

Minutes of the Game, Fish, and Parks Commission
November 6-7, 2014

Chairman John Cooper called the meeting to order at 1:03 p.m. at the Ramada Inn of Sioux Falls, South Dakota. Commissioners present were John Cooper, Cathy Peterson, Barry Jensen, Jim Spies, Gary Jensen, Duane Sather, H. Paul Dennert, and W. Scott Phillips. Secretary Vonk was absent and the public, staff, and media numbered approximately seventy.

DIVISION OF ADMINISTRATION

Approve minutes

Chairman Cooper called for any additions or corrections to the minutes of the October 2-3, 2014, meeting, or a motion for approval.

Motion by Peterson with second by Gary Jensen TO APPROVE THE MINUTES OF THE OCTOBER 2-3, 2014, MINUTES AS PRESENTED. Motion carried unanimously.

Additional Commissioner Salary Days

Chairman Cooper called for any additional Commissioner salary days and none were requested.

License List Requests

Director Chris Petersen presented a license list request from Dennis Dominiack of Reel Clean Co. LLC for a list of Pheasant Preserves and Game Farms to mail information about a new organic product line of wild game food supplies. Petersen indicated he would work with the Department of Ag for the list of Game Farms. This is a full fee request.

Motion by Barry Jensen with second by Sather TO APPROVE THE LICENSE LIST REQUEST FROM DENNIS DOMINIACK AS PRESENTED. Motion carried unanimously.

OPEN FORUM

Dave Niemi of Buffalo, SD stated his support for the Sage Grouse Management Plan and appreciated that Kirschenmann and Runia met with him and other area landowners. The group toured and viewed sage grouse habitat areas in Harding County. Niemi believes the plan will work for everyone and desires that the management of sage grouse remain at the state level and not go to the federal level. Niemi wants to keep the Animal Damage Control program going in his area.

Sylvia Christen of Rapid City, SD, representing the South Dakota Stock Growers Association shared their concerns and comments on Sage Grouse Management Plan and is happy with the amended plan as it does a better job showing impact from the agriculture side. Christen expressed the ongoing concerns with predators in the sage

grouse areas and believes the studies planned for next year will assist to determine impact on the sage grouse population and habitat.

Christen read a letter from Larry Nelson expressing his thanks for the tour, good discussion, and additions to the plan regarding management on ranches in the priority areas.

Chad Johnson of Colton, SD, believes he and other spear fishermen should have the same opportunity to spearfish every day year around with his fishing license and currently needs an additional permit for the sport. This limits his enjoyment of spearfishing and he supports changes in Administrative Rule as requested in the petition. Discussion ensued regarding the lakes that are open and visibility issues on additional lakes, opposition to the change, impact to the fishery, the use of dollars from the additional fee, and the survey information.

Corey Hansen, of Brandon, SD, mentioned the process of meetings, communication, and rifle hunting near local communities. He shared his concern with hunting so near to highways and communities and how other states handle this. Hansen stated he appreciates the Conservation Officers and expressed his concern about turn over due to low their pay and that is why officers often go to other South Dakota agencies and other states.

Jim Shaefer of Hartford, SD, stated he would like see the penalty for the illegal taking of trophy deer increased 100% and believes this was watered down in legislature a couple of years ago. He believes poachers should have to pay the price for breaking the law and shooting a trophy animal. He suggested fines of \$10,000 and \$5,000. Discussion included current fees for civil damages and where and when the dollars go to schools.

Shaefer also commented that he puts minerals out for deer and wildlife and would like guidance to understanding these rules. He does not allow deer hunting in the areas where minerals are available to wildlife.

Chairman Cooper proceeded to discussion regarding the Petition until 2 p.m. for the Public Hearing. The meeting returned to the Petition following the Public Hearing. Finalizations followed the Petition agenda item.

PUBLIC HEARING - FINALIZATIONS

The Public Hearing began at 2:05 p.m. and ended at 2:16 p.m. Full text of the Public Hearing Minutes follow these minutes.

Application Fee for Bighorn Sheep, Elk, and Mountain Goat 41:06:02

Director Tony Leif presented the proposed changes to fees as approved through the Legislative process indicating the funds will be used for managing elk, bighorn sheep, and mountain goats. Leif indicated elk hunters and most landowners want to see more elk and according to survey results ten percent of landowners believe there are too many elk. The additional money from this application fee will be used manage the and provide assistance to landowners with too many elk. The elk survey indicated 68% of hunters would pay additional fees to increase hunting opportunity in the Black Hills

and these dollars will be used for tangible, enhanced programs for the management of Black Hills elk.

Adjust the nonrefundable application fee for elk, mountain goat, and bighorn sheep from \$5 to \$10.

Motion by Spies with second by Gary Jensen TO FINALIZE CHANGES TO LICENSE FORMS AND FEES 41:06:02 AS PROPOSED. Motion carried unanimously.

Spring Turkey Hunting Season 41:06:13

Chief Tom Kirschenmann presented the proposed changes to Spring Turkey Hunting Season along with a recommended change to proposal to clarify a boundary description to accurately describe the unit boundary without changing the actual boundary.

Clarify unit boundary description for Unit PST-49A.

Motion by Sather with second by Dennert TO AMEND PROPOSAL TO CLARIFY DESCRIPTION OF UNIT PST-49A AS RECOMMENDED. Motion carried unanimously.

