

Minutes of the Game, Fish, and Parks Commission
May 1-2, 2014

Chairman Cooper called the meeting to order at 1 PM at the Sylvan Lake Resort Lodge near Custer, South Dakota. Commissioners John Cooper, Cathy Peterson, Jim Spies, Gary Jensen, Duane Sather, Paul Dennert, and Scott Phillips were present. Absent was Barry Jensen. Secretary Jeff Vonk was present along with approximately forty public, staff, and media.

Commissioner Dennert requested a moment of silence for the family members of the four gentlemen killed in the airplane accident near Highmore earlier this week and the request was granted.

DIVISION OF ADMINISTRATION

Approve minutes

Chairman Cooper called for additions or corrections to the April minutes or a motion for approval.

Motion by Peterson with second by Spies TO APPROVE THE MINUTES OF THE APRIL 3-4, 2014, COMMISSION MEETING AS PRESENTED. Motion carried unanimously.

Additional Commissioner Salary Days

Cooper asked for Commissioner additional salary days and Jim Spies requested one day and Cooper requested a day for teaching at SDSU and a day for meeting with the U. S. Fish and Wildlife Service in Bismarck.

Motion by Dennert with second by Jensen TO APPROVE THE ADDITIONAL SALARY DAY REQUESTED BY SPIES AND THE TWO ADDITIONAL SALARY DAYS BY COOPER. Motion carried unanimously.

License List Requests

Director of Administration Chris Petersen indicated there were no license list requests for Commission consideration.

License Sales Report

Director Peterson presented the License Sales Totals as of April 28, 2014, indicating fishing license sales remain strong and that last year was a record year for fishing license sales. License sales at the end of April represents about one third of the sales and the end of May will represent about 50% of fishing license sales and if sales continue to remain strong 2014 may be another record year.

Chairman Cooper indicated agenda item 32 Sportsmen Against Hunger would be presented this time as Jeff Olson and Tom Krafka are available this afternoon. Their report and Tom Kirschenmann's report are later in these minutes.

Open Forum

Chairman Cooper extended an invitation to the public to come forward and express their concern on Game, Fish, and Parks matters not listed under the Public Hearing-Finalizations on the agenda.

Anna Hermanson from Newell, SD, representing the South Dakota Trappers Association visited about 220 body grip traps or instant kill traps and that they are effective. She believes no hurt dogs have been reported since this rule was adopted. These are dog proof traps and encouraged the Department to continue to work with the Western SD Fur Harvesters about these improved practices.

Hermanson commented on the proposed trapping changes for public land indicating the stakes are hard to remove and often times it is necessary to cut off the cable and leave the base in the ground.

Matt Rippentrop of Urleichts, SD, commended the staff on the recommendation of fewer antlerless deer tags. Rippentrop stated that he attended the meeting in Tripp and then called about twenty landowners about antlerless mule deer tags and that landowners are passionate about increasing the mule deer herd.

Rippentrop thanked the Commission and Department for the bighorn sheep tag that was auctioned for \$80,000 and commended Kirschenmann on his presentation at the Midwest Chapter of the Wild Sheep Foundation in Minneapolis.

Rippentrop indicated Ted Benson was present and requested that Benson be allowed to present the 2014 Ted Benson Wild Sheep Award from the Midwest Chapter of the Wild Sheep Foundation. Benson presented the award to John Kanta.

Larry Bowden of Hot Springs, SD, President of Western South Dakota Fur Harvesters, indicated the organization is supportive of the 220 traps with a seven inch opening was discussed as an east river issue and they supported the state wide rules and continue to support them to reduce incidental accidental catches and support the current rule.

Bowden expressed support for not allowing public trapping on Walk-In-Areas and to let the landowner retain the decision to allow trapping on the Walk-In-Areas on their property.

The Public Hearing began at 2:01 PM and ended at 2:04 PM and minutes follow the minutes of this regular meeting.

Application for License 41:06:01

Terrestrial Chief Tom Kirschenmann presented the proposed changes to License Applications: Preference point-only. The proposed change is part of the rule review process to consolidate rules. This action will create one new rule for a preference point ZZ99 and as the year moves forward the preference point will be removed from the individual seasons. Kirschenmann indicated there are no recommended changes to the proposal. Discussion included that the public is confused with this change and there is a need to clearly communicate this change to the media and in GFP publications.

1. Modify 41:06:01:09 to remove last two paragraphs.
2. Create a new rule 41:06:01:16. Purchase and accrual of preference points. In lieu of applying for a license for any hunting season with a limited license allocation, a person who is eligible to apply for the license may apply for a preference-only unit.

Motion by Jensen with second by Sather TO FINALIZE CHANGES TO APPLICATION FOR LICENSE 41:06:01 AS PROPOSED. Motion carried unanimously.

Chairman Cooper called for a recess at 2:26 PM, meeting resumed at 2:41 PM. Cooper indicated item 18 the Custer State Park Resort dormitory addition item would move to this time as Dave Sweet and Josh Schmaltz of Custer Resorts were available to present their request. (See information later in these minutes.)

Chairman Cooper indicated at 4:30 PM it was time for Executive Session and the Commission would recess following Executive Session and return at 8 AM the next morning in the same location.

Motion by Peterson with second by Dennert TO GO INTO EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2(3) TO CONSULT WITH LEGAL COUNSEL ABOUT PENDING LITIGATION. Motion carried unanimously.

Executive Session

The Executive Session began at 4:35 PM in a private room located in the Sylvan Lake Resort Lodge. Commissioners Cooper, Peterson, Jensen, Spies, Sather, Dennert, and Phillips were present. Secretary Vonk, Attorney Neill, Director Hofer, Matt Snyder, and Debra Ascher were present. Pending litigation regarding the state trail system was discussed with the Commission.

Motion by Jensen with second by Sather TO CONCLUDE THE EXECUTIVE SESSION. Motion carried unanimously and Executive Session ended at 5 PM.

The Commissioners and Directors participated in an informal meet and greet with the U.S. Forest Service Acting Director Dennis Jaeger and staff from 5-5:30 PM.

The regular meeting of the Game, Fish, and Parks Commission resumed at 8:01 AM on Friday, May 2, 2014, in the same location. Commissioners Cooper, Petersen, Spies, Sather, Jensen, Dennert, and Phillips were present. Secretary Vonk was present along with media, staff, and public numbering approximately twenty-five.

PROPOSALS

The deer population update was presented before recommendations and action on proposals. See information later in these minutes.

Custer State Park Deer Hunting Season

Chief Tom Kirschenmann presented the Custer State Park Deer Hunting Season with no recommended changes. This is a whitetail deer only season and the dates, licenses, requirements, and restrictions will remain the same for 2014.

East River Deer Hunting Season

Chief Kirschenmann presented the season dates, open area, requirements, and restrictions for the East River Deer Hunting Season. The license allocations recommended changes are an aggressive response to the public request to decrease the antlerless tags to increase the herd. A unit that has no "antlerless tags" will have no late (January) season. The recommended changes include repealing the preference point unit as it was part of the new preference point rule created at Finalization earlier today.

1. Offer 3,180 more one-tag licenses, 7,620 less two-tag licenses, and 2,800 less three-tag licenses (overall decrease of 20,460 tags) than 2013.
2. Repeal Unit ERD-ZZ1.
3. Repeal Unit ESD-ZZ1.

Motion by Jensen with second by Dennert TO PROPOSE THE CHANGES TO THE EAST RIVER DEER HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

West River Deer Hunting Season

Kirschenmann presented the season dates, open area, requirements, and restrictions and recommended license allocations. This is an aggressive response to public input and any unit with no "antlerless tags" will have no late (January) season.

1. Adjust resident license numbers by increasing one-tag licenses by 13,825, decreasing two-tag licenses by 13,855 (27,710 tags), and decreasing three-tag licenses by 3,745 (11,235 tags) compared to 2013.
2. Adjust nonresident license numbers by increasing one-tag licenses by 1,107, decreasing two-tag licenses by 1,110 (2,220 tags), and decreasing three-tag licenses by 300 (900 tags) compared to 2013.
3. Eliminate 53L (limited access unit) and include with 53A (Perkins North).
4. Eliminate Unit WRD-ZZ1.
5. Eliminate Unit WSD-ZZ1.

Motion by Spies with second by Peterson TO PROPOSE CHANGES TO WEST RIVER DEER HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Application for License

Kirschenmann indicated a need to establish a new rule to require a free access permit for addition deer hunting season types for three units to assist with harvest data and deer management.

Establish an administrative rule that requires all deer hunters (archery, muzzleloader, youth, mentor) to obtain a free access permit to hunt on the Hill Ranch Game Production Area (Unit 27L), Custer National Forest (Unit 35L), and Little Moreau Game Production Area (24B).

Motion by Sather with second by Peterson to propose changes to APPLICATION FOR LICENSE AS RECOMMENDED. Motion carried unanimously.

Black Hills Deer Hunting Season

Chief Kirschenmann presented the season dates, open area, licenses, requirements, and restrictions for the Black Hills Deer Hunting Season and the recommended change to offer no antlerless licenses and remove the preference point from this rule as it was moved to licenses during finalization today.

1. Offer no "Antlerless Whitetail" deer licenses. In 2013, 100 resident and 8 nonresident "Antlerless Whitetail" deer license were offered in Unit BHD-BD1.
2. Repeal Unit BHD-ZZ1.

Motion by Jensen with second by Spies TO PROPOSE CHANGES TO THE BLACK HILLS DEER HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Archery Deer Hunting Season

Chad Switzer presented the season dates, open area, licenses, requirements, and restrictions as well as the recommended changes.

1. Change unlimited "Any Antlerless Deer" licenses to unlimited "Antlerless Whitetail Deer" licenses.
2. For Unit ARD-LM1, "Antlerless Whitetail Deer" licenses are not valid in the following deer management units: BH1, 01A, 02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A, 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A.
3. Remove from the list of "restricted areas" that portion of Union County north of the Missouri River, west of Interstate 29, south of Union County Road 23, and east of the west boundary of the Adams Homestead and Nature Preserve.
4. Reduce the number of "Any Deer" archery access permits from 10 to 5 for the Adams Homestead and Nature Preserve.
5. Repeal Unit ARD-LM2.
6. No person may apply for and receive more than 3 archery deer licenses, of which only one can be an "antlerless whitetail deer" license.
7. Change the end date from January 15 to December 31 for Sand Lake NWR.

Motion by Sather with second by Dennert TO PROPOSE CHANGES TO THE ARCHERY DEER SEASON AS RECOMMENDED. Motion carried unanimously.

Muzzleloader Deer Hunting Season

Switzer presented the season dates, open area, licenses, requirements, and restrictions for the Muzzleloader Deer Hunting Season. The recommended changes were presented to adjust the antlerless tags and limit the number of licenses a hunter may have.

1. Change unlimited "Any Antlerless Deer" licenses to unlimited "Antlerless Whitetail Deer" licenses.
2. For Unit MZD-LM1, "Antlerless Whitetail Deer" licenses are not valid in the following deer management units: BH1, 01A, 02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A,

- 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A.
3. Repeal Unit MZD-LM2.
 4. Repeal Unit MZD-ZZ1.
 5. No person may apply for and receive more than 2 muzzleloader deer licenses, of which only one can be an "antlerless whitetail deer" license.

Motion by Peterson with second by Sather TO PROPOSE CHANGES TO THE MUZZLELOADER DEER HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Youth Deer Hunting Season

Switzer presented the season dates, open area, licenses, requirements, and restrictions along with the recommended changes to the Youth Deer Hunting Season.

1. Repeal Unit YOD-LM2.
2. Limit youth deer hunters to one single tag "any antlerless deer" license.

Motion by Sather with second by Jensen TO PROPOSE CHANGES TO THE YOUTH DEER HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Refuge Deer Hunting Season

Switzer presented the season dates, area, licenses, requirements, and restrictions as well as the recommended changes for the Refuge Deer Hunting Season.

1. Offer 15 less resident "any deer" licenses and 3 less nonresident "any deer" licenses for Waubay NWR.
2. Convert "any whitetail deer" licenses to "any deer" licenses and offer no antlerless deer licenses for LaCreek NWR.
3. Repeal Unit RFD-ZZ1.

Motion by Spies with second by Sather TO PROPOSE CHANGES TO THE REFUGE DEER HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Archery Antelope Hunting Season

Switzer presented the season dates, open area, licenses, requirements, and restrictions with no recommended changes. The aerial survey will not be flown this spring and staff does not anticipate much change in the population.

Trapping Regulations

Keith Fisk presented the current season information for beaver trapping and hunting, mink, weasel, skunk, opossum, jackrabbit, fox, raccoon, beaver, muskrat trapping, and muskrat hunting season with no recommended changes. Harvest information was provided for these seasons and the bobcat information will be presented at the August or October meeting.

Fisk presented recommended changes to Trapping Prohibitions for Commission consideration.

1. Prohibit the use of live mammals or live birds to aid in the taking of furbearers, predators, and varmints via traps and snares.
2. Clarify that all trapping equipment needs to be removed from public lands and public road right-of-ways prior to May 1. This includes traps and snares (set and unset), stakes, cables, chains, wires, or other devices used for the purpose of attaching a trap or snare.

Motion by Peterson with second by Sather TO PROPOSE CHANGES TO THE TRAPPING PROHIBITIONS AS RECOMMENDED. Motion carried unanimously.

Secretary Vonk indicated a petition to repeal three trapping rules was received from Brian Reynolds and a teleconference will be scheduled for the Commission to take action within 30 days.

August Management Take Goose

Chad Switzer presented the season dates, open area, daily bag limit, possession limit, licenses, requirements, and restrictions for the August goose season. This season began in 2010 with permission from the U.S. Fish and Wildlife Service due to crop damage by resident geese. The Department recommends adjusting the dates after considering goose behavior in early August, small grain harvest, weather in August, and hunter comments. Discussion included the restrictions, Pennington County season, and allowing nonresidents to participate.

Modify the season dates to be the third Saturday of August to August 31.

Motion by Spies with second by Sather TO PROPOSE CHANGES TO THE AUGUST MANAGEMENT TAKE GOOSE HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Archery Equipment

Assistant Director Emmett Keyser and Chief Scott Simpson presented recommended changes to the Archery Equipment indicating that during the Rules Review Process this item required additional review and research. The changes recommended also come forward due to advances in equipment and legislative action regarding crossbows. Meetings with the SD Bowhunters, Inc., the SD Archery Association, and staff were used to develop the recommendations.

1. Modify ARSD **41:06:05:01 Archery equipment restrictions**. A person with bow and arrow may not use or possess any of the following:
 - (1) Explosive, poisonous, hydraulic, or pneumatic points;
 - ~~(2) Barbed points except for taking fish and frogs;~~
 - ~~(3)~~ Crossbows and draw-lock devices that hold the bow at partial or full draw except as provided in chapter 41:09:12;
 - ~~(4) Bolts or darts;~~
 - ~~(5)~~ Arrow rests that have more than three inches of continuous contact with the arrow;
 - ~~(6)~~ Electronic devices mounted to the bow that aid in the taking of game, except that cameras, video cameras, or cell phones used exclusively for photographic purposes, lighted sight pins, and illuminated arrow nocks may be used;

- ~~(75)~~ Electronic arrow or electronic string releases;
 - ~~(86)~~ Compound bows with a let off of more than 80 percent;
 - ~~(97)~~ Compound bows shorter than 28 inches as measured from axle to axle the top of the upper wheel or cam to the bottom of the lower wheel or cam;
 - ~~(10)~~ Mechanical broadheads while hunting elk;
 - ~~(11)~~ Mechanical broadheads with a cutting diameter greater than two inches; or
 - ~~(128)~~ Telescopic sights and electronically lighted sight pins;
 - ~~(9)~~ An arrow, including the attached broadhead, weighing less than 275 grains when hunting big game animals;
 - ~~(10)~~ An arrow that is less than 26 inches long when measured from the notch of the nock to the end of the shaft, not including the blunt or broadhead;
 - ~~(11)~~ An arrow without a broadhead (fixed or mechanical) that has at least two metal cutting edges, except blunt points may be used when hunting turkeys; or
 - ~~(12)~~ A bow that measures less than 40 pounds pull when hunting elk or a bow that measures less than 30 pounds pull when hunting all other big game animals.
2. Repeat: **41:06:05:02. Minimum size of bow and arrows.**

Motion by Spies with second by Phillips TO PROPOSE CHANGES TO ARCHERY RESTRICTIONS AS RECOMMENDED. Motion carried unanimously.

DIVISION OF PARKS AND RECREATION

Custer State Park Resort dormitory addition

Dave Sweet of Regency, LLLC and Josh Schmaltz of Custer State Park Resort provided a handout of floor plan and photos of modular home dorms that have six bedrooms and a common area of kitchen and living room. Custer Resorts have arranged to bring two units into the park supplement current staff housing and would accommodate couples, The units can be used year around as Custer Resorts would like to grow the business into the winter season. These structures could be here in 30 days upon Commission approval as summer staff begin to arrive. Custer Resorts will purchase the modular units and wishes to retain possessory interest in them.

Parks Concession Manager Sean Blanchette presented the Sixth Amendment to Concession Agreement authorizing the Concessionaire to add employee housing at the State Game Lodge and Sylvan Lake Lodge and granting possessory interest of the housing units to Custer Resorts. Underground utilities, concrete work, electrical, water, and sewer infrastructure according to building codes will be paid for with 2015 Repair and Maintenance Reserve funds at the approximate cost of \$25,000 per unit each.

Blanchette indicated the Department requests approval of the Sixth Amendment to the Concession Agreement for Custer State Park Resort as presented.

Motion by Peterson with second by Sather TO APPROVE THE SIXTH AMENDMENT TO CONCESSION AGREEMENT CUSTER STATE PARK AS PRESENTED (Appendix A). Motion carried unanimously.

Oahe Downstream Resort lease amendment

Sean Blanchette presented the Third Amendment to Concession Agreement Oahe Marina and Resort for Commission consideration. Blanchette stated that Oahe Marina owner Steve Rounds has requested permission to add a 32x60 foot permanent

structure with concession sales area and wishes to obtain a formal Possessory Interest in the facility. This structure is intended to accommodate large group events instead of the tent used the past few years. The amendment includes criteria to clean up the grounds and area around the existing facilities; defines the restaurant parking area that is exempt from Park Entrance License requirements; and grants a possessory interest to Concessionaire for the shelter addition subject to meeting all pre-construction requirements. In addition to these requirements the US Corps of Engineers will need to approve the new structure before construction may begin.

Motion by Sather with second by Spies TO APPROVE THE THIRD AMENDMENT TO CONCESSION AGREEMENT OAHE MARINA AND RESORT AS PRESENTED (Appendix B). Motion carried unanimously.

Assistant Director of Operations Bob Schneider shared the Parks Division has four regions: the Black Hills Region and Matt Snyder is the Regional Supervisor as well as Custer State Park Superintendent; the Northwest Region with Pat Thompson as Regional Supervisor; the Southeast Region with Jeff VanMeeteren as Regional Supervisor; and the Northeast Region where Katie Ceroll was recently selected as the Regional Supervisor. The Regional Supervisors are part of the Parks Operations Team and Ceroll will bring strong background of programming and historical preservation to the Operations Team.

Custer State Park Visitor Center

Director Hofer provided an opportunity for the Commissioners to visit the site location for the Custer State Park Visitor Center on Thursday morning and several did visit the location.

April Revenue Report

Parks Director Doug Hofer presented the April 2014 Year-to-date Revenue Comparison by Item Report indicating an overall increase in revenue of 18% over the April 2013 Report. Hofer believes half of the lodging/camping increase came from growth and part of the increase came from fee adjustments approved last fall for 2014.

Director Hofer asked Gary Brundige to update the Commission on the Mountain Pine Beetle efforts in Custer State Park. Brundige provide a PowerPoint showing maps and photos of areas infected with the beetle. The presentation included history of the efforts and dollars spent, types of treatment, and plans for 2015.

DIVISION OF WILDLIFE

Wildlife Director Tony Leif announced that Region 3 Supervisor Arden Petersen will retire on May 23, after 33 years with Game, Fish, and Parks. Petersen began as a Conservation Officer in Howard and in 1996 accepted the position as Regional Supervisor in Sioux Falls. Leif presented the Division of Wildlife Lifetime Achievement Award for Exceptional Service to Petersen.

Land acquisition - Moody County - Van Hecke

Paul Coughlin presented Resolution 14-03 for Commission consideration to authorize the Department to purchase 160 acres from James L. and Carol Van Hecke of Colman, SD. Funding for the acquisition will come from Wildlife and Sport Fish Restoration Funds with cost share contributions from the Minnehaha County Pheasants Forever and the Brookings County Pheasant Restoration Pheasants Forever Chapter. Tony Dean Acres funds will complete the transaction. The Moody County property would be managed and used as a Game Production Area.

Motion by Jensen with second by Sather TO APPROVE RESOLUTION 14-03 AS PRESENTED (Appendix C). Motion carried unanimously.

Land acquisition - Clark County - Lynbye GPA inholding

Coughlin presented Resolution 14-04 for Commission consideration to purchase 5.16 acres from Gregerson Salvage. This acquisition is an old railroad track inholding on the Lynbye Game Production Area and would become part of the Game Production Area located in Clark County. License dollars would be used to make this purchase of \$7,740.00.

Motion by Dennert with second by Spies TO APPROVE RESOLUTION 14-04 AS PRESENTED (Appendix D). Motion carried unanimously.

Land acquisition updates

Coughlin indicated that possible acquisitions, before the moratorium, are now in review and early development again. A property in Kingsbury County is in the appraisal process that would provide access to the Hwy 81 Ponds.

WMI Big Game Action Plan update

Chief Tom Kirschenmann provided an update on the WMI Big Game Action Plan that included the deer season structure; guidance and objectives to staff early in the rules recommendation process; standardization method of feedback or summarizing any adjustment of recommendations; ensure that management plans provide guidance for licenses and season structure recommendations; and annual staff training on the importance and use of harvest, biological, and human dimension data for developing recommendations. Dr. Cynthia Longmire reported on the use of human dimension research to identify platform, content, and frequency of communication to stakeholders.

Deer population update

Andy Lindbloom and Chad Switzer gave a PowerPoint Presentation providing history, survey of herd composition, age ratios, aerial deer survey, harvest data, harvest success information, research projects, data analysis units, adult doe and fawn survival rates, the mule deer study, public input, habitat loss, weather, predators, and diseases (EHD) and license refunds.

The recommended changes were presented along with mule and whitetail deer objectives which include increasing the herd by reducing the harvest of mule deer and

whitetail deer in all seasons except the Black Hills Hunting Season. Discussion included populations estimates for 2013 and 2014, establish a management plan, the harvest of does, the January season dates, and landowner tolerance.

Sheps Canyon Recreation Complex update

Region 1 Supervisor Mike Kintigh provided a PowerPoint Presentation showing improvements at the Sheps Canyon Recreation Complex that included improvements to the road leading to the lodge, the road to the Forest Service property, irrigation improvements, and improved signage on the Game Production Area.

District Park Supervisor Willie Collignon indicated the new boat ramp and the horse camp are completed and trees will be planted soon. There was an open house on March 29 and the horse trails were well received and the first horse camp group came on April 5th.

Collignon indicated the Sheps Canyon Lodge was used 43 nights last year with more than 50 nights booked for 2014 and he hopes to double the reservations of 2013. The Hot Springs Chamber of Commerce is promoting the area as Oasis of the West and merchants are excited about the increase visitors to the area.

Oahe Downstream Shooting Range project

Chief Scott Simpson gave a PowerPoint Presentation that included the history and use of the current shooting range at Oahe Downstream north of Fort Pierre. The photos included the parking area and the shooting lanes available to an estimated 24,000 users a year which led to the decision to relocate and improve the shooting range. Relocation includes cleanup of the old site to meet U.S. Corp criteria and their approval for the relocation of the shooting range. The new range will include 10 lanes for 100 yard targets; 2 lanes for 50 yard targets; 2 lanes for 300 yard targets; 2 pistol lanes with three benches each; and a shotgun area with all being ADA accessible. The project includes cleanup of the old range, adequate parking, vault toilets, shooting benches, targets, signage, and completion date of August 15 for an estimated cost of \$215,000. Dirt from Oahe Downstream and will be used to build the berms and provided a substantial cost savings and construction is to begin about June 1.

Fish spawning and stocking update

Will Saylor provided a PowerPoint update on the 2014 Spawning operations indicating 147,000 walleye eggs were taken from lakes in northeast and southeast South Dakota. Perch egg collection has just begun with 2 million eggs collected to date. Trap and Transfer operations have begun and lakes experiencing winter kill will be added to the list of lakes to receive fish stockings.

Upland game harvest and population report

Upland Game Manager Travis Runia gave a PowerPoint Presentation that showed the 2013 population and harvest information that indicated 982,000 pheasants were harvested lower than the 10 and 20 year average. Hunter numbers were down 19% or \$31,000 of license sales. The population estimate for 2013 was down 19% while the pheasants per mile were down 64% with evidence the true decline was somewhere

in between. Hunter harvest rate for 2014 was 7.4 birds and the 2013 hunter harvest rate was 8.9 birds.

Sportsmen Against Hunger

Jeff Olson shared history and growth of the Sportsmen Against Hunger Program, expenses and income sources, support from sportsmen, and their desire to continue the program with continued support from the Department.

Tom Krafska stated 65,000 pounds of meat were collected from Sportsmen in 2013 due to the hard work and efforts of Ron Fowler and support from U.S. Fish and Wildlife Service for assistance with goose depredation.

Director Leif and Chief Kirschenmann provided history and GFP involvement with the program and provided a handout with an overview of 2013 showing the number of certificates and deer and goose donations. Leif indicated during the next month the Department will consider a funding level and return with a Resolution for Commission consideration at the June meeting.

Miscellaneous updates

Chief Kirschenmann handed out a summary and a flash drive with the State Wildlife Action Plan which is now out to the public and shareholders for comment. The Commission will be hearing a report on it next month.

Chairman Cooper provided a copy of a letter to the Beretta Company about the Commission's concerns on ethics used while filming shows for the Outdoor Channel. The letter included attachments from the Shooting Preserve investigation that had 56 illegally taken deer from the report provide last month by Andy Alban and Scott Mikkelsen.

Motion by Jensen with second by Sather TO SEND THE LETTER TO BERETTA AS PRESENTED. Motion carried unanimously.

Cooper and Peterson indicated they want the information from the pheasant report to be shared with the public.

Secretary Vonk indicated an amended petition was received from Brian Reynolds today and Commissioners will be contacted about a teleconference meeting later this month.

Cooper indicated Governance was scheduled for June 4th and an agenda would be developed for that meeting.

Motion by Spies with second by Jensen TO ADJOURN THE MEETING. Motion carried unanimously and meeting adjourned at 12:11 PM.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary

Appendix A

**SIXTH AMENDMENT TO CONCESSION AGREEMENT
CUSTER STATE PARK RESORT**

This SIXTH AMENDMENT TO CONCESSION AGREEMENT between the South Dakota Department of Game, Fish and Parks (“Department”), 523 East Capitol, Pierre, South Dakota, 57501, and US Hotels and Resorts Management, Inc. and Regency CSP Ventures L.P., a South Dakota Limited Partnership, acting by and through US Hotels and Resorts Management, Inc., as its general partner (“Concessionaire”), 3211 West Sencore Drive, Sioux Falls, South Dakota, 57107.

WHEREAS, the Department entered into a Concession Lease Agreement on the 8th day of December, 2006 (“Concession Agreement”), to facilitate the operation of the four resorts at Custer State Park, hereinafter referred to as the “Resort”; and

WHEREAS, The Department and the Concessionaire subsequently entered into written amendments to the Concession Agreement on June 11, 2007, December 7, 2007, September 1, 2009, October 20, 2010 and October 3, 2013, respectively; and

WHEREAS, the Department and the Concessionaire recognize the need for Concessionaire to provide additional seasonal employee housing units at the State Game Lodge and Sylvan Lake Lodge employee housing complexes at an estimated cost to the Concessionaire of \$136,000; and

WHEREAS, the Department and Concessionaire agree to designate the ownership of said employee housing units as Concessionaire Facilities; and

WHEREAS, such designation of the additional employee housing units as Concessionaire Facilities results in the establishment of a possessory interest held by the Concessionaire in the buildings pursuant to ARSD. Article 41:13.

IT IS THEREFORE AGREED that the Concession Lease Agreement dated December 8, 2006, between Department and the Concessionaire, as subsequently amended, is further amended as follows:

1. The Department Authorizes the Concessionaire to construct and place One (1) 27.5' x 60' seasonal employee housing unit at the State Game Lodge employee housing complex and One (1) 27.5' x 60' seasonal employee housing unit at the Sylvan Lake Lodge employee housing complex.
 - a. The buildings will be “Concessionaire Facilities” for which the Concessionaire shall retain possessory interest.

- b. The underground utilities for the units shall be considered “Government Facilities” for which no possessory interest can be granted and to which the Department shall retain ownership.
 - c. Department and Concessionaire agree that infrastructure needed for these units which includes concrete work, electrical, water and sewer estimated at \$25,000 per unit will be budgeted and paid for through 2015 Repair and Maintenance Reserve funds.
 - d. Authorization to provide the seasonal housing units is contingent upon compliance with all applicable building codes and the Department securing all environmental clearances. Final placement of the units is subject to Department approval.
2. Exhibit A-2 will be amended to designate the newly provided seasonal employee housing units as Concessionaire Facilities. The following lines are hereby added to Exhibit A-2 attached to the Concession Agreement

Fac. NO	Description	Replacement Cost	Possessory Interest
	Seasonal Employee Housing Unit (27.5' x 60') State Game Lodge– Building Only		Per ARSD Article 41:13
	Seasonal Employee Housing Unit (27.5'x 60') Sylvan Lake Lodge - Building Only		Per ARSD Article 41:13

3. Except as modified by this Sixth Amendment to Concession Agreement, all other terms and conditions set forth in the Concession Lease Agreement dated December 8, 2006, as subsequently amended on June 11, 2007, on December 7, 2007, September 1, 2009, October 20, 2010 and October 3, 2013 respectively, shall continue to remain in full force and effect.

END OF AGREEMENT TEXT

IN WITNESS WHEREOF, the parties hereto have executed this Sixth Amendment to Concession Agreement on this _____ day of _____, 2014.

SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

BY: _____ DATE: _____
Douglas Hofer, Director, Division of Parks and Recreation

CONCESSIONAIRE

BY: _____ DATE: _____
David Sweet, CEO
US Hotels and Resorts Management, Inc.

BY: _____ DATE: _____
David Sweet, CEO, US Hotels and Resorts Management, Inc.
As general partner of Regency CSP Ventures, L.P., a South
Dakota Limited Partnership

Appendix B

**THIRD AMENDMENT TO CONCESSION AGREEMENT
OAHE MARINA AND RESORT**

This THIRD AMENDMENT TO CONCESSION AGREEMENT is made and entered in to by and between the South Dakota Department of Game, Fish and Parks ("Department") 523 East Capitol, Pierre, South Dakota, 57501 and Oahe Tailrace, LLC ("Concessionaire") P.O. Box 7120, Pierre, SD, 57501.

WHEREAS, the Department entered into a concession agreement on the 25th day of May, 2010, to facilitate the operation of Oahe Marina and Resort ("Resort") within Oahe Downstream Recreation Area ("Park") and subsequently amended on October 15, 2010, to allow for the remodeling and expansion of the facilities in exchange for an extension of the term of the lease and further amended on November 4, 2011, to further extend the term of the lease to provide for the needed period to refinance the operations under the terms of a 30-year SBA loan, and

WHEREAS, the Concessionaire has proposed an events shelter addition to the existing facilities to provide capacity for additional customers and accommodate large group events; and

WHEREAS, The Concessionaire has provided construction plans, cost estimates and verification of financing for the proposed addition; and

WHEREAS, the Concessionaire desires a Possessory Interest in the events shelter upon project completion; and

WHEREAS, Concessionaire acknowledges that the customer capacity created by the proposed events shelter addition will create additional traffic and parking demands at Oahe Downstream Recreation Area which must be addressed; and

WHEREAS, the Department and Concessionaire agree that certain site maintenance, cleaning and grounds keeping efforts must be completed prior to the construction of new facilities; and

WHEREAS, Concessionaire and the Department desire to modify and set forth all requirements to be met for prior approval of construction and associated Possessory Interest as well as modify the terms of the current Park Entrance License exemption.

IT IS THEREFORE AGREED that the Concession Agreement dated May, 25, 2010, as amended on October 15, 2010 and November 4, 2011, between Department and the Concessionaire is further amended as follows

1. With regard to obtaining authorization to proceed with the construction of the shelter addition, concessionaire agrees to the following:
 - a. Prior to construction of the shelter addition, the Concessionaire shall complete the following grounds maintenance and cleaning items to the Department's satisfaction:
 - i. Concessionaire shall remove all trash, scrap materials, unused waste receptacles and inoperable equipment from the Lease Area.
 - ii. All remaining equipment, surplus furniture, materials and any other personal property intended to remain on site shall be stored indoors or in a concealed, enclosed area, out of public view.
 - iii. Concessionaire is responsible for providing additional storage structures needed for the concealment of Concessionaire's property.
 - b. The Concessionaire acknowledges and understands that authorization to proceed with construction is subject to prior approval of the Corps of Engineers in addition to the completion of the requirements contained in paragraph 1(a) above.
 - c. Concessionaire shall not proceed with the shelter addition construction until it has received written authorization from the Department, which is contingent on completion of items 1(a) and (b) above.
 - d. Provided that Concessionaire satisfactorily complies with the construction prerequisite obligations as contained in this section, the parties agree that Concessionaire shall be granted a Possessory Interest in the events shelter upon project completion and the following shall be added to Exhibit A-2 of the Concession Agreement as amended:

Fac. NO	Description		Possessory Interest
	Event Shelter (1920 sq ft) with adjoining Concession Sales Area (240 sq ft)		Per ARSD Article 41:13

- e. Concessionaire agrees that its failure to meet all construction prerequisite obligations contained in this section may result in the denial of construction and/or the forfeiture of Possessory Interest in the facility.
2. With regard to the Park Entrance License requirements, The Concession Agreement will be amended as follows:
 - a. Section 18 "Park Entrance License Provisions" shall be deleted and replaced to read as follows:

Section 18. Park Entrance License Provisions.

- (a) All individuals entering or utilizing the Resort are subject to the park entrance license requirements and payment of the required fee except for the following:
 - (i) Employees or volunteers traveling under the most direct route from the park entrance to their designated work duty stations during designated working hours. Concessionaire shall provide employees with entrance license exemption decals, approved by the Park Supervisor, to display in their vehicles.
 - (ii) Any commercial or service vehicles doing direct business with the Resort.
 - (iii) Restaurant users traveling from the park entrance directly to and parked within the Restaurant Parking Area as defined in Exhibit A-4 and back by the same route.
 - (b) Concessionaire shall take reasonable steps to ensure that its patrons, employees, agents, and volunteers comply with the park entrance license fee requirements.
- b. Exhibit A-4 dated May 1, 2014, is hereby attached to and made a part of the Concession Agreement.
3. Except as amended herein, all other terms and conditions of the Concession Lease Agreement dated May 25, 2010, as amended on October 15, 2010, and November 4, 2011, continue to remain in full force and effect.

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to Concession Agreement on this _____ day of _____, 2014.

SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

BY: _____ DATE: _____
Douglas Hofer, Director, Division of Parks and Recreation

CONCESSIONAIRE

BY: _____ DATE: _____
Steven Rounds, Member Manager
Oahe Tailrace, LLC.

U.S. ARMY CORPS OF ENGINEERS

BY: _____ DATE: _____

EXHIBIT A-4
May 1, 2014



Appendix C

RESOLUTION 14 -03

WHEREAS, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property presently owned by James L. Van Hecke and Carole Van Hecke, Colman, SD, which property is described as:

The Southwest Quarter (SW $\frac{1}{4}$) and including Van Hecke's Conservation Easement Tract One (1) in the Southwest Quarter (SW $\frac{1}{4}$) all in Section Three (3), Township One Hundred Seven (107) North, Range Fifty (50) West of the Fifth (5th) P.M., Moody County, South Dakota, containing 160.0 acres, more or less, and hereafter referred to as VAN HECKE PROPERTY; and

WHEREAS, said property is to be acquired by and utilized by GFP as a Game Production Area; 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 purchases, which notice included the time and location of the meeting at which Commission 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 the purchase of said property for use as a Game Production Area;

NOW, THEREFORE, BE IT RESOLVED, that GFP is authorized to complete negotiations for the purchase of the VAN HECKE PROPERTY and execute and consummate an agreement with James L. Van Hecke and Carole Van Hecke, which is acceptable to GFP to acquire by purchase, at the price of \$160,000.00, the VAN HECKE PROPERTY for use as a Game Production Area.

Appendix D

RESOLUTION 14 - 04

WHEREAS, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property presently owned by Gregerson Salvage, Inc., a South Dakota Corporation, Waubay, SD, which property is described as:

Abandoned railroad right-of-way located in the NW¼SE¼ and SE¼SE¼ of Section 10, Township 119 North, Range 57 West of the 5th P.M., Clark County, State of South Dakota, containing 5.16 acres, more or less, and hereafter referred to as GREGERSON SALVAGE PROPERTY; and

WHEREAS, said property is to be acquired by and utilized by GFP as a Game Production Area; 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 purchases, which notice included the time and location of the meeting at which Commission 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 the purchase of said property for use as a Game Production Area;

NOW, THEREFORE, BE IT RESOLVED, that GFP is authorized to complete negotiations for the purchase of the GREGERSON SALVAGE PROPERTY and execute and consummate an agreement with Gregerson Salvage, Inc., which is acceptable to GFP to acquire by purchase, at the price of \$7,740.00, the GREGERSON SALVAGE PROPERTY for use as a Game Production Area.

Public Hearing Minutes of the Game, Fish, and Parks Commission
May 1, 2014

Chief Scott Simpson serving as Public Hearing Officer began the public hearing at 2:01 PM by indicating he would be reading and accepting oral testimony for License Application: Preference point-only item number 5 on the agenda. Written comments would be read followed by testimony from the attending public. Those wishing to provide testimony are to approach the microphone, state their name, and provide name, city, and state on the sign in sheet and present comments to the Commission.

License Applications: Preference point-only
Written comments:

Richard Filehs of Groton, SD, emailed: "Leave preference point as they are otherwise not all residents will be able to afford preference points."

Pat Gednalske emailed: "So this proposal is stating that any points that you have acquired whether it's 1 year or 20 years you lose them if this regulation gets passed. So all that money of \$5 a year for those applications that don't refund your money you lose!? Also in my personal opinion anybody that puts in for a tag and gets denied his application should automatically go in for the next drawing for his location or one equivalent to the same geographical location."

Rod Anderson of Martin, SD, emailed: "If one can buy preference points the rich will be hunting not most of use in S.D."

Robert Herman of Canton, SD, emailed: "It is for the rich again and the ones that own all the land. They better reduce landowner tags also. Same people will always get all the tags with your new system."

Jeff Nelson of Wentworth, SD, emailed: "Here are my comments: 1. The proposal is much too vague. By eliminating preference based on failed license award the outcome likely will allow those who are most willing to 'buy' improved odds to be most successful which is further magnified by the reduced number of licenses to be available in the deer hunts.

2. The proposal should retain the current ability to accumulate preference points and supplement it with a limited buy option. I believe there should be a limit on the number of points which can be purchased (I would set that limit at 2 or three at the most) and not allow any applicant to purchase additional points for at least one or two years following receipt of a license for the category of the hunt (eg Black Hills deer, or East River deer, etc.).

Without placing some reasonable limits on the use of preference point purchases the method of awarding licenses by 'random' lottery will effectively become moot and only be skewed to those who wish to pay to hunt. The state should not develop a system of licensing which moves away for 'public' hunting access, to a commercial hunting approach which the open ended use of preference point purchases will allow.

Thanks for the opportunity to comment. I urge the Commission of keep licensing practices based on 'public' practice, not 'pay to hunt'."

Erik Swanson of Rapid City, SD, emailed: "Game tag access should in no way be tied to the highest bidder. Just because you can "afford" extra preference points does not mean you should have better changes at attaining tags. Mixing money and hunting access is one step away from corruption."

Howard Legge of Rapid City, SD, emailed: "I believe this will be looked at as an unfair advantage to the less affluent and more politics as usual. I am against it!"

Robert Schoenfelder of Dimock, SD emailed: "I caution you in regard to the preference point purchase. What is topping some big money outfit or guide service from purchasing many preference points and controlling the permits. I think there should be a limit on the number of preference points that can be purchased by an individual or group. Need to limit it to one permit per license holder also. Otherwise the local Joe's do not have a chance at getting a license permit anymore."

Martin Day of Sioux Falls, SD, emailed: "This is just one more way to make hunting a rich man's sport. I am totally opposed to it!"

Alan W Christensen of Florence, SD, emailed: "I would like to comment on this but I am unable to find a copy of the proposal. As a landowner and parent of hunters, I don't like the sound of it. Big money talks and hard working farm children lose."

The public hearing concluded at 2:04 PM.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary