTS OF LICENSE HOLDERS**

**Application for exception to regular fee**

Type of List Requested 2011 South Dakota elk applicant list

Number of licenses in list Unknown

Name of Person, Entity, or Organization requesting list:  
Tom Slowey, Regional Director RMEF

Address of Person, Entity, or Organization:  
507 Locust Street, Yankton, SD 57078

How would you like your list sent to you: (email or disk) Email

Email Address: tslowey@rmef.org

Phone Number  
605-661-0477

**Purpose for which list will be used:**

**Mailing to offer chances for the 2012 Custer State Park elk tag and other prizes. As a non profit helping to raise funds for SD G,F&P we request the normal fees for this list be waived.**

The sale of lists by the Department of Game, Fish & Parks is authorized by SDCL 1-27-1 and ARSD 41:06:02:04, 05 and 06. The fee for a Game, Fish & Parks Commission approved exception is \$100, otherwise the fee is \$100 per thousand names or a minimum of \$100 whichever is greater.

Unless requested and approved as part of this request, the license list will not include anyone under eighteen years of age. Names are for one-time use only and are to be used only by the person, entity or organization approved per this request.

Thomas J. Slowey, RD RMEF  
Authorized Signature of Purchaser

1/10/12  
Date

**GAME, FISH & PARKS**

523 East Capital

Pierre, SD 57501

(605)773-4510

FAX (605)773-6245

Mary.Healy@state.sd.us

**REQUEST FOR LISTS OF LICENSE HOLDERS**

Type of List Requested Preserve License Holders

Number of Licenses in list 3025

Name of Person, Entity, or Organization requesting list:  
Charles Ross

Phone Number 605 875 3500

Address of Person, Entity, or Organization:  
2185 Scattergun Ridge Rd.  
Pierre, SD 57501

How would you like your list sent to you:  email  disk

Email Address: hunter@scattergunridge.com

Purpose for which list will be used:  
MARKETING

**This list is Names and Mailing Addresses ONLY**

The sale of lists by the Department of Game, Fish & Parks is authorized by SDCL 1-27-1 and ARSD 41:06:02:04, 05 and 06. A fee of \$100 per thousand names will be assessed for the sale of this list, or a minimum of \$100 whichever is greater.

Unless requested and approved as part of this request, the license list will not include anyone under eighteen years of age. Names are for one-time use only and are to be used only by the person, entity or organization approved per this request.

Charles M. Ross 12/22/11  
Authorized Signature of Purchaser Date

# License Sales Totals

## (Final Sales Report)

date updated: 27 December 2011

	2010	2011	% Change
Resident Predator/Varmint	1,566	1,559	-0.4%
Resident Small Game	35,092	31,871	-9.2%
Combination	43,137	43,437	0.7%
Junior Combination	7,674	7,498	-2.3%
Resident Youth Small Game	6,266	5,818	-7.1%
Furbearer	2,405	3,155	31.2%
Resident 1-Day Fishing	6,090	6,908	13.4%
Resident Annual Fishing	58,705	58,055	-1.1%
Senior Fishing	16,079	16,180	0.6%
Resident Migratory Bird Certificate	30,937	30,544	-1.3%
Nonresident Predator/Varmint	5,159	5,044	-2.2%
Nonresident Small Game	102,003	96,971	-4.9%
Nonresident Youth Small Game	3,361	3,140	-6.6%
Nonresident Spring Light Goose	2,907	3,643	25.3%
Nonresident Youth Spring Light Goose	114	130	14.0%
Nonresident 1-Day Fishing	18,228	19,258	5.7%
Nonresident 3-Day Fishing	18,859	18,532	-1.7%
Nonresident Annual Fishing	15,497	14,945	-3.6%
Nonresident Family Fishing	7,100	6,709	-5.5%
Nonresident Migratory Bird Certificate	1,065	1,196	12.3%
Nonresident Annual Shooting Preserve	449	539	20.0%
Resident 1-Day Small Game	945	1,082	14.5%
Nonresident 5-day Shooting Preserve	8,498	8,619	1.4%
Nonresident 1-day Shooting Preserve	918	1,090	18.7%
Nonresident Furbearer	29	87	
Resident Gamefish Spearing/Archery	0	2,064	
Nonresident Gamefish Spearing/Archery	0	316	
Nonresident Youth Annual Fishing	0	729	
<b>TOTAL ON FILE =</b>	<b>393,083</b>	<b>389,119</b>	<b>-1.0%</b>

JANUARY- DECEMBER 2011 REVENUE COMPARISON BY DISTRICT

	2010		2011		% Change
	# Sold	\$ Sold	# Sold	\$ Sold	
Annual	45,444	\$ 1,272,440.00	42,973	\$ 1,203,237.00	-5.4%
Second Vehicle	15,264	\$ 213,690.00	13,529	\$ 189,402.00	-11.4%
Combo	15,682	\$ 658,635.00	14,854	\$ 623,875.00	-5.3%
Transferable	794	\$ 47,663.00	815	\$ 48,872.00	2.5%
Daily / Person (\$4)	29,854	\$ 119,417.45	28,700	\$ 114,801.85	-3.9%
Daily / Vehicle (\$6)	76,930	\$ 461,581.51	65,625	\$ 393,751.31	-14.7%
Unattended Vehicle Daily (\$4)	228	\$ 911.00	377	\$ 1,508.00	65.5%
Unattended Vehicle Daily (\$10)	706	\$ 7,062.00	1,127	\$ 11,272.95	59.6%
Motorcoach Permit	22,642	\$ 67,925.50	11,926	\$ 35,778.00	-47.3%
GSM Annual Trail Pass (\$15)	3,045	\$ 45,676.00	2,469	\$ 37,041.00	-18.9%
GSM Daily Trail Pass (\$3)	17,249	\$ 51,747.00	16,363	\$ 49,089.00	-5.1%
CSP Temp Daily / Person (\$6)	167,391	\$ 1,004,343.00	399	\$ 2,394.00	-99.8%
CSP Temp Daily / Vehicle (\$15)	68,991	\$ 1,034,865.00	127,626	\$ 1,914,394.00	85.0%
Bike Band (\$10)	0	\$ -	15,416	\$ 154,160.00	
Rally Bike Band (\$10)	46,007	\$ 460,070.00	36,439	\$ 364,390.00	-20.8%
One-Day Special Event	N/A	\$ 11,361.00	N/A	\$ 9,730.00	-14.4%
	<u>510,227</u>	<u>\$ 5,457,387.46</u>	<u>378,639</u>	<u>\$5,153,696.11</u>	<u>-5.6%</u>
Camping Services Permits		\$ 5,066,454.65		\$ 5,130,188.64	1.3%
Picnic Reservations		\$ 7,078.50		\$ 7,703.70	8.8%
Firewood	32,862	\$ 131,448.50	30,165	\$ 120,659.20	-8.2%
		<u>\$5,204,981.65</u>		<u>\$5,258,551.54</u>	<u>1.0%</u>
<b>Totals:</b>		<b>\$10,662,369.11</b>		<b>\$10,412,247.65</b>	<b>-2.3%</b>

JANUARY - DECEMBER 2011 REVENUE COMPARISON BY DISTRICT

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Dis Park	2010	2011	% Change	Dis Park	2010	2011	% Change
1 Roy Lake Sica Hollow	\$175,596.90	\$183,685.30	4.6%	10 North Point North Wheeler Pease Creek Randall Creek South Shore Whetstone Bay	\$380,517.82	\$324,610.31	-14.7%
2 Richmond Lake Mina Lake Lake Louise Fisher Grove Amsden Fort Sisseton	\$265,722.56	\$252,194.45	-5.1%	11 Farm Island West Bend	\$359,419.81	\$223,771.26	-37.7%
3 Sandy Shore Hartford Beach Lake Cochrane Pelican South Pickerel Lake	\$376,086.78	\$423,415.05	12.6%	12 Oahe Downstream West Shore Cow Creek Okobojo Point Spring Creek East Shore	\$368,508.30	\$188,667.92	-48.8%
4 Oakwood Lakes Lake Poinsett Lake Thompson	\$505,245.79	\$526,902.16	4.3%	13 West Whitlock Lake Hiddenwood East Whitlock Swan Creek Bush's Landing Indian Creek Revheim Bay Little Bend Bob's Landing Walth Bay West Pollock	\$311,947.60	\$341,657.80	9.5%
5 Lake Herman Walkers Point	\$249,174.30	\$261,577.76	5.0%	14 GSM Trail Bear Butte Rocky Point	\$254,871.60	\$248,955.12	-2.3%
6 Snake Creek Platte Creek Burke Lake Buryanek	\$341,877.43	\$309,750.36	-9.4%	15 Shadehill Llewellyn Johns	\$133,685.79	\$144,288.50	7.9%
7 Palisades Lake Vermillion Big Sioux	\$504,578.63	\$524,985.10	4.0%	16 Custer	\$4,117,039.53	\$4,142,483.38	0.6%
8 Newton Hills Lake Alvin Union Grove Adams	\$372,846.04	\$400,964.05	7.5%	17 Angostura	\$401,217.41	\$404,976.77	0.9%
9 Lewis & Clark Tabor Sand Creek Springfield Chief White Crane Pierson Ranch	\$1,488,374.82	\$1,455,186.36	-2.2%	20 Pierre Office	\$55,658.00	\$54,176.00	-2.7%
				<b>TOTALS:</b>	<b>\$10,662,369.11</b>	<b>\$10,412,247.65</b>	<b>-2.3%</b>

## JANUARY - DECEMBER 2011 VISITATION COMPARISON

Dist Park	2010	2011	% Change	Dist Park	2010	2011	% Change
1 Roy Lake	181,214	214,947	18.6%	9 Lewis & Clark	966,318	917,588	-5.0%
Sica Hollow	27,670	46,762	69.0%	Springfield	103,486	90,508	-12.5%
	<u>208,884</u>	<u>261,709</u>	<u>25.3%</u>	Chief White Crane	117,727	117,934	0.2%
2 Richmond Lake	52,384	56,593	8.0%	Pierson Ranch	68,470	67,680	-1.2%
Mina Lake	44,034	39,313	-10.7%		<u>1,256,001</u>	<u>1,193,710</u>	<u>-5.0%</u>
Lake Louise	38,744	38,643	-0.3%	10 North Point	133,641	89,050	-33.4%
Fisher Grove	20,066	7,560	-62.3%	North Wheeler	39,602	14,972	-62.2%
Fort Sisseton	65,081	69,184	6.3%	Pease Creek	18,856	21,480	13.9%
	<u>220,309</u>	<u>211,293</u>	<u>-4.1%</u>	Randall Creek	69,751	89,715	28.6%
3 Sandy Shore	36,644	35,302	-3.7%	Ft. Randall Marina	8,628	5,003	-42.0%
Hartford Beach	71,305	71,557	0.4%		<u>270,478</u>	<u>220,220</u>	<u>-18.6%</u>
Lake Cochrane	32,931	32,719	-0.6%	11 Farm Island	146,473	68,425	-53.3%
Pelican South	54,195	50,492	-6.8%	West Bend	29,675	24,613	-17.1%
Pickerel Lake	61,186	56,742	-7.3%		<u>176,148</u>	<u>93,038</u>	<u>-47.2%</u>
	<u>256,261</u>	<u>246,812</u>	<u>-3.7%</u>	12 Oahe Downstream	307,525	147,410	-52.1%
4 Oakwood Lakes	82,850	82,023	-1.0%	LaFramboise Island	17,022	5,585	-67.2%
Lake Poinsett	65,071	62,620	-3.8%	Cow Creek	238,143	222,358	-6.6%
Lake Thompson	62,622	52,097	-16.8%	Okobojo Point	32,725	32,185	-1.7%
	<u>210,543</u>	<u>196,740</u>	<u>-6.6%</u>	Spring Creek	119,907	138,642	15.6%
5 Lake Herman	115,171	97,581	-15.3%		<u>715,322</u>	<u>546,180</u>	<u>-23.6%</u>
Walkers Point	57,294	53,560	-6.5%	13 West Whitlock	81,381	69,498	-14.6%
	<u>172,465</u>	<u>151,141</u>	<u>-12.4%</u>	Lake Hiddenwood	18,902	12,397	-34.4%
6 Snake Creek	184,250	161,205	-12.5%	Swan Creek	25,626	32,632	27.3%
Platte Creek	54,859	46,287	-15.6%	Indian Creek	117,095	113,623	-3.0%
Burke Lake	19,760	22,230	12.5%	Revheim Bay	45,910	43,821	-4.6%
Buryanek	36,026	31,578	-12.3%	West Pollock	35,709	26,796	-25.0%
	<u>294,895</u>	<u>261,300</u>	<u>-11.4%</u>		<u>324,623</u>	<u>298,767</u>	<u>-8.0%</u>
7 Palisades	69,460	65,491	-5.7%	14 Bear Butte	35,211	36,051	2.4%
Lake Vermillion	116,767	109,092	-6.6%	Rocky Point	73,103	60,642	-17.0%
Big Sioux	66,191	63,298	-4.4%		<u>108,314</u>	<u>96,693</u>	<u>-10.7%</u>
Beaver Creek	31,236	28,508	-8.7%	15 Shadehill	59,127	55,807	-5.6%
	<u>283,654</u>	<u>266,389</u>	<u>-6.1%</u>	Llewellyn Johns	4,300	4,679	8.8%
8 Newton Hills	120,097	105,340	-12.3%	Little Moreau	5,144	5,961	15.9%
Lake Alvin	40,711	42,113	3.4%		<u>68,571</u>	<u>66,447</u>	<u>-3.1%</u>
Union Grove	20,151	17,584	-12.7%	16 Custer	1,847,764	1,747,176	-5.4%
Adams	66,221	55,659	-15.9%		<u>1,847,764</u>	<u>1,747,176</u>	<u>-5.4%</u>
Spirit Mound	16,349	14,525	-11.2%	17 Angostura	199,880	182,087	-8.9%
	<u>263,529</u>	<u>235,221</u>	<u>-10.7%</u>		<u>199,880</u>	<u>182,087</u>	<u>-8.9%</u>
				<b>TOTALS:</b>	<b>6,877,641</b>	<b>6,274,923</b>	<b>-8.8%</b>

JANUARY- DECEMBER 2011 CAMPING UNIT COMPARISON REPORT BY DISTRICT

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Dist	Park	2010 Units	2011 Units	%	Dist Park	2010 Units	2011 Units	%		
1	Roy Lake	6,031	5,927	-1.7%	9	Lewis & Clark	36,941	36,045	-2.4%	
	Sica Hollow	192	172	-10.4%		Tabor	63	52	-17.5%	
		<u>6,223</u>	<u>6,099</u>	<u>-2.0%</u>		Sand Creek	143	57	-60.1%	
2	Richmond Lake	1,557	1,400	-10.1%		Springfield	1,262	587	-53.5%	
	Mina Lake	2,470	2,443	-1.1%		Chief White Crane	9,739	8,939	-8.2%	
	Lake Louise	1,920	1,914	-0.3%		Pierson Ranch	<u>4,434</u>	<u>3,856</u>	<u>-13.0%</u>	
	Fisher Grove	1077	57	-94.7%			<u>52,582</u>	<u>49,536</u>	<u>-5.8%</u>	
	Amsden	282	275	-2.5%		10	North Point	5,110	1,707	-66.6%
	Fort Sisseton	<u>1,328</u>	<u>1,300</u>	<u>-2.1%</u>			North Wheeler	482	181	-62.4%
	<u>8,634</u>	<u>7,389</u>	<u>-14.4%</u>	Pease Creek			1202	1035	-13.9%	
3	Sandy Shore	907	914	0.8%	Randall Creek		6,120	6,638	8.5%	
	Hartford Beach	2,250	3,082	37.0%	South Shore		<u>321</u>	<u>159</u>	<u>-50.5%</u>	
	Lake Cochrane	1,835	1,811	-1.3%		<u>13,235</u>	<u>9,720</u>	<u>-26.6%</u>		
	Pelican South	3,840	3,888	1.3%	11	Farm Island	6,991	941	-86.5%	
	Pickereel Lake	<u>5,370</u>	<u>5,728</u>	<u>6.7%</u>		West Bend	<u>6,614</u>	<u>6,556</u>	<u>-0.9%</u>	
	<u>14,202</u>	<u>15,423</u>	<u>8.6%</u>		<u>13,605</u>	<u>7,497</u>	<u>-44.9%</u>			
4	Oakwood Lakes	7,236	7,414	2.5%	12	Oahe Downstream	12,211	2,314	-81.0%	
	Lake Poinsett	5,717	5,200	-9.0%		Cow Creek	1931	3329	72.4%	
	Lake Thompson	<u>5,121</u>	<u>4,626</u>	<u>-9.7%</u>		Okobojo Point	<u>821</u>	<u>1365</u>	<u>66.3%</u>	
	<u>18,074</u>	<u>17,240</u>	<u>-4.6%</u>		<u>14,963</u>	<u>7,008</u>	<u>-53.2%</u>			
5	Lake Herman	5,452	4,950	-9.2%	13	West Whitlock	4,268	5,172	21.2%	
	Walkers Point	2,866	2,636	-8.0%		Lake Hiddenwood	296	237	-19.9%	
	Lake Carthage	720	704	-2.2%		East Whitlock	70	73	4.3%	
	<u>9,038</u>	<u>8,290</u>	<u>-8.3%</u>	Swan Creek		478	515	7.7%		
6	Snake Creek	8,900	8,304	-6.7%		Indian Creek	5,001	4,789	-4.2%	
	Platte Creek	1,335	652	-51.2%		West Pollock	<u>694</u>	<u>972</u>	<u>40.1%</u>	
	Burke Lake	87	90	3.4%		<u>10,807</u>	<u>11,758</u>	<u>8.8%</u>		
	Buryanek	<u>2,376</u>	<u>1,186</u>	<u>-50.1%</u>	14	Bear Butte Lake	925	837	-9.5%	
	<u>12,698</u>	<u>10,232</u>	<u>-19.4%</u>	Rocky Point		<u>3514</u>	<u>3713</u>	<u>5.7%</u>		
					<u>4,439</u>	<u>4,550</u>	<u>2.5%</u>			
7	Palisades	3,805	3,704	-2.7%	15	Shadehill	3,984	4,314	8.3%	
	Lake Vermillion	5,652	5,710	1.0%		Llewellyn Johns	<u>193</u>	<u>185</u>	<u>-4.1%</u>	
	Big Sioux	<u>4,092</u>	<u>4,067</u>	<u>-0.6%</u>		<u>4,177</u>	<u>4499</u>	<u>8%</u>		
	<u>13,549</u>	<u>13,481</u>	<u>-0.5%</u>	16	Custer	<u>43,585</u>	<u>42,644</u>	<u>-2.2%</u>		
8	Newton Hills	9,410	9,341		-0.7%		<u>43,585</u>	<u>42,644</u>	<u>-2.2%</u>	
	Union Grove	<u>1,162</u>	<u>1,260</u>	<u>8.4%</u>	17	Angostura	<u>12,598</u>	<u>12,478</u>	<u>-1.0%</u>	
	<u>10,572</u>	<u>10,601</u>	<u>0.3%</u>			<u>12,598</u>	<u>12,478</u>	<u>-1.0%</u>		
<b>TOTAL FEE AREA</b>										
<b>CAMPER UNITS</b>						<b>262,981</b>	<b>238,445</b>	<b>-9.3%</b>		

GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

11

**PUBLIC WATER ZONING**  
**41:04:02**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>January 12-13, 2012</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>March 1, 2012</b>	<b>Ft. Pierre</b>
	<b>Finalization</b>	<b>March 1-2, 2012</b>	<b>Ft. Pierre</b>

**DEPARTMENT RECOMMENDATION**

Add and amend public water safety zones in Brown, Edmunds, Davison, Lincoln, Minnehaha and Yankton counties.

**Requirements and Restrictions:**

"No motors zone," an area in which boats such as canoes, sailboats, and other craft without motors may operate.

"No boating zone," an area in which boats of all types are prohibited. Department personnel or other persons specifically authorized by the secretary are exempt from this restriction while in the performance of their duties.

"No motors over 8 h.p. zone," an area in which boats with motors no more than 8 horsepower may operate. Boats in these areas must travel at speeds under 10 miles per hour.

"No motors over 25 h.p. zone," an area in which boats with motors of no more than 25 horsepower may operate.

"No wake zone," an area in which boats may not create a wake by their passage. For the purposes of this article, a wake is defined as any type of wave action caused by the passage of a boat. At no time may the boat be operated at a speed greater than five miles per hour.

"Public swimming zone," an area in which public swimming and bathing are allowed. In these areas boats of any nature including sailboards, fishing, and other incompatible activities are prohibited.

"Public water ski zone," an area in which water skiing, including slalom course and ski jumps, is specifically allowed. In such areas, other activities such as boating, fishing, and swimming are prohibited.

"No swimming zone," an area in which public swimming and bathing are not allowed.

"No motor vehicle zone," an area in which the use of any motor vehicle is prohibited.

"Electric motors zone," an area which is closed to the use of all motors except any electric-powered motor.

**Recommended changes:**

1. Create a "no wake zone" on Richmond Lake (Brown County) during certain periods of high water.
2. Create a "no wake zone" on Mina Lake (Edmunds County) during certain periods of high water.
3. Create a "no wake zone" on Lake Mitchell (Davison County) during certain periods of high water.
4. Amend the boundaries of the existing "no wake zone" on the west end of Lake Mitchell (Davison County).
5. Create an "electric motors zone" on the waters of Rollings Game Production Area (Lincoln County).
6. Amend existing zoning on the waters of Family Park (Minnehaha County) from a "no motors zone" to an "electric motors zone".
7. Amend existing zoning on the waters of Lewis and Clark Lake (Yankton County) adjacent to Canary Beach from a "public swimming zone" to a "no wake zone".

**SUPPORTIVE INFORMATION**

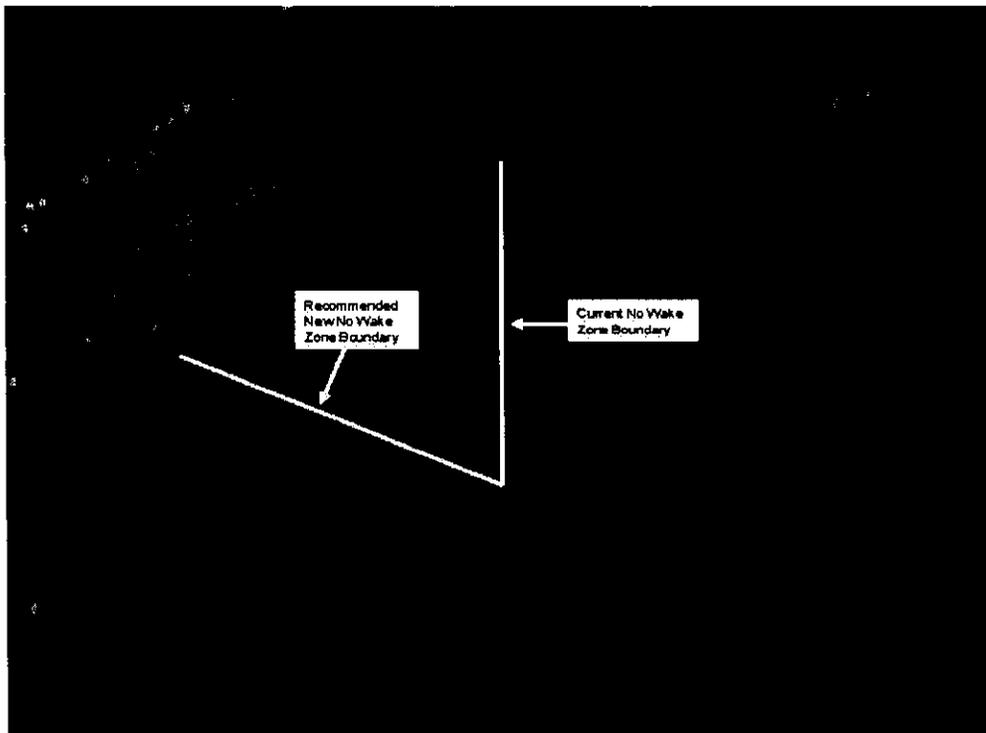
## GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

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The Department recommends creating a "no wake zone" on Richmond Lake (Brown County) and Mina Lake (Edmunds County) during any time at which the water level reaches the height of eighteen inches or more over the level of the top of the spillway. Over the last two years, significant rainfall events have occurred in northeastern South Dakota. These events can cause the water levels in impoundments such as Richmond and Mina to quickly rise well above outlet elevations, resulting in public and private property damage. Unrestricted motorboat usage during these periods causes additional and unnecessary damage to infrastructure, while also posing a risk to boaters due to submerged and partially submerged docks and other debris. The Department, working in conjunction with the Governor's Office and the respective lake associations, has implemented a "no wake zone" on these waters in recent years to address these public health and welfare issues. This rule proposal would provide a more efficient response to these requests for assistance from property owners and lake users, while also serving as a long-term solution to the periodic and temporary flooding issues.

For similar reasons, the Department recommends creating a "no wake zone" on Lake Mitchell (Davison County) during any time at which the water level in Lake Mitchell reaches the height of twelve inches or more over the level of the top of the spillway. Conversely, the "no wake zone" would automatically be rescinded at such time when the water level of the lake drops to the level of six inches over the level of the top of the spillway. These measurements comport with existing City of Mitchell ordinances.

Additionally, the Department recommends amending the "no wake zone" on the west end of Lake Mitchell (Davison County). Residents living along the man-made channel on the west end of Lake Mitchell have requested the "no wake zone" be reduced in size. The Department has consulted with the City of Mitchell and the Lake Mitchell Improvement Committee on the proposed change. The existing "no wake zone" covers a considerable amount of surface area. When initially enacted, the west end of Lake Mitchell had a considerable amount of emergent vegetation and the area served as a refuge for fish and fishermen. Additionally, there were concerns for shoreline erosion caused by increased wave action. Since that time, a portion of the lake was dredged and riprap was placed in various areas along the shoreline. The proposed change would still address shoreline erosion issues, while reducing the transit time for persons traveling through this area. The proposed zoning would extend from the lake point located in the southwest quarter of section 32 (T103N/R60W) and extending across the lake to a point on the shoreline 100 feet north of the entrance to the man-made channel connecting Lake Mitchell and Firesteel Creek.



The Department also recommends enacting an "electric motors zone" on the waters of Rollings Game Production Area (Lincoln County). This area is located near the town of Hudson and contains several small

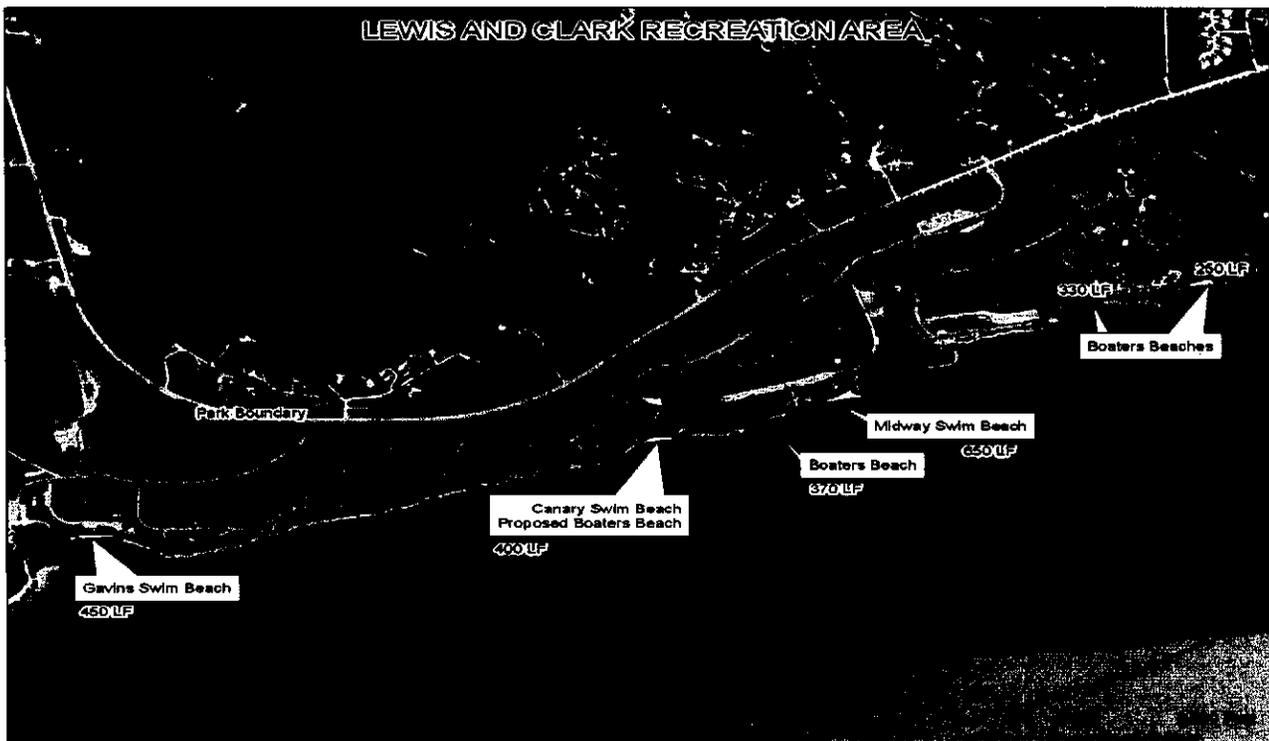
GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

11b

ponds where aggregate materials were formerly excavated. Those ponds were connected by manmade channels to form one body of water that is approximately 7.5 acres in size. There are twelve shorefishing access points, a gravel boat launch and access trail around the entire shoreline. Additionally, the Department plans to install two floating fishing piers later this year. The proposed electric-only zoning was recommended by area residents who wanted to maintain a quiet and peaceful atmosphere given the relatively small size of the water body.

Additionally, the Department recommends amending the existing zoning on the waters of Family Park (Minnehaha County) from a "no motors zone" to an "electric motors zone" to allow for additional usage of the area by small watercraft utilizing electric trolling motors. This man-made body of water continues to receive considerable use from the general public. It is managed in conjunction with the City of Sioux Falls and both agencies have received numerous requests for additional allowances. The proposal would not affect the existing "no swimming zone".

Finally, the Department recommends converting the "public swimming zone" adjacent to Canary Beach at Lewis and Clark Recreation Area (Yankton County) to a "no wake zone". This change is proposed to better match the demands of park users. With the increased number of campers bringing boats and personal watercraft to the park, the demand for boater beaches has increased. Canary Beach is adjacent to the Gavin's campground and has seen a decline in day use swimming activity, while the demand from boaters has increased. By designating the waters adjacent to Canary Beach as a no wake zone, the park will reduce pressure on the other boating beaches that are heavily used on summer weekends. The park has two other "public swimming zones" located in the Midway and Gavins day use areas. Both of these areas have change houses and shower facilities, while Canary Beach does not. The proposed zoning would include the waters fronting the shoreline of Lewis and Clark Lake starting at the vault toilet near the intersection of the bicycle path that divides West Midway and Gavins sections, extending in a westerly direction 400 feet and extending 125 feet in a southerly direction.



GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

12

**MOTORBOATS AND WATERCRAFT**  
41:04:05

Commission Meeting Dates:	Proposal	January 12-13, 2012	Ft. Pierre
	Public Hearing	March 1, 2012	Ft. Pierre
	Finalization	March 1-2, 2012	Ft. Pierre

**WILDLIFE DIVISION RECOMMENDATION**

1. Add a provision to 41:04:05:03 that would clarify that Coast Guard approved fire extinguishers carried on boats must be in working order.
2. Amend 41:04:05:16 to revise the provisions for emergency signals on law enforcement boats.

**Recommended changes:**

**41:04:05:03. Fire extinguishers required -- Exception.** Fire extinguishers that are of working order and carrying the stamp of approval of the U.S. Coast Guard are required on boats operated on public waters, as follows:

- (1) Class A and Class 1 motorboats shall carry at least one fire extinguisher of B-I type or larger;
- (2) Class 2 motorboats shall carry at least two fire extinguishers of B-I type or larger;
- (3) Class 3 motorboats shall carry at least one B-II type and one B-I type or three B-I type fire extinguishers.

Motorboats less than 26 feet long and not carrying passengers for hire are exempt from the requirements of this section if the construction of the boat will not permit the entrapment of explosive or flammable gases or vapors.

**41:04:05:16. Emergency signals -- Boats to stop.** Only an authorized emergency rescue or law enforcement craft boats may display flashing blue or red lights or sound a siren. Upon giving the either signal, the emergency and enforcement boats have the right-of-way and all other boats must immediately stop.

**SUPPORTIVE INFORMATION**

Existing administrative rule (41:04:05:03) requires USCG-approved fire extinguisher(s) be carried upon motorboats. However, the rule does not stipulate that the fire extinguishers be maintained in a working order. Fire extinguishers that are not serviceable or those that have been discharged present an inherent safety risk to the boating public. The proposed rule would require fire extinguishers to be in working order.

Current language in 41:04:05:16 addresses authorized emergency rescue or law enforcement craft displaying flashing blue emergency lights. Numerous emergency rescue or law enforcement craft in this state display blue, red, or a combination of both blue and red emergency lights. The proposed language would provide for the inclusion of existing emergency rescue or law enforcement boats that display red emergency lights. Additionally, the proposed changes would align this rule with state statute (SDCL 32-33-18) that requires either a visual or audible signal to be given prior to stopping a traditional motor vehicle.

APPROVE       MODIFY       REJECT       NO ACTION



GAME, FISH, AND PARKS COMMISSION ACTION  
PROPOSAL

14

**Mountain Lion Hunting Season**

Chapters 41:06:61

Commission Meeting Dates:	Proposal	January 12-13, 2012	Ft. Pierre
	Public Hearing	March 1, 2012	Ft. Pierre
	Finalization	March 1-2, 2012	Ft. Pierre

**COMMISSION REQUESTED RULE CHANGE**

Rule Change Alternatives:

1. Make the change from landowners only to any licensed person to hunt lions outside the Black Hills Fire Protection District after the harvest quota or March 31 date is reached.
2. Remove hunting season requirements and restrictions for licensed persons that exercise state statute (person threatened or protecting property, livestock, pets).

**41:06:61:01. Mountain lion hunting season established.** The mountain lion hunting season is open from one-half hour before sunrise to one-half hour after sunset each day beginning on January 1 and remains open to ~~March 31~~ December 31, inclusive, except as provided in §§ 41:06:61:02 and 41:06:61:04.

**41:06:61:02. Open units -- Number of licenses available -- Harvest quota -- Season closure.** The mountain lion hunting season is open in the following unit:

The season harvest quota for Unit MTL-ST1 is 70 mountain lions or 50 female mountain lions. The department shall close the mountain lion hunting season within in Unit MTL-ST1 if the area of the Black Hills Fire Protection District once the harvest quota for that unit is reached prior to or March 31 is reached. Custer State Park is closed to mountain lion hunting except for 90 mountain lion licensees who possess a valid mountain lion license and a temporary special access permit issued free-of cost. The temporary special access permits may be issued by a random drawing. ~~Subject to the limitations and restrictions imposed by § 41:06:61:06, a properly licensed landowner may hunt mountain lion on private property owned or leased by the landowner located outside of the Black Hills Fire Protection District from January 1 to December 31, inclusive.~~

**41:06:61:04. Season extension -- Commission resolution required.** The Game, Fish and Parks commission may, by resolution, extend the mountain lion hunting season within the area of the Black Hills Fire Protection District past March 31.

**41:06:61:06. Application requirements -- License and season restrictions -- Special conditions -- Carcass check-in procedures.** The following requirements, restrictions, special conditions, and procedures apply to all applications for license and to all licenses issued under this chapter unless a person that possesses a valid mountain lion hunting license and kills a mountain lion pursuant to SDCL 41-6-29.2:

APPROVE  MODIFY  REJECT  NO ACTION

14a

**SUPPORTIVE INFORMATION**

The Commission directed the Department to bring forward a rule change consideration that would allow an individual to retain a mountain lion that is harvested or killed outside the Black Hills Fire Protection District. These alternative changes to administrative rule would provide a means of addressing the Commission's request and would allow additional lion hunting opportunity to SD residents by affording all licensed persons, not just landowners, to hunt a lion outside the Black Hills. This will not change the Department's focus of mountain lion management (South Dakota Mountain Lion Management Plan 2010-2015) which has been and remains the Black Hills region of the state.

Currently landowners that possess a lion license may kill and retain a lion provided it was harvested on land they own or lease. A lion killed under state law (SDCL 41-6-29.2) due to threatening a person or an individual protecting property has been retained as property of the State of SD. Lions killed under the provisions of this statute may not be retained if desired because state law specifies the conditions in which a big game animal can be taken and possessed. Mountain lions are classified as a big game species (SDCL 41-1-1(4)) and in order for a person to take and possess such an animal it must have been lawfully taken (person must be properly licensed in accordance with SDCL 41-8-6). The alternatives, if adopted as rule changes, would allow a licensed person (whether the lion is taken in the act of hunting or exercising the provisions of SDCL 41-6-29.2) to retain a lion outside the area of the Black Hills Fire Protection District once the harvest quota or March 31 date is reached for that area.

Reference Information - Pertinent State Statutes

41-1-2. Game birds, animals, and fish as property of state. No person may acquire any property in, or subject to dominion or control, any game bird, game animal, or game fish, or any part thereof. Game birds, game animals, and game fish are the property of the state, except as provided by § 41-1-3.

41-1-3. Lawful use of game bird, animal, or fish. Any person who kills, catches, or takes any game bird, game animal, or game fish in the manner provided by law or rules promulgated by the Game, Fish and Parks Commission, for the purposes authorized by law, and during the periods when their killing is not prohibited, may use the game bird, game animal, or game fish during the time, in the manner, and for the purposes expressly authorized by law.

41-8-6. License required to hunt big game--Violation. No person may pursue, hunt, take, or kill any big game animal at any time, except persons to whom a big game license has been issued. A violation of this section is subject to § 41-8-18.

41-6-29.2. Killing of mountain lion permitted under certain circumstances--Notification of conservation officer. Any person, licensed or unlicensed, may kill a mountain lion if reasonably necessary to protect the life of that person or some other person. Any person, licensed or unlicensed, who owns or cares for livestock or pets, may kill any mountain lion posing an imminent threat to such person's livestock or pets. If any mountain lion is killed pursuant to this section, the person who killed the mountain lion shall notify a conservation officer within twenty-four hours of killing the mountain lion.

**APPROVE**  **MODIFY**  **REJECT**  **NO ACTION**

Buffalo Gap GPA

Conger Property

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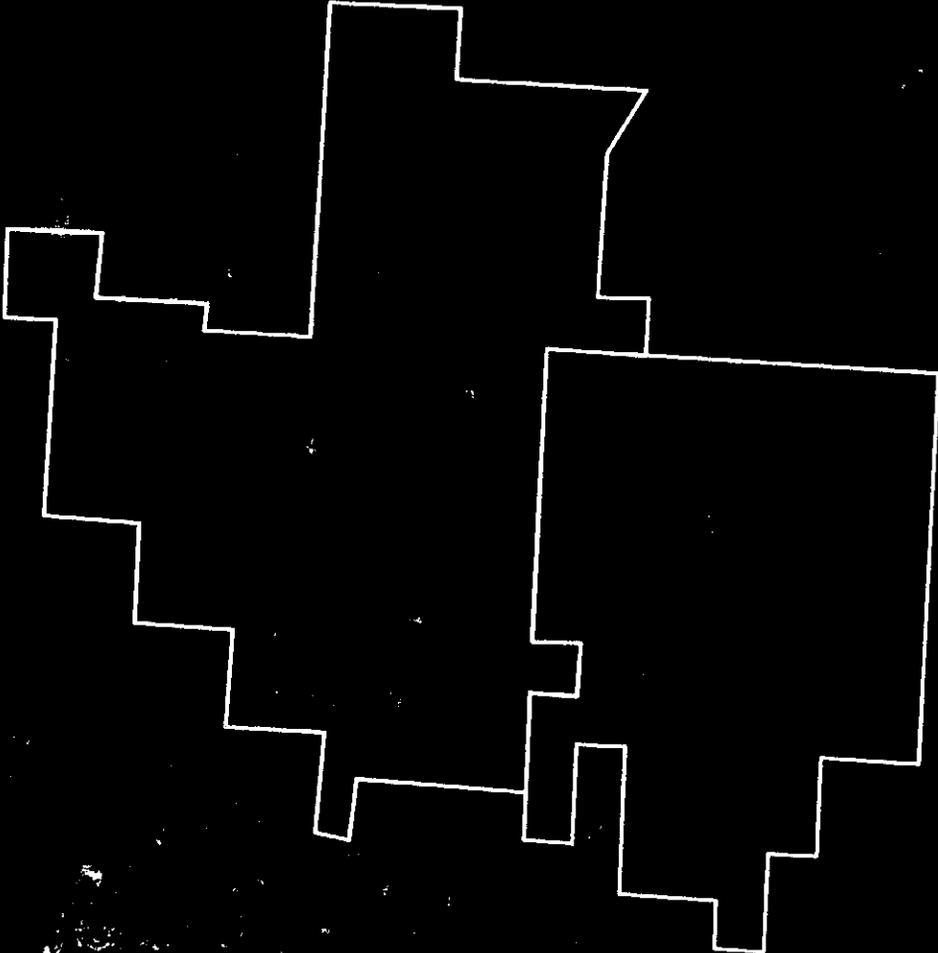
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Access  
Point

Bench  
Area