1. Offer residents 85 less one-tag "male turkey" licenses and 340 less two-tag "male turkey" licenses for the Prairie Units than 2014 for an overall decrease of 765 tags. Offer nonresidents 10 more one-tag "male turkey" licenses and 28 less two-tag "male turkey" licenses for the Prairie Units than 2014 for an overall decrease of 46 tags.
2. Correct unit boundary descriptions for BST-BH1 (Black Hills) and PST-53A (Perkins County). These corrections to administrative rule will not result in any unit boundary changes.

Unit BST-BH1: that portion of Lawrence County south of Interstate 90; that portion of Meade County south and west of a line beginning at the junction of the Butte-Meade County line and State Highway 79, then southerly along State Highway 79 to State Highway 34, then easterly along State Highway 34 to Alkali Road, then easterly along Alkali Road approximately 9 miles to its junction with Middle Alkali Road, then southerly along Middle Alkali Road approximately 15 miles to Elk Creek Road, then easterly along Elk Creek Road approximately 2 miles to North Haines Avenue, then southerly along North Haines Avenue to the junction of Haines Avenue and the Meade-Pennington County line; that portion of Pennington County west of Haines Avenue from the Meade-Pennington County line to Rapid City and that portion west of State Highway 79 from Rapid City to the Custer County line; that portion of Custer County, excluding Custer State Park, west of State Highway 79; that portion of Fall River County west and north of a line beginning at the junction of the Custer-Fall River County line and State Highway 79, then southerly along State Highway 79 to its junction with U.S. Highway 18 and 385 at Maverick Junction, then southerly along U.S. Highway 18 and 385 to its junction with the Cheyenne River, then westerly along the Cheyenne River to its junction with U.S. Highway 18 at Edgemont, then westerly along U.S. Highway 18 to the South Dakota-Wyoming border. excluding Custer State Park, Wind Cave National Park, Mount Rushmore National Memorial, and Jewel Cave National Monument, that portion of Lawrence County south of Interstate 90; that portion of Custer County west of State Highway 79; that portion of Fall River County north and west of a line beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 18, then easterly along U.S. Highway 18 to its junction with the Cheyenne River, then easterly along the Cheyenne River to its junction with U.S. Highway 18 and 385, then northerly along U.S. Highway 18 and 385 to its junction with State Highway 79 and continuing northerly along State Highway 79 to its junction with the Custer County line; that portion of Meade County west and south of a line beginning at the junction of State Highway 79 and the Meade-Butte County line, south on State Highway 79 to State Highway 34, east on State Highway 34 to Alkali Road, east on Alkali Road to Middle Alkali

Road, south on Middle Alkali Road to Tilford Road, west on Tilford Road to Ricard Road, south on Ricard Road to Elk Creek Road, east on Elk Creek Road to North Haines Avenue, south on North Haines Avenue to the junction of Haines Avenue and the Mead-Pennington County line

Unit PST-53A:

Perkins County and that portion of Meade County north of U.S. Highway 212.

Unit PST-49A:

[as amended boundary description] those portions of Meade ~~County and Pennington Counties~~ not included in Units BST-BH1 and PST-53A, and that portion of Pennington County north of Interstate 90, west of the Cheyenne River, and east of Haines Avenue..

3. Remove the archery restriction west of Interstate 29 in Brookings County.
4. Remove the split seasons in Clay and Union counties.
5. Add Lincoln County to the restricted area where a person may use only a shotgun using shot shells, Muzzleloading, shotgun, or bow and arrow.
6. Reduce the number of archery turkey access permits valid for Good Earth State Park from 10 to 5.
7. Repeal Unit PST-ZZ1.

Motion by Sather with second by Barry Jensen TO FINALIZE CHANGES TO SPRING WILD TURKEY HUNTING SEASON 41:06:13 AS AMENDED. Motion carried unanimously.

Use of bait during Spring Turkey Hunting Season 41:06:04

Assistant Director Arden Petersen presented the proposed changes with no change to proposal and advised that this rule would not require Jim Shaefer, who testified during the open forum and puts mineral out for deer, to cover up the mineral during turkey season as long as they were not hunting turkeys on the site.

Amend 41:06:04:03 to prohibit the baiting of turkey in the spring and created an exception for research activities conducted by the department.

Motion by Dennert with second by Peterson TO FINALIZE CHANGES TO HUNTING REQUIREMENTS AND PROHIBITED METHODS 41:06:04 AS PROPOSED. Motion carried unanimously.

Marking of Zones 41:04:01 and Spearing 41:07:06

Chief John Lott presented proposed changes to Marking of Zones and Spearing and provided a handout with markups of the changes. Lott presented a recommended change to proposal to clarify when game fish may be possessed in areas closed to game fish spearing.

Add text indicating persons actively engaged in spearfishing or bowfishing shall not possess speared game fish in an area not open to the spearing of game fish.

Motion by Sather with second by Peterson TO AMEND PROPOSAL AS RECOMMENDED. Motion carried unanimously.

1. **41:04:01:08. "Diver-down flag requirements."** Modify by changing diver-down flag size requirements from 8 inches by 10 inches to 12 inches by 15 inches and restrict diver-down flags from being placed in areas that would restrict watercraft navigation.
2. **41:07:06:03. "Areas open to spearing of game fish – Additional permit required."** Modify to (a) add text to clarify that the upstream limit of the area open to spearing of game fish on Lake Sharpe extends to the upstream edge of the U.S. Highway bridge at Pierre, (b) add Shadehill Reservoir to the areas open to the spearing of game fish, (c) allow for the spearing of northern pike and catfish from all inland lakes (except for lakes managed for muskies and areas of the Missouri River system closed to game fish spearing) and the Grand River below Shadehill Reservoir downstream to the Perkins-Corson county line year round, (d) allow the spearing of northern pike and catfish from all South Dakota-Minnesota boundary water lakes from November 15 through the last Sunday of February, inclusive.
3. **41:07:06:06. "Limits."** to require that all fish taken with legal spear, speargun or bow and arrow must be taken into possession by the person spearfishing and to clarify that all harvest restrictions including length limits in effect for a species apply to all methods of take.
4. **41:07:06:08. "Use of diver-down flag."** by repealing it and placing modified diver-down flag requirements in 41:04:01:08.

Motion by Gary Jensen with second by Peterson TO FINALIZE CHANGES TO MARKING OF ZONES 41:04:01 AND SPEARING 41:07:06 AS AMENDED. Motion carried unanimously.

General Fishing Provisions 41:07:01

Chief Lott presented the proposed changes with no recommended changes to proposal.

1. **41:07:01:01. Definition of terms.** Terms used in this article mean:
 - a. (5) "Inland waters," all waters of the state except those ~~described in subdivisions (11), (12), and (13) defined in this section as South Dakota-Iowa boundary waters, South Dakota-Minnesota boundary waters, and South Dakota-Nebraska boundary waters;~~
 - b. (13) "Snagging," a fishing method intentionally used to hook fish in body areas other than the mouth by using ~~specialty rigged and weighted hooks or conventional hooks and lures which are a snaghook that is~~ rapidly and intermittently jerked through the water;
 - (14) "Snaghook," a hook or lure that is used for snagging;
2. **41:07:01:06. Artificial lights.** ~~Repealed.~~ A person may use artificial lights while fishing with legal methods.
3. **41:07:01:17. Liberalized take of silver carp, bighead carp, smelt and lake herring.** ~~In the Missouri River and its impoundments, Smelt and lake herring may be taken by hook and line, seines, lift nets, cast nets, and dip nets. A net legal for taking smelt is a net as defined by § 41:09:04:04. Silver carp and bighead carp that inadvertently jump into any boat or are netted from the air using a dip net may be retained. No person may transport live smelt, silver carp, or bighead carp away from the water in which they were taken.~~

Motion by Barry Jensen with second by Sather TO FINALIZE CHANGES TO GENERAL PROVISIONS 41:07:01 AS PROPOSED. Motion carried unanimously.

Fish Limits 41:07:03 and Paddlefish Snagging 41:07:05

Chief Lott presented proposed changes to fish limits and paddlefish snagging with no recommended changes to proposal.

1. **Modify 41:07:03:02.01. "South Dakota-Nebraska boundary waters."** by changing channel catfish limits on Nebraska border waters from 5 daily and 10 in possession to 10 daily and 20 in possession.
2. **Modify 41:07:03:03. "Daily, possession, and length limit restrictions on special management waters -- Additional restrictions described."** to correct county references for Hanson and Curlew Lakes.
3. **Modify 41:07:05:03 "Paddlefish snagging, processing, and transportation restrictions."** to specify that paddlefish are measured with a flexible tape along and over the center line contour of the fish, lying flat including the entire eye to the natural unaltered fork of the tail.

Motion by Dennert with second by Sather TO FINALIZE CHANGES TO FISH LIMITS 41:07:03 AND PADDLEFISH SNAGGING 41:07:05 AS PROPOSED. Motion carried unanimously.

Bait 41:09:04 and Scientific Collectors 41:09:16

Chief John Lott presented proposed changes to Bait and Scientific Collectors with no recommended changes to proposal.

1. Modify **41:09:04:03. "Waters closed to taking of bait."** to prohibit the harvest of mussels for noncommercial purposes while allowing the shells of mussels found dead to be possessed, except for shells of threatened and endangered species.
2. Modify **41:09:16:02. "Application for license."** to require listing all wild animal (including amphibians, reptiles, and invertebrates, and any part thereof) specimen collection requests on applications for scientific collector's permits.
3. Modify **41:09:16:03. "Conditions of license."** to add all wild animals (including amphibians, reptiles, and invertebrates, and any part thereof) to the list of specimens for which limits on the number of specimens and special conditions and provisions can be established.

Motion by Peterson with second by Phillips TO FINALIZE CHANGES TO BAIT 41:09:04 AND SCIENTIFIC COLLECTORS 41:09:16 AS PROPOSED. Motion carried unanimously.

PROPOSALS - None

PETITION

Chairman Cooper introduced the discussion about the Spearfishing Petition the Commission received on October 27 from William (Bill) Donovan of Harrisburg, SD. Cooper referenced the agenda item seven of Spearing under Finalizations and that during the Open Forum Chad Hansen talked about the petition. Cooper indicated the Commission has thirty days to act upon the petition.

The Spearfishing Petition from Donovan requested modification of 41:07:06:03 (Areas open to spearfishing of game fish). The petition request is to open all inland waters of South Dakota to spearfishing/bow fishing of game fish; open boundary waters to seasons that match adjoining states spearing laws; and to make the season the same as hook and line, open January 1 and end the last day of December.

John Lott shared the history on this issue beginning in 2007 with a request from spear fishers for rule standardization and increase additional time for the season. In 2008, the season changed to June 15 until February and was extended into March in 2013. Changes included adding pike and catfish and then added lakes in the northeast and currently northern pike can be taken statewide for spear fishers. Lott stated this is a

social issue, and that the survey indicated a conflict between anglers and their perceived issues about taking up space on the lake, not safety issues. Staff recommendations last month provide additional opportunity within areas of conflict. Lott stated the scope of concern for a statewide year round season for spearing and bow fishing as this would open waters such as Family Park in Sioux Falls and other small urban waters to the sport.

Director Leif presented Resolution 14-13 as the statement of reasons for Commission consideration to deny the petition and read the three paragraphs stating the reasons for denying the petition. Discussion included possible different set of rules for spearfishing and bow fishing and that it has been considered and restrictions would be the similar except for the season dates.

Bill Donovan shared the process he used to draft the petition and suggestions for Commission consideration. He talked about the dive flag and the area a diver is contained in on any point. Discussion included neighboring states rules for spearfishing, background from spearfishing survey, social issues, conflicts, and opposition by anglers.

Motion by Gary Jensen to approve Resolution 14-13 as presented. The motion died for a lack of a second.

Discussion continued as to process, should the petition move to proposal, and could it be amended after the public hearing at finalization.

Motion by Barry Jensen with second by Dennert TO ACCEPT THE PETITION AND PROPOSE CHANGES AS PRESENTED IN THE PETITION FROM BILL DONOVAN. Roll call vote: Dennert-yes; B Jensen-yes; G Jensen-no; Peterson-yes; Phillips-no; Sather-yes; Spies-yes; Cooper-no. Motion carried with five yes and three no votes.

DIVISION OF PARKS AND RECREATION

Oahe Marina and Resort

Al Nedved indicated a Notice of Intent to sell was received from Oahe Marina and Resort and the appraisal was completed and accepted by the marina owner. A settlement agreement with the current concessionaire will be ready for Commission consideration next month allowing the Department to proceed with advertising a Request for Proposal for a new concessionaire at Oahe Downstream.

Angostura/Shadehill seasonal cabin rent adjustment

Al Nedved presented the Angostura and Shadehill cabins and trailers lot fee adjustments located on Bureau of Reclamation (BOR) property. The fees are reviewed annually with fee adjustments made according to Consumer Price Index and this year it is a 1.75%. Nedved indicated the BOR requires that all fees collected by the Department be based on fair market value. Nedved shared that the BOR has begun an appraisal on all their properties in the Region with expected completion sometime next summer and this may have an impact on next year's rental rates.

Motion by Sather with second by Barry Jensen TO APPROVE THE 2015 ANGOSTURA CABIN RATES AT \$835.00 AND SHADEHILL CABINS AND TRAILER RATES AT \$435.00 AS RECOMMENDED. Motion carried unanimously.

Spearfish Canyon land acquisition

Director Doug Hofer and Director Tony Leif indicated a purchase agreement for two parcels of land, Hydro #2 and Little Spearfish Falls, at Savoy has been reached. The Spearfish Canyon Foundation will finance the purchase of the 73-acre Spearfish Falls tract as Homestake has agreed to a purchase price of \$800,000 for the Spearfish Falls tract.

Director Leif indicated the Hydro #2 parcel has 32 acres and a purchase price of \$430,000. Pittman-Robertson Federal Aid funds and 25% NRDA Settlement funds, which require approval from other state agencies, will be utilized for this purchase. The request for federal aid dollars was submitted to Denver earlier this week and public notice has been published to be ready for December Commission action with anticipated closing by end of the year.

Good Earth State Park

Director Hofer met this month with tribes, archeologists, and the National Park Service regarding an alternate site for the Good Earth State Park Visitor Center. The trail head will remain near the homestead with the visitor center located nearby. Cultural resource testing will continue for archeological sensitive areas. The plan is to peel back a plow zone at the new location before the ground freezes. The Department plans to cover the site tested earlier this summer within two weeks to protect it from erosion.

Custer State Park Visitor Center

Administration Director Petersen shared information about the revenue bonds issued in October of 2013 at the rate of 5.39% and the 2.8% rate for the \$2.2 million invested in August this year.

Parks Director Doug Hofer indicated the Custer State Park Visitor Center budget is \$5 million with \$3 million coming thru fundraising by the South Dakota Parks and Wildlife Foundation (PWF). The PWF raised \$1 million each from the Helmsley Foundation and James and Eloise Elmen Foundation. The Contractor-at-Risk, Scull Construction, has been selected and is working with the architect and the Department to refine a design that is within the project budget. The final estimates for the building should be complete and request for bids advertised by end of month. The current schedule calls for bids to be opened in December with a contractor to be selected by January 1.

Director Hofer provided slides showing the location of the Visitor Center at Custer State Park and a footprint of the building showing the exhibit center and theater. Split Rock Studios is creating a design of the exhibits to assist the contractor in the new visitor center. Plans for the exhibits should be complete by January 15. The construction schedule for the displays are dependent on fundraising with fabrication of exhibits to be estimated at about \$800,000 dependent on PWF fundraising. Hofer indicated next year will be a construction year for the visitor center. It is anticipated that the displays and building will be completed and open to the public by May 2016.

Hofer stated the production of a world class film is not included in the budget but has an estimated cost of a half million dollars; currently, the Parks Division is soliciting statements of interest from film producers interested in the project.

Discussion regarding the existing Peter Norbeck Visitor Center noted that it will become a Nature Center to be remodeled use for indoor classes and to host environmental education and interpretive programs.

Custer State Park Resort Master Plan

Director Hofer provided an updated Custer State Park Resort Master Plan showing various improvements to existing resort facilities. Hofer gave a history of improvements at the resorts within the park since 1990.

Dave Sweet, CEO for CSP Resorts, LLC, indicated the 100 year birthday of Custer State Park will be in 2019 and some of the buildings are just that old. The Game Lodge was completed in 1919 and needs new windows, doors, and siding with the intent to keep the historical integrity of the building. Many cabins need attention and the plan is to replace those that are too small to meet the needs of today's travelers and renovate the cabins that need improvements. Sweet noted that the cost for all of the improvements listed in the Master Plan was approximately \$14 million and it would require an investment on behalf of the concessionaire of about \$1.4 million to provide the Fixtures, Furniture, and Equipment (FFE) needed to facilitate the improvements to state owned building and infrastructure.

Paul VanBockern, partner in the CSP Resort Company, shared his thoughts on the needed changes to the Legion Lake Lodge restaurant and store to meet building and restaurant codes. VanBockern hopes to put the dining room closer to the lake and move the store to where the existing dining room and kitchen are currently located.

Hofer indicated a funding plan for these improvements will be presented at the next Commission meeting. The Repair and Maintenance fund will be considered in the overall funding strategy plan and the resort company will be required to make additional investments above the FFE. Hofer indicated the sale of revenue bonds using franchise fees from the CSP Resorts is also a viable way to implement the Master Plan and that this approach has been successful in the past.

Parks Revenue Report

Hofer stated park revenue is strong year-to-date. October 2014 was much better than October last year due to the blizzard in 2013. Park Entrance License revenue is up three percent and camping permits and lodging revenue was up sixteen percent partially due to no fee increases for park entrance licenses in 2014. Camping occupancy saw a four percent increase this year and already exceeded the record number of camping units recorded in 2013.

Miscellaneous updates

Director Hofer shared a news article about the Mobridge waterfront encroachment issue and indicated he met with landowners, city officials, and other interested parties on October 23. The area boundary line was surveyed earlier this summer and as soon as possible new property boundary signs will be installed to clarify the correct boundary for homeowners and the public. At the meeting a discussion on

mowing was held as landowners are currently mowing Department property with one homeowner having about one foot of his patio on Department property. The landowners were encouraged to continue dialogue with the Department directing their comments to Director Hofer regarding any requests for a possible mowing permit which will require approval from the Commission. In the meantime, Hofer informed the homeowners that they are not authorized to mow Department property. Hofer indicated, to date, no one has submitted a request to mow next year; the deck issue will continue to be a concern and solution has yet to be determined.

Commissioner Dennert stated he received a request from Mr. Flihs to be put on the agenda for GFP Commission December meeting. Discussion determined the Open Forum would be the time for Mr. Flihs to address the Commission.

The Lewis and Clark Marina Request for Proposal has been published and advertised with a due date of December 8th. Some interest has been expressed in the latest prospectus. There will be an update at December meeting with no action expected until the January 2015 meeting.

Matt Snyder indicated the wonderful October weather facilitated a prescribed burn that has been planned for five years. The 2,000 acre burn was very successful and involved three jurisdictions; Custer State Park, U.S. Forest Service, and Wind Cave National Park. A similar burn is planned for February in the Apple Tree area.

Snyder indicated the Roundup and the Arts Festival was a big success. However, the Arts Festival was slow again on Sunday so next year the plan is start the Arts Festival the day before the Roundup on Thursday at 10 a.m. and close on Saturday.

DIVISION OF WILDLIFE

Sage Grouse Management Plan

Kirschenmann provided background for the need to update the Sage Grouse Management Plan in anticipation of listing from the U.S. FWS and he outlined that process. Kirschenmann indicated that on October 22, Travis Runia and himself met with Harding County landowners and talked about grazing, grassland habitat, the management plan, and answered specific questions. The meeting was very productive and adjustments were made to the management plan. Kirschenmann indicated there were two main areas in the plan that impacts the population: grazing and local events. Kirschenmann said that getting this information from the landowners is important to the Department and was added to the plan.

Predators were part of the discussion on October 22 and Kirschenmann shared that a research project in Harding County is in the plan and will include radio collaring hens and the use of cameras on nests to get some cause specific issues for sage grouse.

Kirschenmann outlined changes to the revised plan which included the threshold guideline as to when to close the season; and to work with other state agencies on future projects.

Kirschenmann requested Commission consideration to approve the revised plan as presented. Discussion included what happens if the pipeline comes thru South Dakota and that GFP will continue to be engaged with Keystone to determine the placement of the pipeline locations in reference to all wildlife as well as sage grouse.

Motion by Spies with second by Sather TO ADOPT THE SAGE GROUSE MANAGEMENT PLAN AS PRESENTED. Motion carried unanimously.

Land acquisition update

Director Leif presented this update during the Spearfish Canyon agenda item with the Parks Division.

License Sales Report

Chief Scott Simpson presented the October 27, 2014, License Sales Report indicating over-the-counter sales are up 2.3 percent from the October 2013 Report. The nonresident small game sales for the first three weeks in 2013 was just over 45,000 and the first three weeks of 2014 nonresident small game sales were 46,019 with an estimate of 76,000 sales before December 15. Resident small game sales are up 15% year-to-date.

Simpson stated this is the first time all west river deer licenses were sold partly due to the fewer licenses. The east river deer licenses only have a few licenses remaining in Faulk and Hyde counties. The application system is working well for public users. December 15 is when the 2015 license sales become available and is the target date to have the administration update complete on the new system.

Lake Yankton fishery renovation

Todd St. Sauver gave a PowerPoint Presentation about Lake Yankton. Lake Yankton is a border water with Nebraska managing the fishery with cooperative management of the U.S. FWS, Corp of Engineers, and the States of Nebraska and South Dakota. The lake was drawn down and chemically treated to eradicate the fish including the Asian carp. Information included the features of rotenone, application, and future stocking plans.

Management of shallow lake fisheries

Todd St. Sauver gave a PowerPoint Presentation about management of shallow lakes and the challenges of fifty lakes in Region 3. He shared the features of turbid water lakes and clear water lakes and then explained the different management techniques of stocking, biomanipulation, predator stocking, and aeration/circulation, used on these waters to maintain fishing opportunity.

Management of deer in Sioux Falls

Julie DeJong shared how much Sioux Falls has grown in the last 25 years and that deer complaints have also increased. Deer enjoy the improved landscapes developed within city limits and homeowners yards. A Sioux Falls archery hunt was

developed to limit the herd and auto accidents while assisting with depredation complaints.

Draft multi-year season setting schedule

Director Leif provided background on the idea of multi-year season setting including the recommendation obtained from the WMI review. Chief Tom Kirschenmann presented a draft schedule with big game seasons on an every other year basis and small game seasons with little or no changes on an three year or as needed schedule. Discussion included the suggestion to incorporate an update on the management plans and strategies in the schedule. This plan, if implemented, would identify 2015 to be the beginning year with all seasons reviewed by staff, the Commission, and other interested parties.

Elk Management Plan Update

Tom Kirschenmann stated the draft Elk Management Plan is on schedule to be ready by January 2015. The draft plan will be ready for staff and elk stakeholders review by December 2. The plan will then be updated with the public comment period beginning about Dec 10, updated again, and presented to the Commission before the January meeting.

Leif indicated this is an important plan and there will be a lively discussion as to the size of herd that the Department will be managing for.

HuntSAFE instructor awards

Conservation Officer District Supervisor Jeremy Rakowicz presented the 2013 HuntSAFE Team award to the first ever all female instructor team of Jessica Jensen and Julie Luebke of Sioux Falls. This team began in 2006, teaches 200+ students a year, and fills the need to instruct mothers/daughters in the Sioux Falls area in the art of hunting safely. They also teach at the Becoming an Outdoors Woman events.

The 2013 Instructor of the Year award was presented to volunteer Bill Weber of Dell Rapids who was nominated by Conservation Officer Chad Williams.

WMI big game action plan update

Kirschenmann indicated there is nothing scheduled for November with one item scheduled for December; and he will present a year in review regarding the WMI Action plan at the December meeting.

Winter WAFWA meeting

Chairman Cooper indicated WAFWA is January 8-11 in Las Vegas and to let him and Ascher know if they are interested in attending.

Chairman Cooper called a recess at 10 a.m. for the scheduled Parks and Wildlife Recognition event. The meeting resumed at 10:25 a.m.

PWF RECOGNITION

Parks Director Doug Hofer introduced Governor Dennis Daugaard who recognized the generosity of the James and Eloise Elmen Foundation for support of

projects across the state and especially the recent commitment of a \$1 million grant to the Custer State Park Visitor Center. Larry Ness, President of the Parks and Wildlife Foundation and John Cooper, Chairman of the Game, Fish, and Parks Commission also expressed their gratitude for the generous gift from the James and Eloise Elmen Foundation. Eloise Elmen and son, Richard Elmen, were present for the recognition event.

Miscellaneous updates

Leif talked about the Nonresident Waterfowl Work Group meeting to be held in December and provided a hand out with history of Legislative Action, Statutes, and licensing requirements. Leif shared that the work group will include legislators, industry guides, sportsmen groups, and GFP Department and Commission representatives. Leif will be contacting legislators and groups next week about the initial meeting scheduled in December. A follow up meeting is planned during Legislature and Leif requested that Chairman Cooper appoint a Commission representative to the work group. Leif indicated he will have a detailed membership of the group to Commission members before the next meeting. Director Leif reminded the Commission this work group has no authority and the purpose is to develop a workable, place of compromise to address the nonresident waterfowl licenses. Leif indicated his desire to simplify the rules.

Adjourn

Motion by Barry Jensen with second by Sather to adjourn the meeting. Motion carried and meeting adjourned at 10:35 a.m.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary

Public Hearing Minutes of the Game, Fish, and Parks Commission
November 6, 2014

Public Hearing Officer Emily Kiel began the public hearing at 2:03 p.m. indicating the Commission would hear written and oral comments on the rule changes considered for finalization today. Written comments received prior to November 1st were provided to the Commissioners earlier in the week.

Kiel invited the attending public wishing to comment to approach the microphone, provide their name, city, and state on the sheet at the microphone, and keep comments to five minutes. Kiel indicated she would read comments received since November 1st for Commission consideration.

Application Fee for Bighorn Sheep, Elk, and Mountain Goat

No oral testimony was received.

Chuck Schroder of Brandon, SD, emailed: "I feel this is a fair increase as long as it goes back into the GFP dept."

Bob Koski of Spearfish, SD, emailed: "I think your thinking is wrong on the continual raising of fees to make up for lack of revenue for bad number counts on deer, elk, pronghorns, and pheasants. The swelling of the department size has made it so you are relying on the numbers to stay up to make ends meet. When times are tough people need to CUT BACK!"

Richard L. Nelson of Sioux Falls, SD, emailed: "To increase the application fee for me to have my name tossed in a hat to try to get an Elk tag, and for which I have less than a one in a thousand chance of ever getting my name drawn to make me eligible to buy a tag before I die is very disheartening to say the least. I've been loyally applying for a long while; I've contributed my Elk applications for about 12 or 13 years, I've paid in \$5.00 per year, so I've paid in around \$60.00 or \$70.00 and have nothing to show for it except a sheet of paper which says I've got 12 or 13 preference points. To all of a sudden, up the anti, is not right. If you want to up the anti, do so for new applicants only, and for out of staters, not for the loyal South Dakota hunter who has been loyally paying into your system with the hopes of his name being drawn for the past 14 years, and in many cases, even longer than that. Another approach would be to grandfather in those applicants 65 or older, providing they have previously been participating in the lottery drawing. If the GFP needs money so badly, they should be looking at different sources, rather than the elderly, who probably comprise a great deal of the applicants, because they feel that sooner or later their name will be drawn, but in my case it has not been so."

David Bechard of Pierre, SD, emailed: "Wow GFP is just as money hungry and restrictive as the rest of our government. More laws and restriction every time you people have a meeting. Where are the freedoms we once had? All taken away by government you should be real proud. Not saying you don't do some good thing but the bad outnumber the good..."

Scott Jamison of Wentworth, SD, emailed: "...the increase from \$5 to \$10. I guess I can see it for rifle elk, that is the one most people want and can realistically get someday. For the other three the odds are so long I would leave them at \$5. It also

occurs to me that if the need is for depredation costs, perhaps you could issue more elk licenses and let people shoot more elk.”

Dick Kilinger of Hartford, SD, emailed: “I’m not for raising the fee to \$10.00. I think we need to work on getting the amount of wildlife to hunt up. I we did that then you folks would get full price of the license...”

Joseph J. Carda of Tabor, SD, emailed: “Here is the problem I have with this \$10.00 increase: First, and foremost this is a way to pay for Game Fish and Parks screw up. Fifteen years ago hunters complained about the cougar population and wanted something done about it but you agency continue to deny there were that many cougars in South Dakota and some cases even denied that there were cougars in South Dakota and if there was a cougar it was just passing through. I asked a so called expert on this matter in Yankton at a meeting and he stated that cougars don’t even like elk, that they would rather eat a deer. Not much of an expert. The biggest problem I really have is applying for 15 years for Prairie elk, 10 years for Black Hills elk and another 8 years for Custer park elk and still have not gotten a license. I am not much of a mathematician but I think I paid enough fees. Total \$165.00. This is not counting the numerous other tags that I apply for and paid \$5.00 for. But I am willing to compromise and ok the extra \$10.00 IF: all the hunters that have received an elk license in the past can no longer apply for another elk license. Also land owners can only apply every two years if they received a license in the past year. I am tired of hearing and seeing individuals who have elk tags Nine years ago and by some kind of miracle get another tag when they apply...”

Jason Schuldt of Spearfish, SD, emailed: “I Love our state, and the hunting here is very good most of the time. I moved to Wyoming for work in 2001 and was sure the big game hunting would be better, but once I had been there for a year, I couldn’t wait to get back home. That being said, I am against the raising of resident application fees for elk, bighorn, and Mt Goat. First off, it seems inflation is everywhere around us, but paychecks sure aren’t going up. For one person the increase could be about \$40, but when you include the whole family (because we do want to keep introducing children and non-hunters to the sport) it counts up faster. Secondly, I think anything that encourages someone not to participate is against the mission of GF&P. Third, I am against using the money for depredation losses. I participated in a deer hunt on a ranch that had a depredation claim a while back, and the rancher was bragging about all the money he charged for people to hunt there during the season, but when I asked him what he did to keep from having a problem, he told me that the state should take care of paying for his loss. Maybe he should allow some hunting access for free to somebody (the disabled, kids, women, antlerless hunters, or whoever) to scare some of the animals off his place instead of taking money for access and then expecting the state to pay him also for depredation?”

Matt Lavin of Vermillion, SD, emailed: “I have absolutely no problem with an increase in the processing fee for Big Game applications. We have gotten by for a very long time with minimal fees and as a hunter I have appreciated that. What I would like to comment on is the statement that this additional fee will be used to help manage these species. Again, I am all for this! Elk numbers are abysmal, there are no mountain goats, and sheep have not appreciably increased even with the efforts of the GFP. I will gladly pay the extra fee if the fee will be truly applied to helping these

species! That means that this would be ADDITIONAL funding for this, not replacement of dollars that could now be used for something else. The last year I drew an elk tag (cow) for CSP there were 40 bull tags and 80 cows for in the park. What the hell has happened out there? With the current management practices, I will never see a legitimate chance, even with the 20 preference points I have, of ever getting my in the park bull tag. Please just use the money as you have stated you will and without a decrease on the other side of the ledger.”

Kelly Koistinen of Spearfish, SD, emailed: “...I am totally against any increases in fees! Please stop with the increase in fees...”

Martin Luebke of Garretson, SD, emailed: “...If I read correctly GFP is considering doubling our fee from \$5 to \$10. I have no problem with reduced tags until those elk numbers come back. I do have a problem with doubling the application fee to the public when our chances are so slim of drawing. If the fee doubles, and I live long enough to continue to not draw tags, I will have spent \$400 more with still no tag. I may be wise to more seriously consider applying for and receiving an "out of state tag" and give up on what I now almost consider a donation to SD GFP. I encourage GFP to seriously ask if this is the right time to double our application fee. When numbers are up and chances are improved of getting a tag, I would be much more willing to pay \$10 for a chance to draw.”

Martin Larsen of Hurley, SD, emailed: “As you are considering changing the fees for elk etc. have you thought about changing the lottery for the tags so you can get the preference points down? You have some with a lot of points and some that draw a tag with very few points is that right?”

Larry Rhodes of Nemo, SD, emailed: “I would like to suggest that retired people 62 older be sold a license for deer and other big-game without being put in the lottery. I'm 72 and was looking forward to be able to hunt at my leisure after I retired; I have not got a deer license in the last three years. I don't know how much longer I will be physically able to walk and hunt game. I did not get to the meeting in Sturgis was unaware of it. I have hunted these hills for 60 years starting with my dad and it would be nice to hunt until I'm unable. I would just like to have this subject brought up to see if we could get license in our older years to hunt.”

Shawn Pilska of Sioux Falls, SD, emailed: “Why do our fees keep increasing but the hunting opportunities decline? The state of South Dakota pays more for big game fees than any of the bordering states for resident's hunters...”

Dr. Bob Woerman of Brandon, SD, emailed: “Charge a fee for applying for tags like elk, sheep, goats, etc. Application for a tag gets out of hand financially; South Dakota Citizens will not apply. Don't be greedy which it sounds like you are doing. GFP has a nice web system to apply for hunting tags for the various species, the web system cuts down man hours to handle non successful applicants, why ruin a good thing and become a dictator and scalp money.”

Spring Turkey Hunting Season

No oral testimony was received and written comment received is from:

Scott T. Kuck, of Aberdeen, SD, emailed: “I would like to express my opposition to allowing the taking of a second turkey by resident hunters in the area that was closed this fall in the Hills. I am not opposed to allowing the second license to residents, but I

believe that we need to give these birds an extended timeframe-a number of years-to build their number again in the closed area. Nothing is going to change between this fall and next spring in the closed area, and so it seem counterproductive to me to all two birds to be taken by one individual in the closed area next spring.

Dr. Bob Woerman of Brookings, SD, emailed: "Decrease turkey tags for South Dakota hunters and increase tag numbers for out of state hunters. I totally disagree increasing more tags for out of state hunters. Doing so increases the guided hunting business which costs a great deal of money to participate. We as SD citizens are providing tax dollars through our purchase of tags, hunting equipment other means of revenue, why not be concerned about the citizens of South Dakota!!! We want young people to take up hunting and outdoor activities, why discourage our citizens and open the door to wealthy out of state businesses who will be the users of the turkey tags, deer tags and other hunting in South Dakota."

Use of bait during Spring Turkey Hunting Season

Tom Braun of Hot Springs, SD, emailed: "I don't seen any details on the proposed turkey baiting...PLEASE, NO BAITING OF ANY WILDLIFE!!"

Jason Nope of Rapid City, SD, emailed: "I just can't think of any reason why baiting should be illegal. Deer eat spilled grain by nature, then why not put it there by man?"

Dr. Bob Woerman of Brookings, SD, emailed: "Baiting turkeys, I have never baited a turkey. Didn't know I could. This is the most unethical BS I have ever heard of. We can't legally bait anything else, why bait turkeys."

No oral testimony received.

Marking of Zones-Spearing

Doug Brockhouse, of Sioux Falls, SD, stated his concern about the additional permit in that it was to be used for a survey. The survey data lumped spearing with bow fishing and did not deduct information for the difference between spearfishing and bow fishing. He believes these are different sports. He would like to see a change of wording for difference in surface and below surface fishing.

Jim Gruber of Estelline, SD, emailed: "Leave well enough alone, we have a strong fishery, and what is not broken does not need fixing."

Greg Henderson of Yankton, SD, emailed: "My wife and I have greatly enjoyed the opportunities provided by South Dakota to participate in dark house northern pike spearing. We would certainly try to take advantage of additional spearing time if the season was expanded as proposed. The state may also realize additional out of state interest from spear fishermen, especially from Minnesota. I encourage you to approve the proposed season changes. Thank you."

General Fishing Provisions

No written and no oral testimony was received.

Fish Limits and Paddlefish Snagging

Tim Larson of Centerville, SD, emailed: "I recently read the proposal to raise the catfish limit on the Nebraska-South Dakota border waters. I would like to see the limit stay the same...I think raising the limit is going to ruin the fishery we now have."

Tom Van Kley of Sioux Falls, SD, emailed: "I have noticed the proposed changes in Flathead catfish daily limits on S.D./Nebraska border waters, which I am a huge advocate for..."

Bait and Scientific Collectors

No written or oral testimony was received.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary